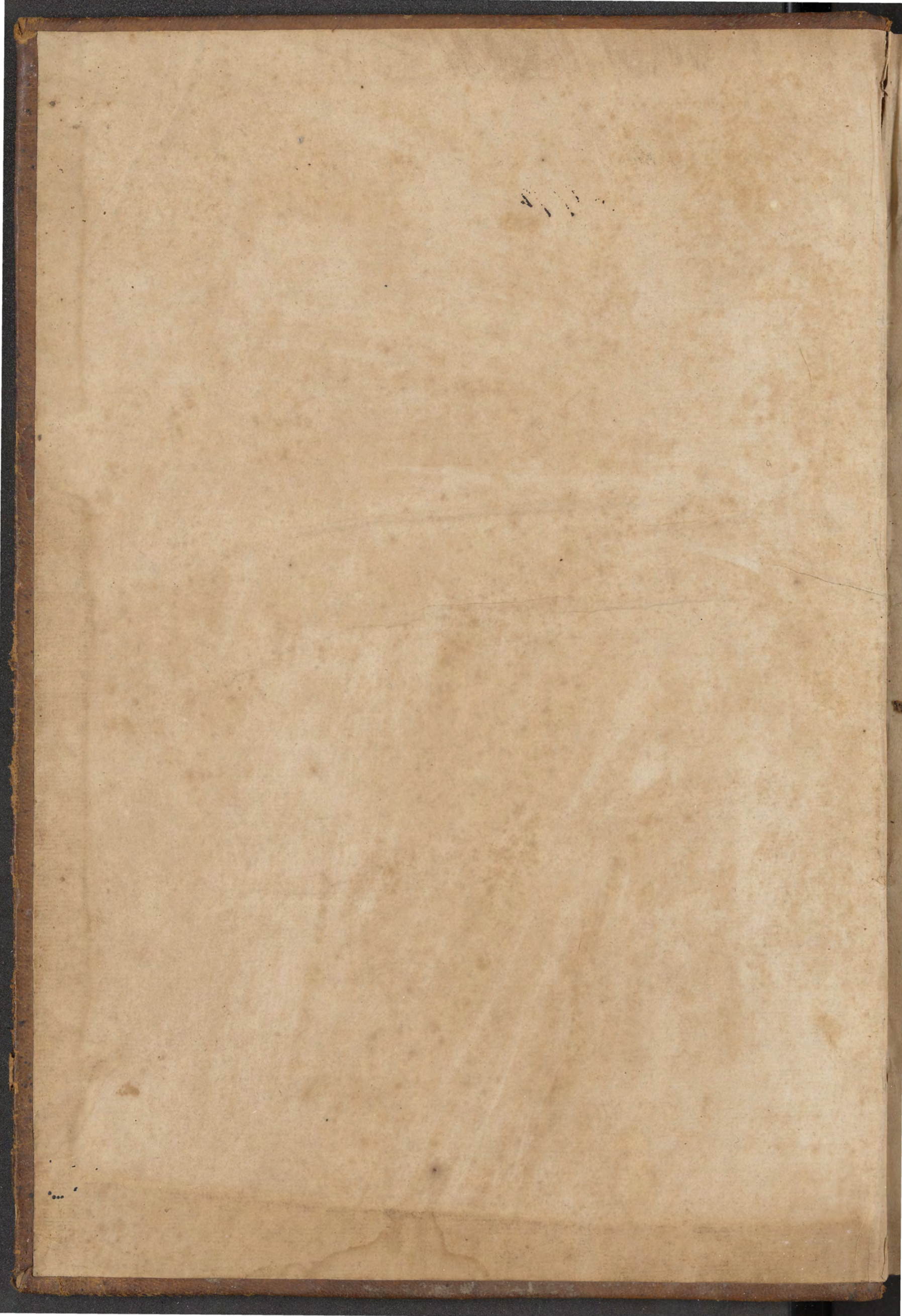


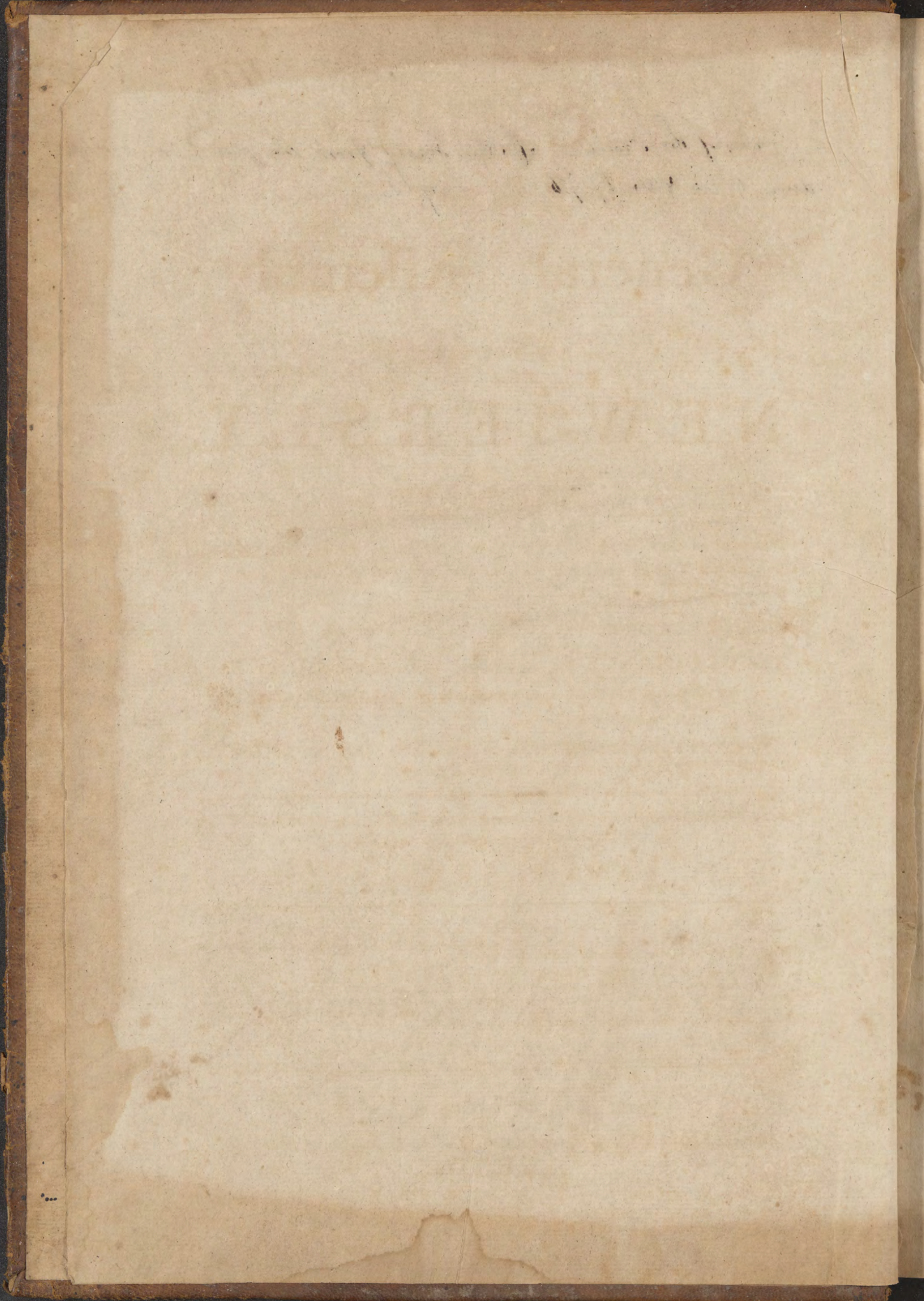
FOR THE USE OF THE OVERSEERS OF THE POOR OF HILLSBOROUGH



Burlington 1776

Burlington

Laws of the Province of New Jersey from the year 1703 brought  
down to the year 1776 Jersey From



A C T S

O F T H E

General Assembly

O F T H E P R O V I N C E O F

N E W - J E R S E Y ,

F R O M T H E

Surrender of the GOVERNMENT to Queen ANNE, on the 17th Day of *April*,  
in the Year of our Lord 1702, to the 14th Day of *January* 1776.

T O W H I C H I S A N N E X E D ,

The ORDINANCE for regulating and establishing the FEES  
of the COURT of CHANCERY of the said Province.

W I T H T H R E E A L P H A B E T I C A L T A B L E S , A N D A N I N D E X .

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Compiled and published under the Appointment of the GENERAL ASSEMBLY, and  
compared with the ORIGINAL ACTS,

B Y S A M U E L A L L I N S O N .

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MUNICIPAL LAW is a Rule of civil Conduct prescribed by the Supreme Power in a State, commanding what is  
RIGHT and prohibiting what is WRONG. 1 *Black. Com.* 44.

The REASON of the Law is the LIFE of the Law. 2 *Ab. Ca. Eq.* 401.

No Freeman shall be taken or imprisoned, or be disseized of his Freehold, or Liberties or free Customs, or be out-  
lawed, or exiled, or any otherwise destroyed, nor we will not pass upon him, nor condemn him, but by LAWFUL  
JUDGMENT of his Peers or by LAW OF THE LAND. We will sell to no Man, we will not DENY or DEFER  
to any Man either JUSTICE or RIGHT. *Magna Charta*, Chap. XXXIX.

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B U R L I N G T O N :

Printed by ISAAC COLLINS, Printer to the King, for the Province of *New-Jersey*.

M.DCC.LXXVI.

2

General Assembly

P. R. E. R. A. N. H.  
N. E. W. L. A. R. S. E. Y.

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T H E

P R E F A C E.

*T*HE Laws of the Province of New-Jersey have, at different Periods, been collected and published in Volumes: The two last, by Samuel Nevill, Esquire, came no lower down than the Year 1761, since which many important Acts have been passed, and those of each Session, soon after, were published in Pamphlets; but these coming into the Hands of only a few, and being easily lost, a complete Set was rarely to be found: Hence it became difficult to know what the Law was.—Many of those contained in Nevill's Volumes, by Length of Time, have become obsolete, and others are repealed, which, to Persons unacquainted therewith, proved a Source of Confusion. These Reasons, probably, among others, induced the General Assembly, about two Years past, to promote a New Edition that might remedy the Inconveniencies which the obscured State of the Laws at that Time occasioned.

Whether the Sheets now offered to the World are judiciously compiled or not, the Publick will hereafter determine; and the Compiler, being conscious of his good Intentions, is only solicitous that the Question may not too hastily be resolved: Patience and Deliberation, in examining any Performance of Length and Difficulty, are Excellencies in a Critick as well as in a Judge, and a Neglect of these Qualifications, often precipitates into Error.

Two Objects have been chiefly in View; First, to render the Work as complete and useful as it might be without multiplying Volumes or swelling one to an inconvenient Size; and, Second, to afford it to the Purchaser as cheap as possible, consistent with Justice to the Design intended by the Assembly, under whose Appointment and Countenance it was undertaken. For these Reasons only the Titles of private, disallowed, expired, obsolete and repealed Acts are inserted, except in some few Instances, where the Occasion always appears with the Addition.

ons are also excluded, not for Brevity only, but to avoid incumbering what were in Force, and to prevent Trouble and Deception.—The Acts and Titles are all given in Sessions as they passed, to preserve their true Order and Chronology; the Titles of those not in Force, and of the private Acts, of each Session, being put at the End of the Rest, to avoid the Inconvenience which possibly might have arisen from intermixing them.

In some of the ancient Acts the Reader may observe the Names of Places and Persons spelt different from the present approved Mode—in these it was thought best not to depart from the Originals, as no Injury or Mistake could arise in strictly adhering thereto; and, as they discover the various Ways in use, may serve as corresponding Evidences with ancient Writings for historical and other Purposes. In these early Periods an Inaccuracy of Style and Composition may also be observed in many of the Laws, which some might think ought here to have been corrected, and this would have been most agreeable to the Compiler, if he could have reconciled such a Liberty with his Duty.

In dividing the Acts into Sections, and in numbering the Sessions, he has apprehended himself not confined to what was apparently wrong; in the latter, it several Times occurred that an Assembly, at which no Law passed, was called a Session, though only a Convention.—The Sections heretofore fixed are, in this Collection, sometimes divided, in other Laws united, the Preamble having been often called a Section, and, in the Body of the Act, one Section has been frequently divided into several.—These Circumstances, though of little Importance, require Notice, to account for the Variation from former Editions.

The Difficulties which occurred in this Edition were many: A Plan was necessary to pare away Superfluities, and give a clear View of the Laws in Force; the Method adopted is, in some Respects, new, but was thought most eligible to render the Volume comprehensive, yet clear and concise, and the several Laws free from Perplexity, where there are various on the same Subject, or any Part of a former has been repealed by a latter Act; and, to make the Whole as intelligible as possible to the meanest Capacity, and help the Judicious in their Researches, References are made in almost every Place where they could be of Use, amounting to some Hundreds. This Plan, therefore, having been attended to and approved by a Committee of the Council and Assembly, it is hoped will give Satisfaction to the Reader.

*As the Volumes published by Judge Nevill were found, on Examination, to be incomplete in the Number of Laws, and not correct; and as it was impracticable to collect all the printed Acts; the only safe Way was to examine the Journals of the House of Representatives from the Surrender of the Government, as well to give a true historical List of the Laws, as to fix the respective Times of passing them, which could not be come at by the Originals, some of them, in early Times, being mislaid and not yet found; this, though tedious, was accordingly performed.*

*Three Tables and an Index were thought best to methodize the whole Contents, by dividing and placing them in distinct Views, to facilitate a Reference to any Part. The first Table, referring to the Acts in Force and in Use by an abridged Title, it is thought may be of great Use. The Second and Third are the most concise Ways that occurred to shew the disallowed, expired, obsolete, repealed and private Acts in two short Views, which it would otherwise have been troublesome to have sought for through the Volume, to know when passed, or for any other Purpose. The Index, it is apprehended, is rendered as short as it well could be, to contain the abbreviated Contents of the Laws in Force—the Use of an Index consisting much in its Brevity—it has therefore been studied here: And, in order to render it more easy to find what we are in search after, the Matter, in a few Instances, is placed under different similar Titles, or References are made from one to another where different Persons may be likely to look under various Heads.*

*It will be natural for an observant Reader to notice the Number of repealed, obsolete and expired Acts, little more than one Third of the publick Laws being now in Force; whether such frequent Changes are not productive of Inconveniencies, may be worthy of Consideration. If sufficient Time was taken to digest and maturely to consider every Act in its Formation, the Necessity of Alterations would not be so frequent, nor the Number of Acts, perhaps, increased so fast. A few good Laws, well understood and executed, must be a Happiness to a People, and are much to be preferred before a large Code, which, by their very Number, become intricate, are sooner forgotten, and, of Consequence, are oftener violated. “Legislation,” says Blackstone, “is the greatest Act of Superiority that can be exercised by one being over another;”\* “how few then,” exclaims a late eminent Writer, “can be supposed qualified for such a momentous Trust.” † The more judiciously Laws are framed the less subject to Change, the more easily known, understood and remembered; a perfect Acquaintance with them will be a*

A

probable

\* Black. Com. 46. † Polit. Disq. 64.

probable Means of Obedience, but their Foundation in Humanity, Conformity to Virtue, and Agreement with the universally acknowledged Rules of Morality, will be the surest Security of Reverence and Regard; and such Laws will be executed with greater Cheerfulness, because, though many may have Scruples in assisting to support the Execution of a rigorous penal Act, or one not consonant with Reason and true Liberty, few good Members of Society would hesitate to aid the Administration of publick Justice upon Principles reconcilable to Christianity and sound Policy.

It sometimes happens that Legislators, either void of that Liberality and generous Mind which should ever animate their Breasts, being under the Influence of Fear or Favour, or from little Attachments to Places or Parties, become Advocates instead of Judges, or remain mute and dispirited, where true Patriotism calls for Zeal and Activity; and, for Want of considering themselves as under a solemn Obligation of impartially guarding against every Passion which might mislead, and of pursuing the general Good, submit to the Government of light or unworthy Motives, and are led by a fancied Interest degrading to the Nobility of their Stations: Whenever this happens it cannot fail to occasion Farring and Confusion, either immediately or in the End; for bad Measures, a trifling or sinister Conduct, can no more produce salutary Effects, than a corrupt Tree can bring forth good Fruit. The true End and Design of Laws and Government are, as the sacred Text has it, "for the Punishment of evil Doers, and for the Praise of them that do well;"\* whenever therefore either the legislative or executive Powers depart from these grand Objects, they wander from the true Mark, and counteract that Authority which is founded in Reason, and ratified by the sacred Voice of Wisdom and Truth.

If Mankind in general were to regard the Christian Rule of doing to others as they would others should do unto them,† there would be less Occasion of Municipal Laws; each attending to that, by pursuing its Dictates, would be solicitous to know how he might best recommend himself to that Being whose Dispensation is Peace on Earth and good Will to Men, ‡ and who actually showed the Path in which it might be accomplished; we should then be led by the purest Interest to do justly, to love Mercy, and to walk humbly.§ Hence Crimes would be avoided, and Contentions arising from Self-Love, and the inordinate Desire of Property, would happen less frequent, and be sooner accommodated.—A Custom established by the wise Founder of Pennsylvania, and practised under during his Residence

\* 1 Pet. ii. 14. † Matt. vii. 12. ‡ Luke ii. 14. § Micah vi. 8.

*Residence in that Province, deserves here to be remembered: In order to prevent Lawsuits, three Peace-Makers were chosen by every County Court, in the Nature of common Arbitrators, to hear and end Differences between Man and Man.\**

*The Length of Time which has been unavoidably spent in completing this Volume, has been attended with the considerable Advantage of including the Laws passed at last Session of Assembly, some of which are of great Importance to the Province in general; but as a close Attention had been given to expedite the Publication, that Advantage must have been lost, if the Printer had been able to procure Paper sufficient to have proceeded in the Impression without Loss of Time; the Want of that Material stop'd the Press several Weeks at sundry Times, until more could be manufactured, although proper Care was early taken to procure a suitable Quantity.*

*The Compiler is not conscious that any material Error has occurred in this Edition; yet, in a Work of such Length, not only Errors of the Press may have escaped, but his Judgment possibly may have strayed in preparing the Copy; if either of these has happened, he can honestly say it was without Intention, his Design having been neither to exclude any Thing which might be useful, or to retain what was of no Importance, merely to swell the Volume; for such Defects, when discovered, he therefore hopes the Imperfection of Human Nature will plead his Pardon.*

*He cannot conclude this Preface without acknowledging his Obligations to Governor Franklin for Access to the Legislative Minutes of Council, which enabled him to discover the disallowed Acts, and the Times of their Disallowance, as well as to fix the Periods when others were confirmed and received their Force, and sometimes helped him to ascertain the Time of passing. He is also much indebted to Charles Pettit, Esquire, the Deputy-Secretary, for his generous Permission to inspect the Records in his Office, as well as for the Original Acts of Assembly to examine the Press. Nor must he omit to mention the Kindness of Samuel Smith and James Kinsey, Esquires, in affording him every material Help in their Possession, and their Readiness to assist with their Judgment at any Time on doubtful Points. From the Attention of the Council and Assembly at the last Session held at Perth-Amboy he also received some Hints which were improved to Advantage. And he returns his Thanks to the several Members of Assembly, and others of his Friends, who have favoured him in taking Subscriptions*

to

\* William Penn's select Works, 612.

*to support the Expence of the Work, and for their obliging Offers of future Assistance to deliver the Volumes to the Subscribers.*

*He now cheerfully submits the Edition to the Publick Inspection and Use, desiring that it may be made contributory to Virtue and Peace.—The Reluctance with which he undertook the Task, as several of his Friends can testify, is now succeeded by a Hope that his Time and Labours have not been wholly misapplied.—He has not dedicated it to any one, as it is designed for all whom it concerns, and its real Usefulness only can patronize it.*

BURLINGTON, 1st Mo. }  
14, 1776. }

SAMUEL ALLINSON.

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A C T S

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A C T S  
O F T H E  
GENERAL ASSEMBLY  
O F T H E  
PROVINCE of NEW-JERSEY.

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At a GENERAL ASSEMBLY held at  
PERTH-AMBOY, from the Tenth Day of November to the  
Thirteenth Day of December 1703, in the Second Year  
of the Reign of Queen Anne \* (being the first Assem-  
bly of New-Jersey after the Surrender of the Govern-  
ment to the Crown) the following Law was passed.

SESSION THE FIRST.

EDWARD Lord Cornbury, GOVERNOR.

C H A P. I.

*An ACT for regulating the Purchasing of Land from the  
Indians.*

Passed Dec. 13, 1703.

**W**HEREAS several ill disposed Persons within this Pro-  
vince 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 Per-  
son or Persons claiming by, from, or under the same, endeavouring  
thereby to subvert Her Majesty's Dominion in this Country ;

Preamble.

B

Sect. 1.

\* She began her Reign the Eighth Day of the Month then called the First (March) 1701-2.

*Sect. I.* BE IT THEREFORE ENACTED by the Governor, Council, and General Assembly, now met and assembled, and by the Authority of the same, That no Person or Persons whatsoever for-ever hereafter shall presume to buy, take a Gift of, Purchase in Fee, take a Mortgage, 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 entitled to a Propriety, or Share in a Propriety, such Person or Persons shall produce such Certificate to the Governor for the Time being, in order to obtain a License to purchase such Quantities of Land or Number of Acres from the *Indians* or Natives aforesaid as such Certificate mentions.

No Person to purchase of the *Indians*, but those who have a Right of Propriety and obtain a License.

2. 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 Purchasers, their Heirs and Assigns, shall for-ever hereafter be incapable to hold Plea for the said Land in any Court of Common Law or Equity.

Any Person purchasing to forfeit *Forty Shillings* per Acre, one Half to support Government, the other Half to the Prosecutor;

and be disabled to sue for the Land.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, 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 entitled 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 for-ever 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 Months after the Publication of this Act, take out a Grant or Grants from the present Proprietors for the several Tracts of Lands so claimed by them respectively, on such Conditions as shall be agreed upon with the said Proprietors.

Every Person having purchased without a Right under the Crown, such Purchase to be void,

unless such Person obtain a Grant from the Proprietors in six Months.

## At a GENERAL ASSEMBLY held at

Burlington from the Thirteenth Day of November to the Twelfth Day of December 1704, in the Third Year of the Reign of Queen Anne, being the Second Assembly of New-Jersey, the following Laws were passed.

## SESSION THE FIRST.

## C H A P. II.

*An ACT for suppressing of Immorality.*

Passed Dec. 12, 1704.

**W**HEREAS Profaneness and Immorality have too much abounded in this Province, to the Shame of Christianity, and the great Grief of all good and sober Men; for the Suppressing whereof for the future,

Preamble.

*Sec<sup>t</sup>. I.* BE IT ENACTED by the Governor, 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, Curfing, Swearing, or Breaking the Lord's 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 Majesty's 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 Lord's Day, in the Sum of *Six Shillings*, Money of the said Province, for each Offence, besides Costs. And for Curfing or Swearing, in the Sum of *Three Shillings*, Money aforesaid, besides Costs, for each Offence: All which Fines to be immediately levied upon the Offender's 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 the Lord's Day; and two Hours for Curfing or Swearing; and each Distress so made, as above said, 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 the 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 of the Poor of the Town where such Fact is committed, for the Use of the Poor of that Town: For all which Fines the Overseers of the Poor shall be accountable yearly to the Justices in their General Quarter Sessions of the Peace.

Any Person convicted of Drunkenness, Curfing, Swearing, or Breaking the Lord's Day, to be fined.

For Want of Effects the Offender to be put in the Stocks.

Fines to be for the Use of the Poor.

2. AND

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid,*  
 That no publick Housekeeper within this Province shall suffer any  
 Person or Persons to tipple and drink in his House on the Lord's Day,  
 especially in the Time of Divine Worship (excepting for necessary Refresh-  
 ment) under the Penalty of *Six Shillings*, Money aforesaid, for every  
 such Offence, to be prosecuted, sued, recovered, levied and disposed  
 of, as aforesaid. *Provided,* That all or any the abovesaid Offences be  
 prosecuted within one Month after the same were committed.

No Person to  
 tipple in a  
 publick House  
 on the Lord's  
 Day.

Offences to be  
 prosecuted in  
 one Month

3. 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 Supreme Court, or the Court of Gen-  
 eral Quarter Sessions of the Peace of the County where such Fact shall  
 be committed, every such Offence shall be by the said Court punished  
 in Manner following, *videlicet;* 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, beside 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 also be 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 whipped 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. And every Woman so convicted of Adultery, as aforesaid,  
 shall be whipped 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 Penalties to be dispos-  
 ed of in the like Manner as is directed for the other Penalties herein  
 before mentioned.

Every Person  
 convicted of  
 Fornication,  
 to be fined  
 or whipped.

Putative  
 Father to give  
 Security.

Every Person  
 convicted of  
 Adultery to  
 pay---or be  
 whipped.

Difallowed. CHAP. III. *An Act for raising a Revenue of Two Hundred Pounds  
 per Annum, for the Support of Her Majesty's Government of  
 New-Jersey, for two Years.*

Obsolete. CHAP. IV. *An Act for uniting and quieting the Minds of all Her  
 Majesty's Subjects within this Province.*

PUBLICK Quarrels and private Animosities having cre-  
 ated great Commotions in the Colony before the Surrender  
 of the Government (which principally gave Rise to the Change)  
 and the Wounds these had made, being easily irritated, frequently  
 furnishing Cause of fresh Uneasiness, a GENERAL PARDON was  
 thought expedient to conciliate the Minds of the People. This Law  
 therefore reciting, That unhappy Differences had arisen amongst  
 many of Her Majesty's good Subjects, occasioned by Disorders,  
 Irregularities and Misdemeanors committed by Persons within both  
 Eastern and Western Division of the Province, *preceding the Thir-*  
*teenth Day of August*, in the Second Year of Her Reign (1703)  
 which had been fomented and continued by ill affected and evil dis-  
 posed Persons: That Assaults, Batteries and Imprisonments had  
 been committed, Rescues and Escapes suffered, and defamatory  
 Words

Words spoken and written in Disputes, which happened formerly in Relation to the Government; all which it was reasonable should be *forgiven* and *forgotten*: That the Assembly considering that nothing could tend more to the Honour of the Queen, the Good and Quiet of the Country, than *Unity, Love* and *Concord* amongst all Her Subjects; for the obtaining these good Ends, it was Enacted,

1<sup>st</sup>. "That all Her said Majesty's Subjects, inhabiting within this Province, should be and were thereby *acquitted, pardoned, released* and *discharged* of and from all Manner of Felonies (High Treason, Petit Treason, and Murder, and Accessaries thereunto, Piracy and Robbery on the High Seas, and Accessaries to the same, wilful and corrupt Forgery and Perjury, and Subornation thereof, and Rapes, only excepted) Riots, Routs, Offences, Wrongs, Misdemeanors, Imprisonments, Escapes, Contempts, seditious and unlawful Meetings, treasonable or seditious Words or Libels, Batteries, Assaults, Trespases and Quarrels, before the said Thirteenth Day of *August*, wherein no Judgment had been already given, and Execution thereupon executed."

2<sup>d</sup>. "That no Person or Persons should commence or prosecute any Action for any such Assault, Battery, Rescues, Escapes or Imprisonments, or for any defamatory Words so spoken. But that all such Actions and Prosecutions should be and were thereby *pardoned* and *discharged*."

3<sup>d</sup>. "That all Her Majesty's Subjects might plead the said Act, or give it in Evidence in Bar and Discharge of any Action, Suit, Bill, Plaint or Information, 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 preceding the said Thirteenth Day of *August*."\*

CHAP. V. *An Act for altering the present Constitution, and regulating the Election of Representatives to serve in General Assembly in this Province.* Difallowed.

CHAP. VI. *An Act for settling the Militia of this Province.*

Difallowed—  
supplied by  
Chap. XVII.  
Difallowed.

CHAP. VII. *An Act for laying out, regulating, clearing and preserving Publick Common Highways throughout this Province.*

CHAP. VIII. *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.* Difallowed.

CHAP. IX. *An Act for regulating Negro, Indian and Mulatto Slaves within this Province of New-Jersey.* Difallowed.

The last seven Acts were passed the 12th of December 1704.

☞ After this Session the Third Assembly was elected and called, but several Years passing in Contention between the several Branches of the Legislature, no more Laws were enacted until John Lord Lovelace, Baron of *Hurley*, arrived with Powers of Government, superseding Governor Cornbury's Commission.

\* The Act may be seen at large in *Nevill's* first Volume, Folio 5.

At a GENERAL ASSEMBLY held at Perth-Amboy from the Third Day of March 1708-9, to the Fourth Day of April 1709, in the Seventh and Eighth Years of the Reign of Queen Anne, being the Fourth Assembly of New-Jersey, the following Laws were passed.

SESSION THE FIRST.

JOHN Lord Lovelace, GOVERNOR.

C H A P. X.

An ACT regulating the Qualification of Representatives to serve in General Assembly in this Province of New-Jersey.\*

Passed April 4, 1709.

Preamble.

WHEREAS the present Constitution, granted and allowed by our Sovereign Lady the Queen, to the Freeholders, Inhabitants of this Province, concerning the Qualification of Representatives to serve in General Assembly, is found to be inconvenient; for the Remedying whereof,

Qualification of Electors.

SECT. I. BE IT ENACTED by the Governor, 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 Freeholders of each County, every Freeholder 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 Five Hundred Pounds current Money of this Province, in Real and Personal Estate, in Manner following, *videlicet*,

Qualification of Representatives.

Number of Representatives in the Eastern Division.

2. 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 *Somerset* Two. For the County of *Monmouth* Two.†

Ditto in the Western Division.

3. 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.†

4. AND

\* See a Law "for the better qualifying Representatives," &c. Chap. XXII. Another "for the better Regulation of Elections," &c. Chap. CXVI. And another "for securing the Freedom of Assemblies," Chap. CXXXV.

† By Chap. CCCCLXXIV, two Representatives are given to three other Counties, *to wit*, *Morris*, *Cumberland* and *Suffex*; the first in the Eastern, the other two in the Western Division.

‡ The Choice of *Salem* Town was taken away, and given to *Hunterdon* County by Chap. CXXV.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all or every Person or Persons, elected and chosen Representatives for the Counties aforesaid, shall be Freeholders 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 Freeholder 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.

Representatives to be Freeholders of the Division for which they are chosen;

and to be Judges of their Members.

5. AND BE IT FURTHER 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. \*

Sheriffs making undue Returns, to forfeit as in *England*.

## C H A P. XI.

*An ACT for the explaining of Grants and Patents for Lands made and executed by Philip Carteret and Council, in the Eastern Division of this Province, according to the true Intent and Meaning of Grantor and Grantee*

Passed April 4, 1709.

**W**HEREAS several of Her Majesty's 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, and so past for several Years; on which Assurance many of Her Majesty's Subjects have spent their whole Lives and Substance, and undergone extreme 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 through 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,

Preamble.

*Sect. 1.* BE IT ENACTED *by the Governor, 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

§ See also Chap. XXII. Sect. 2.

\* See Chap. CXVI. Sect. 2.

The Word  
OR in the  
Habendum of  
Patents  
granted by P.  
Carteret, to  
have the same  
force as the  
Word AND.

by *Philip 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 Deeds, 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 for-ever.*

## C H A P. XII.

*An ACT for the Relief of the Poor.*

Passed April 4, 1709.

**T**HE first and third Sections of this Act are fully supplied and repealed by Chap. CLXXI. It was thereby Enacted, 1st. That every Township or Precinct, by Warrant from one Justice, should meet and choose Overseers and Assessors, which Assessors should *assess* the Inhabitants in such Sum and Manner as to the Townships at their Meetings appeared right, and the Overseers *collect* the same. 2. That the Overseers, with the Assistance of one or more Justices, should *put forth* such *poor Children* as had no Parents, or whose Parents were not able to maintain them; and take Care that *all Poor* were supplied with necessary Maintenance, and not suffered to wander abroad. 3. That if any Person elected to either of said Offices refused to serve, or did not perform his Duty, he should forfeit *Five Pounds*, to be levied by Warrant of Distress, and applied to the *Use of the Poor*. The second Section, providing Means for building POUNDS to confine Strays, and Cattle trespassing, being in Force, is as follows:

Assessors to  
assess for  
Pounds, and  
Overseers to  
collect.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, 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 Overseers aforesaid, in every Town or Precinct, and be employed 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 Overseers appointed to receive the same, as aforesaid, that the said Overseers shall make Complaint thereof to any one Justice within said County wherein he resides, who is hereby required forthwith to issue out his Warrant to the Constable of every Town or Precinct where such Default is made, to make Distress upon the Offender's Goods and Chattels, who shall immediately make Sale thereof, for paying the said Assessment and Charges of Distress, and return the Overplus, if any be, to the Owner. Which said Overseers, severally and respectively, shall keep fair Accounts of their Collecting and Disbursements, and make Return thereof to the Overseers who shall be elected in their several Towns or Precincts to serve in said Office for the next ensuing Year.\*

Persons re-  
fusing to pay,  
one Justice to  
issue a War-  
rant for Dis-  
tress on the  
Offender's  
Goods.

Overseers to  
keep Ac-  
counts, and  
deliver them  
to their Suc-  
cessors.

CHAP.

\* See the Act at large in *Nevill's* first Volume, Folio 9.

- CHAP. XIII. *An Act for preventing of Swine running at large.* Supplied and repealed by Chap. LVII.
- CHAP. XIV. *An Act for destroying of Wolves, Panthers, Crows and Blackbirds.* Repealed in Part, and the rest obsolete.
- This Act is repealed as to Wolves by Chap. LXVIII; and as to Panthers by Chap. CXXXVIII; it is obsolete as to Crows and Blackbirds.
- CHAP. XV. *An Act for regulating of Ordinaries.* Supplied and repealed by Cha. CLVIII.
- CHAP. XVI. *An Act for Support of this Her Majesty's Government of Nova-Cæsarea or New-Jersey for one Year. (f. 1722 : 10 : 4.)* Expired.
- CHAP. XVII. *An Act for settling the Militia of this Province.* Expired. Supplied by Chap. XXXII.
- CHAP. XVIII. *An Act for the Encouragement of the Post-Office within this Province.* Supplied by an Act of Parliament, 9th Anne, Chap. X.

The last six Acts were passed the 4th of *April*, 1709.

**At a GENERAL ASSEMBLY held at Burlington from the Thirteenth Day of May to the Thirtieth Day of June 1709, in the Eighth Year of the Reign of Queen Anne, the following Laws were passed.**

SITTING THE SECOND OF SESSION THE FIRST.

Col. RICHARD INGOLDSBY, LIEUT. GOVERNOR.

- CHAP. XIX. *An Act for raising Three Thousand Pounds for Her Majesty's Service in this present Juncture.* Expired.
- CHAP. XX. *An Act for enforcing the Currency of Bills of Credit for Three Thousand Pounds.\** Expired.
- CHAP. XXI. *An Act for Encouragement of Volunteers to go on the Expedition to Canada.* Expired.

These Acts were passed the 30th of *June*, 1709.

\* This is the first Law for emitting Paper Money in the Province.

## At a GENERAL ASSEMBLY held at

Burlington from the Twenty-first Day of November 1709 to the Thirty-first Day of January 1709-10, in the Eighth Year of the Reign of Queen Anne, being the Fifth Assembly of New-Jersey, the following Laws were passed.

SESSION THE FIRST.

CHAP. XXII.

*An ACT for the better qualifying Representatives to serve in General Assembly within this Province.\**

Passed January 21, 1709-10.

Preamble.

**W**HEREAS nothing can conduce more to the Honour, Safety and 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, although they may have some Interest or Estate in this, but their Concerns lying and being in some of the neighbouring Provinces, where they with their Families do inhabit, they may thereby be swayed to have greater Regard to the Interest of the Province in which they with their Families so inhabit, than for the Welfare and 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 preventing of which, and many more Inconveniencies and Disadvantages that may arise to this Province by electing Persons inhabiting elsewhere,

No Person to be chosen, who, with his Family, resides not in this Province.

*Sect. 1. BE IT ENACTED by the Lieutenant-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 Person 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, and likewise with his Family (if any he hath) the Day of the Date of the Writ of Summons, and hath been so Three Months before in some City, Town or County of that Division in which he shall be elected.*

Representatives to have an Estate in the Division where chosen.

*2. 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 qualify him; any Law or Usage to the contrary notwithstanding.*

CHAP.

\* See a Law "regulating the Qualification of Representatives," &c. Chap. X. Another "for the better Regulation of Elections," &c. Chap. CXVI. And another "for securing the Freedom of Assemblies," Chap. CXXXV.

† See also Chap. X. Sect. 4.

C H A P. XXIII.

An ACT for dividing and ascertaining the Boundaries of all the Counties in this Province.

Passed January 21, 1709-10.

**W**HEREAS by the Uncertainty of the Boundaries of the Counties of this Province great Inconveniencies have arisen, so that the respective Officers of most of these Counties cannot know the Limits of them: For the preventing the same in Time coming, and the better ascertaining the Boundaries of them,

Preamble.

*Sect. 1.* BE IT ENACTED by the Lieutenant-Governor, Council and General Assembly, and by the Authority of the same, That in the Eastern Division, the County of Bergen shall begin at Constable's Hook, and so run up along the Bay and Hudson's 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 Pessaick River to the Sound; and so to follow the Sound to Constable's Hook, where it began.

Bounds of Bergen County.

2. That the County of Essex\* shall begin at the Mouth of Rarway River where it falls into the Sound, and so to run up the said Rarway River to Robeson's 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 Pessaick River; thence down Pessaick River to the Bay and Sound; thence down the Sound to where it began.

Bounds of Essex.

3. The County of Somerset begins where Bound-Brook empties itself into Raritan River; thence down the Stream of Raritan to the Mouth of a Brook known by the Name of Lawrence's Brook; thence running up the said Lawrence's Brook to the Great Road that leads from Inian's Ferry to Cranberry 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 aforesaid 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. †

Bounds of Somerset.

4. The County of Middlesex begins at the Mouth of the Creek that parts the Lands of George Willocks, and the Land that was formerly Captain Andrew Bowne's, deceased; thence along the said Captain Andrew's 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 southeast Corner of Barclay's 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 Sanpinck

Bounds of Middlesex.

\* Part of this County is since annexed to Somerset. See Chap. CLXXIX.

† Part of these Boundaries are altered by Chap. XLV and CLXXIX, and see Chap. CCXXXI.

pinck Bridge on the High Road, including *William Jones*, *William Story*, *Thomas Richman*, and *John Guyberfon* in *Monmouth County*; thence along the said Road to *Aaron Robins's Land*; thence westerly along the said *Aaron Robins's Line* and *James Lawrence's Line* to the Line of the Eastern and Western Division aforefaid, including the said *Robins* and *Lawrence* 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 *Ambay Point*, and from thence to the Creek where it first began.\*

Bounds of  
*Monmouth.*

5. The County of *Monmouth* begins at the Mouth of the Creek aforefaid that parts the Land of Captain *Andrew Bowne*, deceased, and *George Willocks*; thence following the Line of *Middlesex County* to the Line of the Eastern and Western Division aforefaid; 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 aforefaid Creek where it first began. †

Bounds of  
*Burlington.*

6. 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 Lipincote's* and *Isaac Sharp's Land*; thence upon a straight Line to the southermost Branch of *Little-Egg-Harbour River*, including the said *Sharp's 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's* 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 *Hoperwell* to the northermost and uttermost Bounds of the Township of *Amwel*; thence by the same to the River *Delaware*; thence by the River *Delaware* to the first mentioned Station.

Bounds of  
*Gloucester.*

7. *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 *Oldman's Creek*; thence down the same to *Delaware River*; thence up *Delaware River* to the Place of Beginning.

Bounds of  
*Salem.*

8. *Salem* § County begins at the Mouth of a Creek on the West Side of *Stipson's Island*, commonly called *Jecak'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*

\* Part of these Boundaries are altered by Chap. XLV.

† See Chap. XLV. which changes Part of these Boundaries.

‡ Part of this County has since been formed into a County called *Hunterdon*, by Chap. XLIV. And *Hunterdon* afterwards had a County taken off called *Morris* by Chap. CLX. *Morris* also furnished a new County called *Suffex*, by Chap. CCLI.

§ Part of this County has since been formed into a County called *Cumberland*, by Chap. CCVII.

County to *Delaware River*; thence down *Delaware River* and Bay to the Place of Beginning.

9. *Cape-May* County begins at the Mouth of a small Creek on the West Side of *Stipson's Island*, called *Jecak'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.

Bounds of  
*Cape-May.*

10. This Section subjected *Somerset* to the Jurisdiction of the Courts and Officers of *Middlesex*, for Want of a competent Number of Inhabitants to hold Courts, and for Juries—and Enacted, That Juries might be taken promiscuously from both or either of the said Counties, but is since altered by Chap. XLIII. Sect. 1.

*The Act at large is in Nevill's first Vol. Fol. 12.*

CHAP. XXIV. *An Act for explaining and rendering more effectual an Act for Support of Her Majesty's Government of Nova-Cæserea or New-Jersey for one Year.* Expired.

CHAP. XXV. *An Act for the ascertaining the Place of the fitting of the Representatives to meet in General Assembly.* Repealed by Chap. LXXIX.

CHAP. XXVI. *An Act for building and repairing Gaols and Court-Houses within this Province.* Supplied and repealed by Chap. XXXVII.

These three Acts were passed the 21st of *January*, 1709-10.

CHAP. XXVII. *An Act for regulating Stone-Horses or Stallions that run at large in this Province.* Supplied and repealed by Chap. CXL.

CHAP. XXVIII. *An Act for ascertaining the Representatives Fees of General Assembly.* Repealed. \*

CHAP. XXIX. *An Act for reviving and continuing the Courts of Sessions and Common Pleas in the County of Gloucester, with the Proceedings of the same.* Obsolete.

The last three Acts were passed the 31st of *January*, 1709-10.

## At a GENERAL ASSEMBLY held at

Burlington from the Sixth Day of December 1710 to the Tenth Day of February 1710-11, in the Ninth Year of the Reign of Queen Anne, being the Sixth Assembly of New-Jersey, the following Laws were passed.

### SESSION THE FIRST.

Colonel ROBERT HUNTER, GOVERNOR.

CHAP. XXX. *An Act for Support of this Her Majesty's Government of Nova-Cæserea or New-Jersey.* (L. 944:0:0.) Expired.

E

CHAP.

\* The Act repealing this is supposed to be an Act for the Support of Government, as the Fees of the Representatives were some Time after fixed by these Laws, but the Chapter making the Change, is not ascertained for Want of those old Acts, some of which are lost or mislaid.

- Obsolete. CHAP. XXXI. *An Act for amending and explaining an Act of the General Assembly of this Province, entitled, An Act for enforcing the Currency of Bills of Credit for Three Thousand Pounds.\**
- Expired—  
supplied by  
Chap. LII.  
Obsolete. CHAP. XXXII. *An Act for reviving the Militia Act of this Province.*
- CHAP. XXXIII. *An Act for reviving and continuing the Courts of Common Pleas in the County of Gloucester, with the Proceedings of the same.*
- Private. CHAP. XXXIV. *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.†*

These Acts were passed the 10th of February, 1710-11.

At a GENERAL ASSEMBLY held at Perth-Amboy from the Sixth to the Sixteenth Day of July 1711, in the Tenth Year of the Reign of Queen Anne, the following Laws were passed.

SESSION THE SECOND.

- Obsolete. CHAP. XXXV. *An Act for levying and raising Money, viz. Five Thousand Pounds, 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.*
- Obsolete. CHAP. XXXVI. *An Act for the Currency of Bills of Credit in the Colony of New-Jersey.*

These Acts were passed the 16th of July, 1711.

At a GENERAL ASSEMBLY held at Burlington from the Seventh Day of December 1713 to the Seventeenth Day of March 1713-14, in the Twelfth and Thirteenth Years of the Reign of Queen Anne, the following Laws were passed.

SESSION THE THIRD.

CHAP. XXXVII.

*An ACT for raising of Money for building and repairing of Gaols and Court-Houses within each respective County of this Province. ‡*

Passed Feb. 28, 1713-14.

Preamble.

**W**HEREAS Gaols and Court-Houses are absolutely necessary for the Administration of Justice, and putting the Laws in Execution :

Set.

\* Chap. XX. † This is the first private Law passed since the Surrender, being upwards of ten Years. ‡ Several material Alterations are made in this Law by Chap. LXXXVII. XCVI. and CLXXXV.

*Sect. 1.* BE IT ENACTED by the Governor, 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, choose two Freeholders for every such Town and Precinct for the ensuing Year; which Freeholders so chosen, or the major Part of them, together with all the Justices of Peace of each respective County, or any three of them (one whereof being of the *Quorum*) shall meet together,

The Inhabitants of each Town to meet yearly, and choose Freeholders;

who, with the Justices, are to meet.

For the County of *Bergen*, 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 *Somerset*, at the most convenient Place of the County, which shall be agreed upon by the major Part of the Freeholders that inhabit there. For the County of *Monmouth*, at *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*, near to the Prison there: And agree upon such Sum and Sums of Money as shall be needful for Repairing such Gaols and Court-Houses as are already built, and for building such as are wanting, *viz.* In the County of *Bergen*, near to the *Dutch Church* by *Hackensack River*. In *Essex*, at *Newark*. In *Middlesex*, at *Perth-Amboy*. In *Somerset*, at the most convenient Place where the Freeholders, Inhabitants, shall agree upon. In *Monmouth*, near the House of *John Okefon*, of *Freehold*. In *Burlington* County, at the Town of *Burlington*. In *Salem* County, at the Town of *Salem*. In *Gloucester*, 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 are hereby required immediately, on the 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, 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 forthwith 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 Overplus, if any be, to the Owner, deducting *Twelve-pence* to himself for each Distress, and *Six-pence* to the Justice, for the Warrant.

Places where for each County,

And to appoint Assessors and Collectors

Collectors to collect the Money so assessed.

Delinquents to be returned to a Justice.

Fees.

2. AND BE IT ENACTED by the Authority aforesaid, That the Justices and Freeholders, appointed and elected as aforesaid, are hereby required

Justices and Freeholders to appoint Managers.

† That Part of this Act which relates to Assessors and Collectors is repealed by Chap. XCVI. Sec. 3.

required to appoint Managers, to do and see done such Things and Works as they shall agree upon to be done and performed; which said Managers are hereby authorized and impowered to draw Warrants on the Collectors respectively for Payment of the Work and Materials needful in building and repairing Gaols and Court-Houses as aforesaid, not exceeding the Sum or Sums appointed by the Justices and Freeholders aforesaid, for that Purpose; which Warrants the Collectors are hereby required to answer and pay. And all the Assessors, Collectors and Managers, 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 Collectors *Four-pence per Pound*; the Constables, for giving Notice of the Sums and Time of Payment, *Two-pence per Pound*; the Managers *Ten-pence per Pound*.

Assessors, &c.  
accountable;

their Fees.

Penalty on  
any Person  
appointed ne-  
glecting his  
Office.

Offices how  
supplied in  
case of Death.

3. 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 levied by Distress of each Defaulter's Goods and Chattels as aforesaid, to be applied towards building and repairing the respective Gaols 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.

Inhabitants  
neglecting,  
Justices to ap-  
point Free-  
holders.

4. AND BE IT ENACTED *by the Authority aforesaid*, That if the Inhabitants of any Town or Precinct shall neglect to meet and choose Freeholders as aforesaid, then it shall and may be lawful for the Justices, at their next Court of Quarter Sessions, to appoint two Freeholders 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 contained herein to the contrary notwithstanding.

The fifth Section Repeals the Act, entitled, *An Act for building and repairing Gaols and Court-Houses within this Province*, Chap. XXVII.

The sixth authorized the raising a Sum of Money over and above what might be determined to be raised in *Monmouth*, for replacing a Sum raised and collected by the Law so repealed, for building a Court-House and Gaol in *Monmouth*, and to impower those who had paid their Tax on that Assessment, to stop the Sum so paid out of the Assessment to be made by this Act.

Justices and  
Freeholders  
neglecting to  
meet, any  
three Justices  
to appoint a  
further Time.

7. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any of the Justices and Freeholders 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 and Times

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.

*The Act may be seen at large in Nevill's first Vol. Fol. 32.*

## C H A P. XXXVIII.

*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.\**

Passed March 11, 1713-14.

**W**HEREAS 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,

Preamble.

*SECT. 1. BE IT ENACTED by the Governor, 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, fall, 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 Person or Persons so offending shall, for every Tree so cut and worked up, boxed, bored or carried 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 Inferior Court of Common Pleas of that County, with Cost of Suit: And, for every Pine or Cedar Pole so cut down or carried away, shall pay the Sum of Ten Shillings, Money aforesaid, to the Uses aforesaid, 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.*

Penalty on any Person cutting, &c. Trees, &c. on Lands of another.

F

2. AND

\* A temporary Supplement to this Law has several Times been passed, increasing the Penalty on cutting Timber, &c. The Act now in force is Chap. DXLV.

† This is altered to eighteen Months by Chap. DXLV.

Exception as  
to Common  
Lands in the  
Eastern Divi-  
sion.

2. 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, falling 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 Freeholder or Freeholders doth belong.

3 and 4. These Sections, laying a Duty of *Thirty Shillings* per Thousand on Pipe Staves, and *Twenty Shillings* per Thousand on Hoghead Staves, exported out of the Eastern Division of this Province, and prescribing the Mode of Exportation, &c. are repealed by Chap. LXXXIV. as to Hoghead Staves; and, as to Pipe Staves, are fully supplied by Chap. CLXXXVIII. which lays a Duty upon both, as well as others of a smaller Size.

Proviso for  
cutting Trees  
to amend  
Highways.

5. 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, fall or carry away any Wood or Timber within the Bounds and Limits of the Highways within this Province, for making and repairing of Bridges and Highways, or for any other unavoidable Accident and Necessities, any Thing in this Act to the contrary in any wise notwithstanding.

*The Act is at large in Nevill's first Vol. Fol. 15.*

C H A P. XXXIX.

*An ACT for regulating of Slaves.*

Passed March 11, 1713-14.

Persons trad-  
ing with  
Slaves with-  
out Consent  
of their Mas-  
ter, to forfeit,  
&c.

*Sect. 1.* **B**E IT ENACTED *by the Governor, 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 Mulatto Slave, for any Rum, Wine, Beer, Cider, 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 Queen's 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 Majesty's Justices of the Peace.

First Offence.  
Second Of-  
fence.

Slaves may  
be taken up  
five Miles  
from Home,  
without a  
Pass, and  
whipped.

2. 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 Mulatto Slave or Slaves five Miles from his, her or their Master or Mistress's 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 whipped by the Party that takes them up, or by his Order, on the bare Back,

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 of the County where the Fact shall arise.

Taker up to be rewarded.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Negro, Indian or Mulatto Slave, of or belonging to any other Province shall come into this Province without License 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 Mulatto Slave shall be taken up by any Person within this Province, and be whipped 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 Gaol of that County; and the Person so taking them up, and carrying them to be whipped, 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.

Slaves belonging to another Province not having a Pass to be whipped.

Taker up to be rewarded.

The 4th, 5th, 6th and 7th Sections of this Law, prescribing a Mode of Trial and Punishment of Slaves for Murder, Conspiracy, Rape, Arson, burning any Barn, Stable, Outhouse, Stack or Stacks of Corn or Hay, and Maiming, are supplied and repealed by Chap. CCCCLXXV.

The 8th Section only appointing the Justices, Collector and Constable's Fees on such Trials, &c. is also necessarily repealed by the same Chapter, though omitted in the enumerated Sections.

9. AND BE IT FURTHER ENACTED, That if any Negro, Indian or Mulatto 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.

Punishment for attempting to ravish or striking.

10. AND BE IT ENACTED *by the Authority aforesaid*, That if any Negro, Indian or Mulatto 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 Mulatto Slave shall be whipped 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 Mulatto Slave shall steal to the Value of *Five Shillings* or above, such Slave shall be whipped, 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

Slaves convicted of stealing to be whipped.

Whipper to be rewarded.

the Slave; and in Default of Payment, to be levied by Warrant from any Justice of the Peace, out of the Goods of the said Master or Mistress.

Penalty on Justices, Constables, Jurors, &c. neglecting their Duty.

II. 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 enjoined 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 Inferior Courts of Common Pleas within this Province; and every Freeholder and Jurors summoned as aforesaid, and refusing to serve, shall forfeit *Twenty Shillings*, to be levied 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.

Penalty on Persons concealing, &c. the Slave of another without Leave.

12. BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Person or Persons whatsoever shall hereafter employ, harbour, conceal or entertain other People's 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 Mistress's 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 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.

Ditto if lost or disabled.

No Slave to be a Freeholder; *a Fee;*

13. BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Negro, Indian or Mulatto, 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.

Nor to be manumitted without Security.

14. AND WHEREAS it is found by Experience, that Free Negroes are an idle, slothful 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 Mulatto 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 Mulatto Slave, during their Lives, the Sum of *Twenty Pounds*; and if such Negro or Mulatto 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

upon proving the said Will and Testament, which if refused to be given, the said Manumission to be void and of none Effect. \*

*The Act may be seen at large in Nevill's first Vol. Fol. 18.*

## C H A P. XL.

*An ACT for regulating of white Servants, and taking up Soldiers and Seamen deserting Her Majesty's Service, and coming into this Colony.*

Passed March 11, 1713-14.

**W**HEREAS 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 Masters or Mistresses Services, to the great Damage of the said Masters and Mistresses; for Prevention whereof for the Future,

Preamble.

*Sect. 1.* BE IT ENACTED by the Governor, 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.

Servants absented without Leave, to serve double the Time and pay Costs.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every Person or Persons whatsoever, who shall any way counsel, entice, aid or assist any Servant to run away, or absent themselves from their Master or Mistress's 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 Inferior Court of Common Pleas in this Province.

Penalty on counselling Servants to run away.

3. 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, every such Person so offending shall pay the Sum of *Ten Shillings* for every Day's Concealment, Entertainment or Harbours, 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 Inferior Court of Common Pleas within this Province.

Penalty on knowingly concealing, &c. a Servant.

4. AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Person or Persons who shall take up any Servant run away or absented, and carry back, or return said Servant to his or her Master or Mistress, every such Person shall have *Fifteen Shillings* for his

Taker up to be rewarded.

G

Trouble

\* This Section is supplied and repealed by Chap. CCCCXCIV, yet as it may be necessary in determining on Manumissions before that Act, it is here inserted.

Trouble and Pains, besides *Six-pence* for every Mile from the Place where taken up to the said Master or Mistress's 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 Inferior Court of Common Pleas within this Province, besides Costs, for which the said Servant shall pay and satisfy, as aforesaid.

Soldiers and Seamen travelling without a Pass may be taken up.

5. 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 Soldiers and Seamen of Her Majesty's Garrisons and Ships of War do sometimes run away and desert Her Majesty's 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 Seamen, Soldiers, 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 Gaol 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.

Penalty on Boatmen or Tavernkeepers carrying away or entertaining Servants, &c. not having Passes.

6. AND BE IT ENACTED *by the Authority aforesaid*, That any Boatman or Ferryman 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, Seamen or Soldiers as aforesaid, not having Passes, and not apprehend the said Persons and secure them, so as the said Persons may be brought before some of Her Majesty's 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 Soldier or Seaman, the Master or Mistress of such Servant, or any others injured by such Carriage, Ferriage, Transportation or Entertainment, before any Justice of the Peace of said Province, as aforesaid.

C H A P. XLI.

*An ACT for preventing Corruption in the Courts of Justice in this Province.*

Passed March 11, 1713-14.

Preamble.

**F**OR the more effectual preventing 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 Majesty's

jefty's Dominion of *Great-Britain*, formerly called Her Majesty's 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 magisterial or ministerial, may be declared to be in Force in this Her Majesty's Province of *New-Jersey*;

*Sect. 1.* IT IS THEREFORE ENACTED AND DECLARED by the Governor, 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 Majesty's 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 other Officers, magisterial or ministerial, be, from the Publication of this Act, in Force in this Her Majesty's Colony of *New-Jersey*, effectually to all the Intents, Constructions and Purposes expressed, meant and intended in and by the said Laws and Statutes.

All Laws in *England* against Bribes, Gifts, Male-Administration by Judges, &c. extended here.

2. 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 Judge or Justice 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 Superior 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 *Essoine*, 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.

Penalty on any Judge determining a Cause in an Inferior Court fitting in Judgment thereon in a superior.

Penalty applied.

C H A P. XLII.

An ACT for preventing Malicious Prosecutions by Informations.

Passed March 11, 1713-14.

*Sect. 1.* BE IT ENACTED by the Governor, Council and General Assembly, and it is Enacted by the Authority of the same, That, from and after Publication hereof, no Person or Persons whatsoever shall be troubled, vexed or disturbed in his or their Liberty or Estate, by the Queen's Attorney-General, or any other Person or Persons whatsoever, upon Pretence of any Misdemeanor committed, otherwise than by Presentment of the Grand Jury, or by Information by an Order of the Governor for the Time being, signed in Council for such Prosecution; and the Party or Parties so prosecuted shall be brought to Trial 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.

No Person to be troubled but by Presentment, &c. or Information by Order in Council.

To be tried by the second Court.

2. AND

If acquitted  
to pay no  
Fees.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That any Person or Persons prosecuted by Information as aforesaid, and brought to Trial the second Court as aforesaid, and acquitted by the Verdict of twelve Men, shall be discharged the Court without paying of any Fees.

Penalty on  
any Person  
prosecuting  
contrary to  
this Act, ex-  
cept, &c.

Penalty ap-  
plied.

3. 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 Act 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.

C H A P. XLIII.

*An A C T for ascertaining the Qualification of Jurors within this Province.*

Passed March 11, 1713-14.

Grand and  
Petit Jurors  
to be sum-  
moned by  
the Sheriff, or  
Coroner, &c.

*Sect. 1.* **B**E IT ENACTED *by the Governor, Council and General Assembly met and assembled, and by the Authority of the same*, That from and after Publication hereof, all Grand and Petit 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 Man's House so summoned respectively 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.

What Estate  
necessary for a  
Grand or Pe-  
tit Juror.

2. 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 Petit 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.

Jurors not so  
qualified may  
be challenged  
and tried by  
Jurors.

3. 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 Plaintiff 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.

C H A P.

## C H A P. XLIV.

*An ACT for erecting the upper Parts of the Western Division of New-Jersey into a County.*

Passed March 11, 1713-14.

**W**HEREAS 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 at *Burlington*, being at a very great Distance from most of their Habitations, has been 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 Inconveniencies, and making of the said People more easy for the Time to come, it is humbly proposed and prayed that it may be Enacted;

*Sect. 1.* AND BE IT ENACTED by the Governor, 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 situate above the Brook or Rivulet commonly called *Affanpinck*, 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 Rivulet, commonly known and called by the Name of *Affanpinck*, shall be the boundary Line between the County of *Burlington* and the said County of *Hunterdon*.

Preamble.

*Hunterdon County first formed.*

*2.* AND BE IT ENACTED by the Authority aforesaid, That the said County of *Hunterdon* 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 County of *Hunterdon* in General Assembly; which Liberty is hereby suspended until Her Majesty's Pleasure be further known therein, or that it be otherwise ordered by Act of Assembly.

To have the same Power as other Counties, save electing of Representatives.

*3.* By this Section *Hunterdon* County was to continue to elect Representatives with *Burlington*, but the Privilege of electing for themselves has since been granted to them by Chap. CXXV.

The 4th Section Enacts that all Taxes laid, or to be thereafter assessed by Laws for that Purpose, should be assessed and paid as directed by the said Acts.

*The Act is at large in Nevill's first Vol. Fol. 41.*

## C H A P. XLV.

*An ACT for settling the Bounds between the Counties of Somerset, Middlesex and Monmouth. \**

Passed March 15, 1713-14.

Line of Somerset and Middlesex.

*Seçt.* 1. **B**E IT ENACTED by the Governor, Council and General Assembly, and by the Authority of the same, That the boundary Line between *Somerset* and *Middlesex* Counties shall be and begin where the Road crosseth the River *Rariton*, at *Inians's* Ferry, and run from thence along the said old Road by *Jedediah Higgens's* House, leading towards the Falls of *Delaware*, so far as the Eastern Division of this Province extends.

Line of Middlesex and Monmouth.

2. AND BE IT ENACTED by the Authority aforesaid, That the boundary Line between *Middlesex* and *Monmouth* Counties shall be and begin at the Mouth of the Creek that parts the Land of *George Willocks* and the Land that was formerly Captain *Andrew Bowne's*, deceased; thence along the said Captain *Andrew Bowne's* 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 southeast Corner of *Barclay's* 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 Jones*, *William Story*, *Thomas Ruckman* † and *John Guyberson*, in *Monmouth* County; thence along the said Road to *Aaron Robins's* Land; thence westerly along the said *Aaron Robins's* and *James Lawrence's* Line to the Line of the Eastern and Western Division aforesaid, including the said *Robins* and *Lawrence* in *Monmouth* County.

Repeal of the former Act concerning the Bounds of these Counties.

3. 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 passed 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.

## C H A P. XLVI.

*An ACT confirming Letters of Administration, granted, and to be granted within this Province.*

Passed March 17, 1713-14.

Preamble.

**W**HEREAS Her sacred Majesty hath reserved to her respective Governors or Commanders in Chief of this her Colony of *New-Jersey* the Collating to Benefices, granting Licenses for Marriages, Probates of Wills, and granting Letters of Administration;

*Seçt.*

\* See the Law which created these Counties, Chap. XXIII. † These Names are spelled *Richman* and *Sanpinck* in Chap. XXIII. Sec. 4. † Chap. XXIII.

*Sect. I.* BE IT THEREFORE ENACTED by the Governor, 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 preceding Governor or Commander in Chief, or by any other Person or Persons that heretofore have been empowered to grant the same, or that hereafter shall be granted within this Colony by the present or any succeeding Governor or Commander in Chief, or by any other Person or Persons empowered 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 valid 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 Superseded 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.

Letters of Administration granted by the present, preceding or succeeding Governor, declared good.

C H A P. XLVII.

*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 transferring of Uses into Possession.*

Passed March 17, 1713-14.

**W**HEREAS 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;

Preamble.

*Sect. I.* BE IT THEREFORE ENACTED by the Governor, 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 for-ever bar any Person or Persons claiming or to claim Estate under

What a sufficient Execution of Last Wills in Time past.

Register  
Books where  
recorded  
good Evi-  
dence.

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 entered, being proved as aforesaid, may be given, and shall be received in Evidence, any Law or Custom to the contrary notwithstanding.

What a good  
Execution of  
a Will in fu-  
ture.

2. 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 entered upon the Books of Records or Registers in the Secretary's Office of this Province, or any proper Office for that Purpose, shall and are hereby declared, and for-ever 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 registered 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 requisite to be given in Evidence, any Law or Custom to the contrary notwithstanding.

Books in  
which they  
are registered  
good Evi-  
dence.

Copy of  
Wills made  
in *Great-Bri-  
tain*, &c. cer-  
tified under  
Seal, &c.  
good Evi-  
dence.

3. 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.

Copy of  
Wills in any  
of the Colo-  
nies certified  
under Seal,  
&c. good E-  
vidence.

4. AND BE IT ENACTED *by the Authority aforesaid*, That the Copy of any Will or Testament, made in any other of Her Majesty's Colonies, by which any Lands, Tenements, Hereditaments, or other Estate 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.

All Deeds,  
&c. made by  
Letters of At-  
torney, &c.  
recorded,  
whereby  
Lands have  
been sold,  
held good.

5. 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 entered 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 transferred, to any Person or Persons, pursuant to such

Powers

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, and to 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, Employers, Grantors of such Powers and Authorities, and their and all and 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 entered 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, Employers and Grantors of such Powers and Authorities, 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.

All Lands hereafter sold by Letters of Attorney, first proved and recorded, held good.

6. 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 any of Her Majesty's 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.

Exemplifications of Deeds, from *Great-Britain*, *Ireland* or the Colonies, and Books of Record in this Province, good Evidence.

7. 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 Seisin and Possession, any Usage or Custom to the contrary notwithstanding.

Conveyance of the Use of Land transfers Possession

8. PROVIDED ALWAYS, That nothing in this Act shall be construed to extend to make good, valid and effectual any Fraud or Forgery, made or used in or about any Powers of Agency, or Letter of Attorney, or other Deeds, Writings or Records, Last Wills and Testaments, or any Bargain and Sale, or other Conveyances of any Estate of Inheritance, grounded upon such fraudulent or forged Powers of Agency, or Letter of Attorney or other Deeds, Writings or Records, and Last Wills and Testaments.

This Act not to save any Fraud or Forgery.

## C H A P. XLVIII.

*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 Pennsylvania.*

Passed March 17, 1713-14.

A Ferry to be kept from Burlington to Bristol by a Person to be licensed by the Governor.

**Sect. 1.** **B**E IT ENACTED by the Governor, 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 Pennsylvania; and that the said Ferry shall be kept and managed by such Person or Persons as the Governor or Commander in Chief for the Time being shall license and appoint; and that such Ferryman or Ferrymen, so licensed, and no other, shall and may demand and have the Fees or Ferriages following, and no other, *to wit,*

Fees.

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 Heifer, *One Shilling.*

And for every Sheep or Hog, *Three-pence.* All Money according to the Queen's Proclamation.

Ferryman to keep good Boats, and duly attend, under a Penalty.

**2.** AND BE IT ENACTED by the Authority aforesaid, That the Ferryman or Ferrymen, so licensed 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.

Penalty on any Person not so licensed ferrying over.

**3.** 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 Merchandizes, 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 Ferryman or Ferrymen licensed as aforesaid, shall forfeit the Sum of *Twenty Shillings*, Money aforesaid, for every such Offence, to be recovered by the Ferryman or Ferrymen licensed 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 anywise notwithstanding.

Obsolete.

**CHAP. XLIX.** *An Act to enable Thomas Gordon, Esquire, 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.*

Passed Feb. 26, 1713-14.

CHAP.

CHAP. L. *An Act for laying a Duty on Negro, Indian and Mulatto Slaves, imported and brought into this Province.* Expired.

This Act laid a Duty of *Ten Pounds* on every Negro, Indian or Mulatto Slave, imported for Sale. It continued for seven Years from the first Day of *June 1714*.

CHAP. LI. *An Act to continue and revive the Currency of Bills of Credit appointed to be sunk in the Years 1712 and 1713; and to enable Thomas Gordon, Esquire, 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.* Obsolete

CHAP. LII. *An Act for settling the Militia of this Province, limited to seven Years.* Expired—  
supplied by  
Chap. CVIII.

CHAP. LIII. *An Act for shortening of Lawfuits, and regulating the Practice of the Law.* Disallowed.

This Act was disallowed by King GEORGE the first in Council, on the twentieth Day of *January 1721*.—As it was practised under several Years, Traces of it appear in the Mode used at this Day. The Law Enacted, 1st, That every Person served with a Capias should enter his Appearance, or give special Bail at the Return of the Writ; the Bail Bond to be assignable on Neglect, unless the Court gave further Time, not exceeding twenty Days in the Supreme Court, nor ten in the Inferior Courts. 2. That every Plaintiff should file his Declaration fitting the Court to which the Writ was returnable, or at or before such Time as should be allowed by the Court, and give Oyer of the Specialties or Instruments mentioned in the Declaration, with Copies to the Defendant or his Attorney, or leave them in the Office, on Penalty of being non-suited. 3. That every Defendant should file his Plea, and give Oyer of such Instruments as were mentioned in the same, with Copies to the Plaintiff or his Attorney, or to the Clerk of the Court within twenty Days; and, on Neglect of filing the Plea as directed, Judgment was to be entered against the Defendant. 4. That the Plaintiff should file his Replication within twenty Days after filing the Plea, or be non-suited; and that the Rejoinder should be filed in twenty Days thereafter, or Judgment be entered by Default; and where further Pleadings were not necessary, Issue should be joined and the Cause tried the next Court after—and where further Pleadings were necessary, the Time should be fixed by the next Court. 5. That the Plaintiff should come to Trial the next Court after Issue joined, or be non-suited, unless the Court saw Cause to the contrary; and, if the Defendant did not appear, the Plaintiff might proceed in his Default. 6. That on a Non-suit, or Judgment by Default, no Execution should issue until after the Court following. 7. That every Person desiring it, should be permitted to appear and plead his own Cause, or by Attorney, or both. 8. That all Procefs should be sealed by the respective Clerk of each Court, and the Writ of Capias be signed underneath on the right Hand by the Clerk, and on the left by the Plaintiff or his Attorney, or the Writ abate. 9. That every Attorney, on filing a Declaration or Plea, should enter his Warrant, and leave a Copy in the Office, under the Penalty of paying all Costs, and the Action to discontinue—every Attorney to pay all Costs and Damages that his Employer should sustain  
by

by his Default. 10. That every Non-Resident of the County, where the Action should be brought, should give Bond in *Ten Pounds* to the Defendant, with Security dwelling in the County, conditioned to pay Coſts if caſt, &c. the Bond to be filed with the Clerk; and every Non-Resident of the Province to do the like: Any Clerk neglecting to take ſuch Security to pay the Defendant's Coſts; ſpecial Bail to be given in all Actions above *Ten Pounds*, except in Actions of Slander, *Quare Claufum fregit*, and Affault, and Battery, unleſs otherwiſe ordered by the Court. 11. That no Suit ſhould be brought in the Supreme Court where the Cauſe of Action did not exceed *Twenty Pounds*, Proclamation Money, excluſive of Coſts, except where Titles of Land were concerned, under the Penalty of paying the Defendant all Coſts and Damages. 12. That no Action, except where Titles of Land were concerned, ſhould be removed from an Inferior Court, by *Habias Corpus*, or otherwiſe, unleſs by Writ of Error after Judgment, except the Value of the Suit exceeded *Twenty Pounds*, Proclamation Money, on Pain of paying all Coſts and Damages ſuſtained thereby. 13. That any Perſon bringing a Writ of Error, or any Judgment obtained in an Inferior Court, returnable in the Supreme Court, ſhould give Security within ten Days after the Writ brought to proſecute it to Effect, and to pay *double* Coſts if the Judgment ſhould be affirmed. 14. That no Execution ſhould iſſue on ſuch Judgment after Notice, by ſhewing the Defendant in Error, or his Attorney ſuch Writ, unleſs Security was neglected to be given. 15. And that all Proceſs and Proceedings in all the Courts of Judicature ſhould be in the *Engliſh* Tongue.

See the Act at large in Bradford's Edition, printed in 1717, Fol. 37.

- Supplied and repealed by Chap. CXXXIV. CHAP. LIV. *An Act that the ſolemn Affirmation and Declaration of the People called Quakers ſhould 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.*
- Repealed by Chap. LXXXII. CHAP. LV. *An Act to lay a Duty upon Wheat exported out of the Eaſtern Diviſion of this Province to any of Her Maſteſty's Colonies upon the Continent of America.*
- Private. CHAP. LVI. *An Act to naturalize Peter Bard, a native of France.*
- The laſt ſeven Acts were paſſed the 11th of March, 1713-14.
- Supplied and repealed by Chap. ccccxcviii. CHAP. LVII. *An Act concerning Swine.*
- Expired. CHAP. LVIII. *An Act for the Support of this Her Maſteſty's Government of Nova Caſerea or New-Jerſey, for two Years, (£. 2550:0:0.)*
- Supplied and repealed by Chap. CXXX. CHAP. LIX. *An Act to prevent the concealing of ſtray Cattle or Horſes.*
- Supplied and repealed by Chap. CXLI. CHAP. LX. *An Act for regulating Fences.*
- Private. CHAP. LXI. *An Act to enable the Owners of the Meadows adjoining to the Lands of Sarah Mickle, John Dole, John Kaighn, Tobias Griſcomb, &c. adjacent to Delaware River, in the Townſhip of Newtown and County of Glouceſter, to ſtop the Tide from overflowing them.*

CHAP.

- CHAP. LXII. *An Act to enable Sarah Edwards, sole Executrix, and late Widow of Robert Edwards, deceased, by and with the Consent of William Cutler 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 Lands according to the Last Will and Testament of the said Robert Edwards, deceased.* Private.
- CHAP. LXIII. *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.* Obsolete.
- CHAP. LXIV. *An Act to enable the Owners of the Meadows and Marshes belonging to the Town of Salem to keep out the Tide from overflowing the same.* Private.
- CHAP. LXV. *An Act to enable the Executors of Miles Foster, late of Perth-Amboy, in the County of Middlesex, Merchant, deceased, to sell Lands to pay Debts and Legacies according to the Last Will and Testament of the said Deceased.* Private.
- CHAP. LXVI. *An Act for acknowledging and recording of Deeds and Conveyances of Land within each respective County of this Province.* Disallowed.

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.

WHEREAS the Inhabitants of this Province are under great Inconveniencies, 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,

SECT. I. 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 Lands, shall be acknowledged by the Grantor, or proved by one or more of the Witnesses, either before any of the Justices of the Supreme Court, or one of Her Majesty's Council, or the Judge, or any two of the Justices of the Inferior Court of Common Pleas within their respective Counties, and endorsed on the said Deeds before they shall be recorded.

2. 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 ac-

knowledge 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.

3. 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 Registering 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.

4. AND BE IT FURTHER ENACTED by the Authority aforesaid, That in the County where the Secretary's 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.

The last ten Acts were passed the 15th of March, 1713-14.

- Private. CHAP. LXVII. *An Act for confirming of a Patent granted by His Excellency Robert Hunter, Esq. Captain-General and Governor 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.*
- Supplied and repealed by Chap. CXXXVIII. CHAP. LXVIII. *An Act encouraging the Killing of Wolves, Panthers and Red Foxes.*
- Private. CHAP. LXIX. *An Act to enable the Owners of the Meadows and Marshes adjoining to and on both Sides of Maneton Creek, to stop out the Tide from overflowing them.*
- Private. CHAP. LXX. *An Act to enable Thomas Lambert, one of the Principal Creditors of John Eaton, 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-Cæsarea, to sell Land for and towards the Payment of his just Debts.*
- Private. CHAP. LXXI. *An Act to enable certain Trustees to sell and dispose of a small Estate of Inheritance in the County of Burlington.*
- Private. CHAP. LXXII. *An Act to naturalize Stephen Chalmes and Peter Romuer, Natives of France.*
- Difallowed. CHAP. LXXIII. *An Act for enforcing the Observation of the Ordinance for establishing Fees within this Province.*

In this Law it was declared, "That if any Attornies or other Person should at any Time split or divide Causes, and bring several Actions where one might have been sufficient, that then no more Fees should be allowed in the said several Causes than ought to have been allowed if one Action only had been brought for the same." And no Attorney,

torney, or Officer whatsoever, was to exact or take any greater Fees than were limited in the said Ordinance and Act for the Services therein mentioned, under the Penalty of *Fifty Pounds*, Proclamation Money, and the Ordinance subjected the Officer to the Loss of his Office for such Offence. It was disallowed the Twenty-first Day of *January* 1721.

*See the Act at large in Bradford's Edition, Fol. 47.*

CHAP. LXXIV. *An Act for collecting the Arrearages of Taxes since the* Obsolete.  
*Year 1708.*

CHAP. LXXV. *An Act for confirming of a Patent for the Township of* Private.  
*Bergen.*

The last nine Acts were passed March 17, 1713-14.

At a GENERAL ASSEMBLY held at Perth-Amboy from the Twenty-first Day of May to the first Day of June 1716, in the Second Year of the Reign of King George\* the First, being the seventh Assembly of New-Jersey, the following Law was passed.

SESSION THE FIRST. †

CHAP. LXXVI. *An Act to enforce the Payment of all Publick Taxes.* Obsolete.

Passed June 1, 1716.

At a GENERAL ASSEMBLY held at Croffwicks ‡ from the Twenty-seventh Day of November 1716 to the Twenty-sixth Day of January 1716-17, in the Third Year of the Reign of King George the First, the following Laws were passed.

SITTING THE SECOND OF SESSION THE FIRST.

C H A P. LXXVII.

*An ACT for the more regular choosing and electing Asses-  
sors and Collectors in the respective Towns and Counties in  
this Province.*

Passed Jan. 26, 1716-17.

**T**O the End that the publick and necessary Charge in each County Preamble.  
within this Province may be duly defrayed ;

*Seçt. 1.*

\* He came to the Crown the first Day of the Month then called the Sixth (*August*) 1714.

† There was a *Convention* of the Assembly in the Month called *April*, but without passing any Law they were prorogued. ‡ The Small-Pox was at *Burlington*, the usual Place of Sitting.

Freeholders  
annually to  
elect one Af-  
fessor and one  
Collector for  
each Town,  
&c

who are to  
qualify.

Freeholders  
neglecting,  
Justices to  
appoint Asses-  
sors.

On a provin-  
cial Tax Af-  
fessors to take  
an Account of  
all ratable  
Estates;

assess the  
Inhabitants,

and deliver  
Lists of the  
Assessments to  
the Collectors,

Who are to  
collect and  
pay the Tax.

Fees.

Persons con-  
cealing their  
ratable Es-  
tates.

*Sect. I. BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the Freeholders and Inhabitants, Housholders, of every Town, Division, Precinct 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 choose 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 so 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 choose 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 forthwith 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.*

2. 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 ratable; and shall meet together in the most convenient Place in the several Counties, and assess the Inhabitants equally, according to the ratable 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 Person's 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 if any Person or Persons shall neglect to give an Account, or conceal any of his ratable 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

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, her or their Tax or Taxes 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 empowered and required to make out his Warrant to the Constable of such Town, or Precinct, to make Distress on the Offender's Goods and Chattels, 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 to 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 Chattels cannot be found, the Constable or Constables of such Towns or Precincts are hereby empowered and required to take the Body or Bodies of him, her or them, if to be found in said County, and deliver them to the Sheriff of such County or Counties, who is hereby empowered and required to receive and keep him, her or them in safe Custody until Payment be made, and all Charges accrued 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 applied towards Support of the Government.

Persons neglecting to pay their Taxes, how to be proceeded against.

Fees.

Penalty on Officers neglecting their Duty.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any of the Assessors or Collectors chosen as aforesaid happen to die, remove or refuse to serve, any two Justices of the Peace of said County, one of which being of the *Quorum*, are hereby empowered 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.

Assessors or Collectors dying, Justices to appoint others.

4. 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, her 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, to 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 empowered and required to make such Abatement of said Tax as they find to be equal: And if

Appeal given to aggrieved Persons.

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\* This Mode of Appeal is now altered by Chap. DXXIX.

it be made to appear before such Court or Justices, that any of the Inhabitants be not assessed so high as their ratable Estates will amount unto, they are hereby authorised, empowered and required to add to the said Tax so much as will make it equal.

County Taxes  
how to be  
raised and  
paid.

5. 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 applied 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, entitled, *An Act for raising of Money for building and repairing Gaols and Court-houses, &c.* †

County Col-  
lectors to  
keep fair Ac-  
counts, and  
deliver them  
to the Trea-  
surers ;

6. 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, Precinct or District, 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 employed to the publick Use of said County.

And Quarter-  
Sessions.

C H A P. LXXVIII.

*An ACT for the better enforcing an Ordinance of His Excellency Robert Hunter, Esquire, Captain-General and Governor in Chief of the Provinces of New-Jersey, New-York, &c. entitled, An Ordinance for the further establishing of Fees and Ferriages.*

Passed Jan. 26, 1716-17.

Preamble.

**W**HEREAS 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, *Videlicet,*

**B***Y His Excellency Robert Hunter, Esquire, Captain-General and Governor 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 sixteenth Day of January, in the*

† Chap. XXXVII.

*the Third Year of the Reign of our Sovereign 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 Governor, by Virtue of the Power and Authority to him given by His Majesty's Letters Patent under the Great Seal of *Great-Britain*, and by and with the Advice and Assistance of His Majesty's 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.*

This Paragraph fixed the Fees when Titles of Land were concerned, but is now fully supplied by Chap. CCX.

*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*.

Flour per Barrel, *Five-pence*.

Beer, Cider, and other Liquors per Barrel, *Ten-pence*.

Rum, Molasses, &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 and from Captain Billop's.*

The Fees contained in this Paragraph of the Ordinance, are altered and fully supplied by Chap. DXLIX.

*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. *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,

† Chap. LXXIII. \* At *New-Brunswick*.

Burlington, &c.

From the Falls to *Burlington* for Freight of Wheat and Flour, &c. per Bushel, *Three Half-pence*.

And for Casks of Flour from the Falls to *Burlington* by the Ton, *Six Shillings and Eight-pence*.

From *Farnsworth* to *Burlington* for Wheat, Meal, &c. per Bushel, *Three Half-pence*.

And for Casks of Flour from *Farnsworth* to *Burlington* per Ton, *Four Shillings and Six-pence*.

Barrels of Pork, Cider, &c. *Nine-pence*.

*Ferry to and from Philadelphia and Burlington.*

Hire of a Boat in the Winter, for a single Passenger, from *Michaelmas* to *Lady-Day*, *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*.

Flour per Ton, *Six Shillings and Eight-pence*.

Bread per Ton, *Five Shillings and Nine-pence*.

Rum per Hogshead, *Two Shillings and Three-pence*.

Flour per Ton from *Farnsworth* 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*.

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 Ferries, Wherries or Passage-Boats, immediately after the Publication hereof, to repair to the Secretary's 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 License from the said Office for plying the said Ferries; 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 affixed in one of the most publick Places in their House, or near the said Ferrying Place.

By His Excellency's Command, }  
JA. ALEXANDER.

RO. HUNTER.

Penalty on  
Carriers for  
Hire without  
License.

*Sect. I.* BE IT THEREFORE ENACTED by the Governor, 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 License for the same from the Governor 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.

2. 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 for-ever hereafter barred from following the said Practice. Penalty on exacting greater Fees.

3. 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, discontinued or withdraw 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 Supreme Court of this Province, he shall, if the Action be already commenced, before he brings the same on Trial, or if hereafter to be commenced, before the taking of the said Writ or Capias, or filing the said Bill or Declaration in Ejectment, give Bond unto the Defendant, with Security dwelling in the Province, in the Penalty of *Fifty Pounds*, upon Condition to pay the Costs of Court if cast, non-suited, discontinued or withdraw 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 Defendant's Costs, to be recovered as aforesaid. Security for Costs to be given by Non-residents.

4. AND BE IT FURTHER ENACTED, That so much of the eighth Enacting Clause in the Act, entitled, *An Act for shortening Lawsuits, and regulating the Practice of the Law*,\* as relates to that Part of it, is hereby repealed and made void.

*The Act may be seen at large in Nevill's first Vol. Fol. 58*

CHAP. LXXIX. *An Act to repeal a former Act of General Assembly of this Province, entitled, An Act for the ascertaining the Place of the Sitting of the Representatives to meet in General Assembly.* † Obsolete.

This Act sets forth, that by the above-recited Act it was Enacted, That all succeeding Assemblies should sit at *Burlington*, until it should be otherwise settled by Act of Assembly, which being contrary to the Royal Instructions, and having been found prejudicial to the Eastern Division, it was therefore enacted that the said Act should be and was thereby repealed.

CHAP. LXXX. *An Act for the Currency of the Bills of Credit, for Eleven Thousand Six Hundred and Seventy-five Ounces of Plate.* Obsolete.

CHAP. LXXXI. *An Act for the Support of the Government of His Majesty's Province of New-Jersey, for three Years.* Expired.

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CHAP.

\* Chap. LIII.

† Chap. XXV.

- Obsolete. CHAP. LXXXII. *An Act for repealing a Law, entitled, An Act to lay a Duty upon Wheat exported out of the Eastern Division of this Province to any of Her Majesty's Colonies on the Continent of America.\**
- Obsolete. CHAP. LXXXIII. *An Act to enforce the Payment of Three Hundred and Forty Ounces of Plate in the County of Burlington.*
- Obsolete. CHAP. LXXXIV. *An Act to repeal Part of an Act of General Assembly of this Province, entitled, 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.†*

This Act repeals "so much of the recited Act as relates to Hogshead Staves or laying a Duty thereon," but a new Duty is imposed in the Eastern Division by Chap. CLXXXVIII.

The last Six Acts were passed January 25, 1716-17.

- Repealed—  
supplied by  
Chap.  
DLXXXIX.  
Obsolete. CHAP. LXXXV. *An Act for the better laying out, regulating and preserving publick Roads and Highways throughout this Province.*
- Obsolete. CHAP. LXXXVI. *An Act to enable some Persons in every County of this Province to inspect the Rolls of the Assessors of the said County, which be in the Hands of the Collectors since the Year 1708.*
- Supplied and  
repealed by  
Chap.  
CLXVII.  
Private. CHAP. LXXXVII. *An Act to prevent unreasonable Burning the Woods.*
- Private. CHAP. LXXXVIII. *An Act for explaining and amending an Act, entitled, 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.‡*
- Private. CHAP. LXXXIX. *An Act to naturalize Jacob Arents, and his three Children, to wit, Nicholas Arents, Mary Arents, and Margaret Arents.*
- Private. CHAP. XC. *An Act for vesting the Lands late the Estate and Inheritance of William Hall, Esquire, late of Salem, in the County of Salem, in Trustees, to be sold and disposed of for the Payment of Debts, &c.*
- Private. CHAP. XCI. *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.*
- Expired. CHAP. XCII. *An Act for laying an Excise upon all strong Liquors retail- ed within this Colony of New-Jersey.*

This Act was limited to five Years from the first Day of March 1716-17. It laid a Duty of Twelve-pence per Gallon on all Rum, Brandy,

\* Chap. LV. † Chap. XXXVIII. ‡ Chap. XXXIV.

dy, Wine, and other Spirits retailed, under the Quantity of two Gallons ; and *Four Shillings and Six-pence* upon every Barrel of Cider so retailed, under the Quantity of five Gallons ; and for every Barrel of Beer retailed as aforesaid, *Two Shillings* ; and for every Gallon of Cider-Royal and Metheglin, *Six-pence* per Gallon ; for and towards the Support of Government ; at the Disposal of the Governor, Council and General Assembly.

These eight Acts were passed the 26th Day of *January*, 1716-17.

At a GENERAL ASSEMBLY held at Perth-Amboy from the Thirteenth Day of January 1718-19 to the Twenty-eighth Day of March 1719, in the Fifth Year of the Reign of King George the First, the following Laws were passed.

SESSION THE SECOND.

C H A P. XCIII.

*An ACT for running and ascertaining the Line of Partition or Division between the Eastern and Western Divisions 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.*

Passed March 27, 1719.

**W**HEREAS 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 Partition 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 twenty-eighth Year of the Reign of King *Charles* the second, made and executed by and between Sir *George Carteret* of *Sarum*, in the County of *Sarum*, Knight and Baronet, of the first Part ; *William Penn* of *Rickmansworth*, in the County of *Hertford*, Esquire, of the second Part ; *Gawen Lowrie* of *London*, Merchant,

Merchant, of the third Part; *Nicholas Lucas* of *Hertford*, in the County of *Hertford*, Malster, of the fourth Part; and *Edward Billinge* of *Westminster*, in the County of *Middlesex*, Gentleman, (in whom the Inheritance and Fee-simple of that undivided Part, Share and Moiety of the Province of *New-Jersey*, which did formerly belong to the Right Honourable *John Lord Berkley*, Baron of *Straton*, 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*.

How the Partition Line between East and West *New-Jersey* is to run.

*Sect. I.* BE IT THEREFORE ENACTED by the Governor, 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 and adjoining 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 for-ever 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 for-ever hereafter shall remain and be the *Western* Part, Share and Division of this Province.

2. 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;

said; 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 End 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 further to the westward of the herein and hereby Enacted and Declared Line of Division than to a certain Line heretofore run and marked out in the Year of our Lord One Thousand Six Hundred and Eighty-seven, 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 adjoining 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 North north-west fifty Minutes more westerly Course to the southwesterly 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 *Dobie's Plantation*; thence along the Rear of the said *Dobie's* Plantation, and along the Rear of the other Tracts of Land and Plantations, as they were heretofore 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 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, possessed, settled or improved, lying

The said Line to be run.

Computation to be made of the Lands taken up by the Eastern Proprietors to the westward of said Line, within a certain other Line;

Which Lands are confirmed to the said Eastern Proprietors and Purchasers under them,

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 further to the westward of the said Line of Partition than is hereby before limited and expressed, shall be and remain to the Patentees, Vendees, Possessors or Claimers of the same, their Heirs and Assigns for-ever, without any Let, Hindrance, Molestation or Eviction by any of the General Proprietors of the *Western Division* of this Province, their Heirs or Assigns for-ever. And the said Patentees, Vendees, Possessors or Claimers of any the said Tracts, Parcels or Quantities of Land aforesaid, their Heirs and Assigns for-ever, 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 anywise notwithstanding.

A Computation to be made of the Amount of the Lands taken up by the *West Jersey* Proprietors on the *East* Side of the Partition Line;

If the Land taken up on the wrong Side by each be equal, it is to be held in Fee, by each.

*East Jersey* Proprietors to give an Equivalent if they have too much.

3. 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 for-ever, 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

vifion and Quit-Rent Lands) or out of any unfurveyed Lands in the faid *Eastern Divifion*, in fuch Tracts as fhall be thought fit, the full Quantity of fuch Exceeding, in the moft juft and equal Manner; which Lands fo taken fhall be an Equivalent to the Proprietors of the *Western Divifion*, and fhall be held by them, or fuch of them as fhall take up the fame, and by their Heirs and Affigns for-ever, notwithstanding any Survey formerly made thereon, and notwithstanding the faid Lands, or fome of them, may prove to be fuate on the eastern Side of the Partition Line hereby Enacted and Declared as fully and amply, to all Intents and Purpofes, as if the fame had never before beenurveyed to any other Perfon, or were fuate on the western Side of the Partition Line herein before Enacted, any Law, Ufage or Custom to the contrary in anywife notwithstanding. But in cafe it fhall fo happen that, upon the aforefaid 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 Divifion* to the eastward of the Line of Partition herein and hereby Eftablifhed and Declared, fhall be found to exceed the Quantity or Number of Acres contained within that Tract herein before defcribed and allowed to have been taken up by or in Right of the Proprietors of the *Eastern Divifion*, to the westward of their faid Line of Partition; then, and in fuch Cafe, there fhall be taken and cut off from all or any of thofe Tracts and Parcels of Land which have beenurveyed or taken up by or in Right of the Proprietors of the *Western Divifion*, either on the East or West Side of the faid 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 Divifion*, or out of any unfurveyed Lands within the faid *Western Divifion*, in fuch Tracts as fhall be thought fit, the full Quantity of fuch Exceeding, in the moft juft and equal Manner; which Lands fo taken fhall be an Equivalent to the Proprietors of the *Eastern Divifion*, and fhall be held by them, or fuch of them, as fhall take up the fame, and by their Heirs and Affigns for-ever, notwithstanding any survey formerly made thereon, and notwithstanding the faid Lands, or fome of them, may prove to be fuate on the western Side of the Partition Line herein Enacted and Declared, as fully and amply, to all Intents and Purpofes, as if the fame had never before beenurveyed to any other Perfon, or were fuate on the eastern Side of the Partition Line herein before Enacted, any Law, Ufage or Custom to the contrary hereof in anywife notwithstanding.

*West-Jersey*  
Proprietors  
having too  
much, to  
give an Equi-  
valent to *East-*  
*Jersey* Propri-  
etors.

4. PROVIDED ALWAYS, AND BE IT ENACTED by the Authority aforefaid, That no Tract or Tracts of Land, on which any Settlement and Improvement hath been made, fhall be taken as aforefaid, or applied to make good fuch Exceeding, or any Part thereof; but that all and every fuch Tract and Tracts or Parcels of Land, taken up by any of the Proprietors of the *Western Divifion*, on the East Side of the aforefaid Line of Partition, on which Tract or Tracts any Settlement or Improvement is made, fhall be held by the Poffeffors or Owners thereof, their Heirs and Affigns, as fully and amply to all Intents and Purpofes whatsoever, as if fuch Tract and Tracts had been taken up on the West Side of the faid Line of Partition, and not otherwife. And all and every fuch Tract and Tracts or Parcels of Land, taken up by any of the Proprietors

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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.

Any Eastern Proprietor may locate his Land with western Rights and hold it.

5. 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.

Proprietors of *West-Jersey* allowed the same Privilege.

6. 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.

On Computation made, if the eastern Proprietors have taken too much, the Equivalent to be surveyed by the eastern Surveyor-General and recorded.

7. 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 Managers 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's*, on the East Side of the

Western Proprietors having too much, an Equivalent to be made the Eastern.

the

the herein and hereby Enacted Line of Partition, the Surveyor-General of the *Western Division*, or his Deputy, and Commissioners or Managers 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 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 for-ever barred of claiming any other Lands in Right of such Exceeding, any Thing herein contained to the contrary notwithstanding.

8. 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*, and 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 for-ever 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 for-ever 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.

9. AND, for the more effectual doing of Justice to such Proprietors who shall be entitled 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,

Lands to the westward of said Line surveyed to the eastern Proprietors, with the Equivalent, to be a Part of *East-Jersey*.

And those on the east Side to belong to *West-Jersey* :

Surveys made before such Computation liable to be vacated except One Hundred Acres to one Person.

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 entitled 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 entitled to hold the same to him, his Heirs and Assigns forever, as if no such former Survey had been made thereon.

Surveyors-General of East and West-Jersey to keep an Office at Perth-Amboy and Burlington.

All Surveys to be recorded and declared good Evidence, &c.

The Surveyors General authorized to sue for Maps, Draughts, Books, &c.

Such as belong to private Persons to be re-delivered when copied. Surveyors-General to give Security.

10. 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 Majesty's Courts of Judicature within this Province. And the said Surveyor and Surveyors General is and are hereby authorized and empowered 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 situate, excepting such Books of Surveys as he shall recover belonging to the *Eastern Division*, which, upon Recovery, he shall forthwith deliver into the Recorder's Office of the said Division, there to be kept for publick Use and View. PROVIDED 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 Governor, or to the Governor 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.

11. AND

11. AND WHEREAS great Inconveniencies have happened by the making and not recording of Surveys, whereby many have not only got Lands surveyed 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, duly recorded, either in the Recorder's Office, or in the Surveyor-General's Record, of the respective Division in which such Lands are surveyed, be for-ever here-ter void and of none Effect;\* and any succeeding Survey, duly made thereof and recorded, shall be as good and sufficient as if no former Survey had been made.

Time limited  
to record  
Surveys, or  
be void.

12. AND, to the End that the good Intention and Design as well of a certain Act or Law passed this present Session of Assembly, entitled, *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 Managers appointed, and accordingly *John Hamilton, David Lyell, George Willocks* and *John Harrison*, Esquires, all of the said *Eastern Division*, are hereby appointed to be Commissioners or Managers 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, Thomas Lambert* and *John Reading*, Esquires, 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*

Money to be  
raised by the  
Proprietors of  
each Division  
for running  
the said Line,  
&c.

Commission-  
ers appointed  
on both  
Sides.

\* 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 Mischiefe or Remedy of the Act.

Times appointed to meet and fix the Sums to be raised.

The major Part of the Commissioners to raise the same, and how.

Sales made by the said Commissioners for the Uses aforesaid to be valid.

The Money so raised in East-Jersey to be first applied to running a Line between this Province and New-York.

*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 Managers 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 Managers for the *Western Division*, or the major Part or Survivor of them, after the said respective Sums, and the Manner of raising of 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 Managers 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. PROVIDED ALWAYS, That the Managers 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 being found necessary to make Sale of any of the said General Proprietor's Lands in either Division, for raising such Sum or Sums respectively as aforesaid, or any Part of the same, every such Sale or Conveyance made by the said Commissioners or Managers, or by the major Part or Survivor of them respectively in each Division, shall be as absolute, valid 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 Managers 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 and Managers of the *Eastern Division*, or the major Part or Survivor of them, by and with

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 Managers 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 empowered 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 Managers aforesaid, shall, yearly and every Year, fairly state their Accounts, and deliver them into 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 entitled 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.

Commissioners, &c. in each Division to appoint Surveyors to run the Line.

Commissioners to account for the Money.

13. PROVIDING ALWAYS, That in case any of the Commissioners or Managers aforesaid before-named shall die, or refuse to accept, then and in that Case, if he be of the *Eastern Division*, His Excellency the Governor for the Time being, and if of the *Western Division*, those called the Council of Proprietors, are hereby empowered 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 Managers herein named.

Commissioners dying or refusing to act, how to be supplied.

C H A P. XCIV.

*An ACT to prevent Clandestine Marriages.*

Passed March 27, 1719.

**W**HEREAS of late Years several young Persons have been, by the wicked Practices of evil disposed Persons, and their Confederates, enticed, inveigled and deluded, led away and clandestinely married, which has often been to the Ruin of the Parties so married, 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 ;

Preamble.

*Sec̄t. I.* 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, from and after the Publication of this Act, no License shall be given to marry any Person under the Age of One and Twenty Years, until

Persons under Age not to be licensed without Consent of Parents, &c. certified.

P

until

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 registered 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.

Penalty on Officers granting Licenses without such Certificate.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That any Person or Officer that now is or hereafter shall be appointed by the Governor or Commander in Chief, for the Time being, to give out License 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 Majesty's Plantations in *America*, to be recovered by Action of Debt, with Cost of Suit, by the Parent, Guardian or Person under whose Care any Person married by Virtue of such License shall be, in the Supreme Court within this Province, in which there shall be no Essoine, 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 join Persons together in the holy Bands of Matrimony, who shall join any Persons together in Marriage, not having a License 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 join 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 joined 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, Complaint or Information, in any of His Majesty's Courts of Record within this Province.

Penalty on Ministers, &c. marrying Infants by a License not mentioning such Certificate, and without Publication of the Bands.

Any Person under Age applying for a License, and offering a Certificate, is to prove the same.

3. AND, for the more effectual preventing Frauds in the obtaining Licenses for Marriage; BE IT ENACTED *by the Authority aforesaid*, That every Person under the Age of Twenty-one Years as aforesaid, praying a License to be married, and producing a Certificate as by this Act is directed, shall, before he or she obtains such License, 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,

ed, 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 empowered to give out Licenses as aforesaid is hereby empowered, directed and required to administer: And the Person or Persons, so praying a License as aforesaid, shall also, before the obtaining such License, enter into Bond to His Excellency Brigadier *Robert Hunter*, Esquire, now Governor of this Province, or to the Governor 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 penal Sum of *Five Hundred Pounds*, lawful Money of His Majesty's Colonies and Plantations in *America*, on the Conditions following, *Videlicet*.

And enter into Bond to the Governor.

**T**HE 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 produced and sworn to, or having 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, entitled, 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 joined 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.

Form of the Condition.

Which Bond shall be and remain in the Secretary's Office of this Province, to be produced as Occasion shall require.

4. 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 License 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 Supreme 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 empowered 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 anywise notwithstanding.

Bond may be sued by Parents, &c.

Security for Costs.

5. AND,

How Persons  
may marry  
by Advertis-  
ment of In-  
tentions  
without Li-  
cense.

Penalty on  
Clerks giving  
Certificates,  
knowing of  
Parents Dis-  
sent.

5. 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 Governor, 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 License, but intending to publish their Intentions of Marriage, in order to their being lawfully joined 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 administered 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 Clerk's 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 join 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 consummated, 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 join the said Persons together in the holy Bands of Matrimony, unless the said Persons so intending to be married and published as aforesaid, produce a License 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

lawful Money aforesaid, any Thing in this or any other Act to the contrary hereof in anywise notwithstanding.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Persons, published as before directed, shall be joined 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 Supreme Court of this Province, or in any the Inferior 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 before-mentioned, 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.

Bond so given to the Clerk, may be put in suit if Consent of Parents was not had.

7. 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 Majesty's Kingdom of *Great-Britain*, are or shall be prohibited.

This Act to prohibit none who by Law might marry.

8. PROVIDED ALWAYS, That it shall and may be lawful for all or any religious Societies in this Province to join 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 anywise notwithstanding.

Religious Societies may marry in their way with Consent of Parents, &c.

C H A P. XCV.

*An ACT for the preserving of Oysters in the Province of New-Jersey.\**

Passed March 27, 1719.

**W**HEREAS it is found by daily Experience, that the Oysterbeds 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;

Preamble.

*Sec̄. 1.* BE IT THEREFORE 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 shall rake or gather up any Oysters or Shells from and off any Beds within the said

Time of gathering Oysters.

Q

\* See Chap. DCXXIV.

faid Province, from the tenth Day of *May* to the first Day of *September*, yearly and every Year, after the Publication hereof.

What Vessels  
to carry  
them ;

others to be  
forfeited.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Person or Persons whatsoever, not residing within this Province, from and after Publication hereof, shall not, directly or indirectly, rake or gather up any Oysters or Shells within this Province, and them put on board any Canoe, 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 Canoe, 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 thereunto belonging.

Authority  
given to cer-  
tain Persons  
to execute  
the Act.

3. 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 Canoe, 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 Majesty's Service, together with all and every the Oysters, Shells, Oyster-rakes, Tongs, Tackle, Furniture and Apparel thereunto belonging.

The Persons appointed being all dead, it is thought improper to swell the Volume by inserting their Names.

Governor to  
appoint  
others.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the abovesaid Persons, and any others whom His Excellency the Governor, or Commander in Chief for the Time being, shall appoint for the executing of this Act, shall and may at all Times and Places, as he or they shall think fit, require and command, in His Majesty's 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.

Seizures how  
to be pro-  
ceeded a-  
gainst, and  
applied.

5. 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 aforesaid, in Manner and Form aforesaid, the said Person or Persons shall immediately inform two of His Majesty's Justices of 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 any other Person, shall give Judgment against and condemn the same, one Half to His Majesty, for and towards the Support of the Government of this Province, and the other Half to the Person who shall seize and prosecute the same at his own Costs and Charges.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Vessel so seized, tried and condemned as aforesaid, with all Things there-

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 of the Eastern Division if seized and condemned, and to the Treasurer of the Western Division if seized and condemned, for the Time being, for and towards the Support of His Majesty's Government of this Province, and the other half Part to his own Use for his Trouble, Costs and Charges as aforesaid.

Vessels seized and condemned, to be sold, &c.

7. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Masters, Seamen or other Person, on Board any Canoe, Peri-auger, 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 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 in anywise notwithstanding.

Penalty on Persons resisting.

## C H A P. XCVI.

## An ACT to prevent Mistakes and Irregularities by Assessors and Collectors.

Passed March 28, 1719.

Sect. 1. **B**E IT 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 hereof, all Money to be raised in the several and respective Counties in this Province, for building or repairing Gaols and Courthouses, 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, entitled, *An Act for the more regular choosing and electing Assessors and Collectors in the respective Towns and Counties in this Province*,\* and no other Ways, any Thing contained in an Act, entitled, *An Act for raising of Money for building and repairing of Gaols and Courthouses within each respective County in this Province*,† or in any other Act, to the contrary hereof in anywise notwithstanding.

Money for the Use of the County how to be raised.

2. 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 Gaols and Courthouses, or for any publick Service of the said County or Counties, and gathered in Manner aforesaid, that it shall be paid by the 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 Freeholders chosen according to the said Act of General Assembly of this Province,

Money raised, to whom to be paid, and how applied.

\* Chap. LXXVII.

† Chap. XXXVII.

vince, entitled, *An Act for raising of Money for building and repairing Gaols and Courthouses 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, entitled, *An Act for the more regular choosing 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.

Fees.

Penalty for Neglect.

Repeal of Part of a former Act.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That that Part of the aforesaid Act, entitled, *An Act for raising Money for building and repairing of Gaols and Courthouses 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.

## C H A P. XCVII.

*An ACT to establish a Road laid out from the River Passaick, in the County of Bergen, between the Farms of Jacob Walense Van Winkle and Johannes Walense Van Winkle, through the Land of Jacobus Van Ostrand to Passaick River.*

Passed March 28, 1719.

Preamble.

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 Farms of *Johannes Walense Van Winkle* and *Jacob Walense Van Winkle*, and running up the Line that is betwixt the said Farms and through 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 People by a final Determination of the same;

*Sec̄t. I.* BE IT ENACTED by the Governor, 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 Rods wide by the Surveyors of the Highways of said County of *Bergen*, Videlicet, *Paulus Van der Beek*, *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*

*Winkle* and *Jacobus Walense Van Winkle*, and running along the Lane and over the Causeway or Bridge to the northeast 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, shall be and remain the publick Road; and that the other Road, pretended to be laid out through the Land of said *Jacob Walense Van Winkle*, along the Bank of *Passaick* River, shall and is hereby declared null and void to all Intents and Purposes whatsoever.

2. 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 anywise notwithstanding.

CHAP. XCVIII. An Act for the Support of the Government of His Majesty's Province of New-Jersey for two Years, to commence from the Twenty-third of September last past, and to end the Twenty-third of September 1720. Expired.

CHAP. XCIX. An Act for running, and ascertaining the Division Line betwixt this Province and the Province of New-York. Obsolete.

CHAP. C. An Act for the building, rebuilding, repairing or amending, of Bridges in the respective Towns and Precincts within this Province. Supplied—repealed by Chap. DLXXXIX.

The last three Acts were passed the 27th of March, 1719.

CHAP. CI. An Act to restrain Tavernkeepers and Retailers of strong Liquors from crediting any Person more than Ten Shillings. Supplied and repealed by Chap. CLVIII.

CHAP. CII. An Act to restrain extravagant and excessive Interest.

This Law fixed the Rate of Interest at Eight Pounds per Cent, and was repealed by Chap. CLXI, which lowered it to Seven Pounds per Cent, and by Chap. DXCIII it is now reduced to Six Pounds per Cent per Annum. Repealed—supplied by Chap. DXCIII.

CHAP. CIII. An Act to enforce the due Administration of the Estate of Captain John Bown, deceased, late of the County of Monmouth, and Province of New-Jersey. Private.

CHAP. CIV. 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. Private.

These four Acts were passed the 28th of March, 1719.

## At a GENERAL ASSEMBLY held at

Perth-Amboy from the Seventh Day of March 1721-2 to the Fifth Day of May 1722, in the Eighth Year of the Reign of King George the First, being the Eighth Assembly of New-Jersey, the following Laws were passed.

### SESSION THE FIRST.

WILLIAM BURNET, Esquire, Governor.

C H A P. CV.

An ACT for the Security of His Majesty's Government of New-Jersey.

Passed May 5, 1722.

Preamble.

**W**HEREAS some Persons in this Province, disaffected to His Majesty's Person and Government, propagate their pernicious Principles, to the great Hurt of His Majesty's faithful and loyal Subjects inhabiting within the same: And by Reason of their Intermeddling 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;

Authority given to tender the Oaths, &c.

*Sect. I.* BE IT THEREFORE ENACTED by the Governor, 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 Governor, 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 tendered, shall neglect or refuse to take and make the same, such Justices or other Person or Persons, specially to be appointed as aforesaid, tendering the said Oaths, shall certify the Refusal thereof to the next Supreme 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 Supreme 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.

Persons refusing to take them to be held Popish Recusants.

2. 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 EN-

ACTED

ACTED by the Authority aforesaid, That it shall and may be lawful unto and for two or more Justices of the Peace, or any other such Person or Persons who shall be by the Governor or Commander in Chief of this Province for the Time being, for that Purpose specially appointed, by an Order signed by the said Governor 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, *Videlicet* ;

Persons may be summoned to take the Oaths, &c.

**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.

Oath of Allegiance.

**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, Pre-eminence or Authority, Ecclesiastical or Spiritual, within the Realm of Great-Britain. So help me God.

Oath of Supremacy.

**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 do believe in my Conscience, that the Person\* pretended 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 Style 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 Style 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, entitled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject, is and stands limited to the Princess Sophia, Electress 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 Sense and Understanding of the same Words, without

Abjuration Oath.

\* By an Act of Parliament in the sixth Year of GEORGE III, this Oath is altered to exclude the Descendants of the Pretender.

out any *Equivocation, mental Evasion, or secret Reservation whatsoever. And I do make this Recognition, Acknowledgment, Abjuration, Renunciation and Promise, heartily, willingly and truly, upon the true Faith of a Christian. So help me God.*

The Declara-  
tion.

**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 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 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 dispense with or annul the same, or declare that it was null and void from the Beginning.

Persons sum-  
moned to  
subscribe  
their Names  
thereto.

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 Person 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 Supreme 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 of any Person, so summoned 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 Supreme Court aforesaid, the Names of the Persons so certified being first publicly 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 is 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,

Mode of pro-  
ceeding,  
against Per-  
sons refusing,  
to convict  
them.

faid, 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 anywise notwithstanding.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That any Person or Persons whatsoever, that shall be brought before the Governor, 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 Supreme 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.

Persons refusing before the Governor, &c. to be bound over.

4. AND WHEREAS the intermeddling 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 Governor, Council or Representatives, in General Assembly met and convened, is a high Misdemeanor and Contempt of His Majesty's 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 Governor, 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 had and obtained as aforesaid, shall, for every such Offence, be forthwith prosecuted to Effect according to Law for such his Contempt and Misdemeanor.

Persons so convicted, intermeddling with publick Affairs, to be prosecuted.

5. 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 Supremacy, 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 Person's having some new Office or Employment, 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.

This Act not to extend to such who have taken the Oaths, &c.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Person, being out of the Province at the Time of such Summons  
S  
being

Absent Persons summoned, when to take the Oaths, &c.

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.

This Act not to extend to Dissenters who for Conscience refuse to swear.

7. 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 Governor, Council and General Assembly, That neither this Act, nor any Thing herein contained, shall be construed or taken to extend to such Protestant Dissenters 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.

Persons convicted, after taking the Oaths, &c. to be discharged.

8. 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 Supreme Court for the Time being, in open Court, or before the Governor 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 Governor 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 anywise notwithstanding.

#### C H A P. CVI.

### *An ACT for preventing Multiplicity of Lawfuits.*

Passed May 5, 1722.

Preamble.

WHEREAS many vexatious Suits have been brought by troublesome and litigious Persons, when, upon just Balance of Accounts, there has been Nothing due, or perhaps the Plaintiff overpaid, there being no Law empowering Justices and Juries in such Cases to balance Accounts, the Defendant can have no Remedy but by cross Action; for Prevention whereof,

SECT. I. BE IT THEREFORE ENACTED by the Governor, 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

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 Trial for his Discharge, by any Bond, Bill, Receipt, Account or Bargain, so given Notice of, in Evidence, or else for-ever after be barred 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 overpaid, 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 anywise notwithstanding.

Mutual Dealers may plead Payment and discount.

Defendant having over paid, the Jury to certify how much, and a Scire Facias to issue.

CHAP. CVII. *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 1720, and to end the twenty-third Day of September 1725.*

Expired.

CHAP. CVIII. *An Act for settling the Militia of this Province.*

This Act was limited to seven Years.

Expired—  
supplied by  
Chap. CXLIV.

CHAP. CIX. *An Act to prevent killing of Deer out of Season, and against carrying of Guns and Hunting, by Persons not qualified.*

Repealed—  
supplied by  
Chap. DXL.

CHAP. CX. *An Act for recovering the Debts of Isaac Emanel, late absconded.*

Private.

These four Acts were passed May the 5th, 1722.

At

At a GENERAL ASSEMBLY held at Burlington from the Twenty-seventh Day of September to the Thirtieth Day of November 1723, in the Tenth Year of the Reign of King George the First, the following Laws were passed.

SESSION THE SECOND.

Expired. CHAP. CXI. *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.*

This is the first Loan-Office Act passed in the Province; the Monies were lent at *Five Pounds* per Cent on a twelve Years Credit; the Interest was applied towards sinking the Bills; and the Remainder of the Monies principally to the Support of Government.

Obsolete. CHAP. CXII. *An Act concerning the Duty of the Commissioners appointed to manage the Loan-Offices in the respective Counties of this Province, and 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.*

Part repealed by Chap. CXLI. and the rest obsolete. CHAP. CXIII. *An Act for the better and more effectual putting in Execution an Act of Assembly of this Province, made in the twelfth and thirteenth Years of the Reign of Her late Majesty Queen Anne, entitled, An Act for regulating Fences.\**

This Act was printed in *Nevill's* first Volume, but for what Reason does not appear—It extended the Words of the recited Act to include Sheep, and subjected them to be impounded under certain Regulations; but Chap. CXLI repealed that Act, and excepted Sheep in all but Partition Fences, which, by the third Section, are to be made so close as to turn Sheep—Hence it is clear this Act was thereby repealed. The latter Part of the Law, declaring a *Pound* in *Burlington*, (long since gone to Decay) to be a lawful one, is now useless.

Private. CHAP. CXIV. *An Act for naturalizing John Lewis, of the County of Hunterdon.*

Private. CHAP. CXV. *An Act for naturalizing Cornelius Tompson.*

These Acts were passed the 30th of *November*, 1723.

\* Chap. LX.

At a GENERAL ASSEMBLY held at

Perth-Amboy from the Twenty-fifth Day of May to the Thirteenth Day of August 1725, in the Eleventh and Twelfth Years of the Reign of King George the First, the following Laws were passed.

SESSION THE THIRD.

C H A P. CXVI.

*An ACT for the better Regulation 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 Privileges of the People, and the true Intent and Meaning of this Act.*

Passed Aug. 13, 1725.

*Sect. I.* **B**E IT ENACTED by the Governor, 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 forthwith give publick Notice of the Day and Place of Election, by putting 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 and 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, *Videlicet*;

Notice to be given of the Time and Place of Election.

Clerks of the Poll.

Sheriff to give Copies of such Poll, if required.

**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 Vote 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.

Elector's Oath.

T

Or

Quakers to  
take an Af-  
firmation.

Or if *Quaker*, the Attestation or Affirmation to the same Effect. And all fraudulent Conveyances of Land to multiply Votes or to qualify Voters at Elections, subject to an 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.

Penalty on  
Sheriff, &c.  
misbehaving.

Application  
thereof.

2. AND BE IT FURTHER 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 and Successors, 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 Costs of Suit, to be recovered in any Court of Record in this Province, by Action of Debt, Bill, Plaint or Information, where no Essoine, Protection or Wager of Law, shall be allowed, nor more than one Impar lance.

Bribery and  
Corruption  
prohibited.

3. 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 Engagement, 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.

Punishment  
thereon.

4. 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.

Penalty on  
slandering  
the Candi-  
dates.

5. 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 or Message or Writing, or in any other Manner, endeavour to frighten, or by indirect Means persuade any Elector to give, or dissuade 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 Half 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 Essoine, Protection, Privilege or Wager of Law, or more than one Impar lance shall be allowed.

C H A P.

## C H A P. CXVII.

An ACT to ascertain the Size of Casks, and the Standards of Weights and Measures, and to empower 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.

Passed Aug. 13, 1725.

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 Balance, one true and perfect Standard for Measures; for Want whereof, Experience shews that many Frauds and Deceits have happened: For Remedy of which,

Preamble.

The first, second and third Sections of this Law relating to the Packing and Repacking of Beef and Pork, and to tight Casks only, are supplied and repealed by Chap. DXCIX.

4. 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 Balance, one certain Standard for Weights, *that is to say*, for *Avoirdupois* 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 Governor 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 Letters *G. R.* that the same may be known throughout 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 Privileges as doth of Right to them belong or appertain; any Thing herein contained to the contrary hereof in anywise notwithstanding.

Standard for Weights and Measures appointed.

Governor to appoint fit Persons to seal Weights, &c.

Fees.

5. 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, Essoine or Wager of Law, shall be allowed, or any more than one Imparlance, and shall be applied 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

Application of the Penalties.

where the same shall happen, provided the same be prosecuted within the Space of three Months, and not otherwise.

*The Act may be seen at large in Nevill's first Vol. Fol. 139.*

- Expired. CHAP. CXVIII. *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 1725, and to end the twenty-third Day of September 1730.*
- Expired. CHAP. CXIX. *An Act to lay a Duty on Wheat, Wheatmeal, Staves and Headings of all Sorts, and Bolts whereof Staves or Heading may or can be made.*
- Supplied and repealed by Chap. CXXIV. CHAP. CXX. *An Act prescribing the Forms of Declaration of Fidelity, Abjuration and Affirmation, instead of the Forms heretofore required in such Cases.*
- Obsolete. CHAP. CXXI. *An Act concerning the Appointment of Commissioners of the Loan-Offices, and concerning the sinking of Four Thousand Pounds of Bills of Credit.*

The last four Acts were passed the 13th of August, 1725.

## At a GENERAL ASSEMBLY held at

Perth-Amboy from the Ninth Day of December 1727 to the Tenth Day of February 1727-8, in the first Year of the Reign of King George the Second,\* being the Ninth Assembly of New-Jersey, the following Laws were passed.

SESSION THE FIRST.

CHAP. CXXII.

*An ACT for the Limitation of Actions, and for avoiding Suits in Law.*

Passed Feb. 10, 1727-8.

Preamble. **F**OR quieting Mens Estates, and avoiding of Suits ;

Statutes of Limitation in England extended here. *Sect. I. 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 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 anywise notwithstanding.‡*

CHAP.

\* He succeeded to the Crown the eleventh Day of the Month then called the Fourth (June) 1727.

‡ As many who are not Lawyers, to whom this Book may be useful, do not know the Contents of the Statutes hereby meant and intended, those which affect us, or the material Parts of them, are as follow :

## C H A P CXXIII.

An ACT for preventing malicious Prosecutions on Indictments, and other Suits of the Crown, and rectifying sundry Abuses in the Proceedings thereon.

Passed Feb. 10, 1727-8.

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 Trial 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 Inconveniencies for the Future, We, the House of Representatives of the Province of *New-Jersey*, do pray that it may be Enacted;

Preamble.

Sec.

FIRST, The 32d of Henry VIII. Chap. II. passed in 1541, by the 1st Section of which it is Enacted, "That no Person shall from thenceforth sue, have or maintain any Writ of Right, or make any Prescription, Title or Claim to or for any Manors, Lands, Tenements, Rents, Annuities, Commons, Pensions, Portions, Corodies, or other Hereditaments of the Possession of his or their Ancestor or Predecessor, and declare and alledge any further Seisin or Possession of his or their Ancestor or Predecessor, but only of the Seisin or Possession of his Ancestor or Predecessor, which hath been or now is, or shall be seized of the said Manors, Lands, Tenements, Rents, Annuities, Commons, Pensions, Portions, Corodies or other Hereditaments, within threescore Years next before the *Teste* of the same Writ, or next before the said Prescription, Title or Claim so hereafter to be sued, commenced, brought, made or had."—Section 2. Enacts, "That no Manner of Person shall sue, have or maintain any Assize of Mortaucester, Cosenage, Ayle, Writ of Entry upon Disseisin done to any of his Ancestors or Predecessors, or any other Action possessory upon the Possession of any of his Ancestors or Predecessors, for any Manors, Lands, Tenements or other Hereditaments, of any further Seisin or Possession of his or their Ancestor or Predecessor, but only of the Seisin or Possession of his or their Ancestor or Predecessor, which was or hereafter shall be seized of the same Manors, Lands, Tenements or other Hereditaments, within fifty Years next before the *Teste* of the Original of the same Writ hereafter to be brought."—Section 3. Enacts, "That no Person shall sue, have or maintain any Action for any Manors, Lands, Tenements, or other Hereditaments of or upon his or their own Seisin or Possession therein, above thirty Years next before the *Teste* of the Original of the same Writ hereafter to be brought."—Section 4. Enacts, "That no Person shall hereafter make any Avowry or Cognizance for any Rent, Suit or Service, and alledge Seisin of any Rent, Suit or Service in the same Avowry or Cognizance in the Possession of any other, whose Estate he shall pretend or claim to have, above fifty Years next before the making of the said Avowry or Cognizance."—Section 5. Enacts, "That all Formedons in Reverter, Formedons in Remainder, and Scire Facias upon Fines of any Manors, Lands, Tenements or other Hereditaments, at any Time hereafter to be sued, shall be sued and taken within fifty Years next after the Title and Cause of Action fallen, and at no Time after the fifty Years passed."—Section 6. Enacts, "That if any Person or Persons do sue any of the said Actions or Writs for any Manors, Lands, Tenements, or other Hereditaments, or make any Avowry, Cognizance, Prescription, Title or Claim, of or for any Rent, Suit, Service, or other Hereditaments, and cannot prove that he or they, or his or their Ancestors or Predecessors were in actual Possession or Seisin of and in the same Manors, Lands, Tenements, Rents, Suits, Services, Annuities, Commons, Pensions, Portions, Corodies, or other Hereditaments, at any Time or Times within the Years before limited and appointed in this present Act, and in Manner and Form as is aforesaid, if the same be traversed or denied by the Party Plaintiff, Demandant or Avowant, or by the Party Tenant or Defendant; that then, and after such Trial therein had, all and every such Person and Persons, and their Heirs, shall from thenceforth be utterly barred for-ever of all and every the said Writs, Actions, Avowries, Cognizance, Prescription, Title or Claim hereafter to be sued, had or made, of and for the same Manors, Lands, Tenements, Hereditaments, or other the Premises, or any Part of the same, for the which the same Action, Writ, Avowry, Cognizance, Prescription, Title or Claim, hereafter shall be at any Time had, sued or made."—Section 8. provides and Enacts, "That if any Person or Persons now being within the Age of twenty-one Years, or covert Baron, or in Prison, or out of this Realm of *England*, now having Cause to have, sue, commence, make or bring any of the said Writs or Actions, or to make any Avowries, Cognizance, Prescrip-

Defendant  
acquitted, to  
pay no Cofts.

*Seçt. I.* AND BE IT ENACTED by the Governor, 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 Cofts, 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.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That where several Persons already are, or hereafter may be jointly indicted for

“ tions, Titles or Claims, that it shall be lawful to such Person and Persons, to sue, commence or bring any of the said Writs or Actions, or make any of the said Avowries, Cognizances, Prescriptions, Titles or Claims, at any Time within six Years next after such Person or Persons shall accomplish the Age of one and twenty Years, be sole, be set at his Liberty, or come and be within this Realm. And that every such Person and Persons in their said Actions, Writs, Avowries, Cognizances, Prescriptions, Titles or Claims to be made, sued or commenced within the said six Years, shall alledge within the said six Years the Seisin of his or their Ancestors or Predecessors, or of his own Possession, or of the Possession of those whose Estate he shall then claim: And also within the same six Years shall have all and every like Advantages to all Intents and Purposes in the same as he or they might have had before the making of this Act.”—The 9th and 10th Sections provide for the Relief of the Heirs of Infants, Feme-Coverts, Persons in Prison or out of the Realm, if the Ancestor dies before Judgment obtained, or the Suit of such Ancestor abate.

SECOND, The 31st of *Eliz.* Chap. V. passed in 1589, by the 5th Section of which it is Enacted, “ That all Actions, Suits, Bills, Indictments or Informations, which shall be brought for any Forfeiture upon any Statute Penal, made or to be made, whereby the Forfeiture is or shall be limited to the Queen, her Heirs and Successors only, shall be brought within two Years after the Offence committed, and not after two Years; and that all Actions, Suits, Bills or Informations, which shall be brought for any Forfeiture upon any penal Statute, made or to be made, except the Statutes of Tillage, the Benefit and Suit whereof is or shall be by the said Statute limited to the Queen, her Heirs or Successors, and to any other that shall prosecute in that Behalf, shall be brought by any Person that may lawfully sue for the same within one Year next after the Offence committed; and in Default of such Pursuit, that then the same shall be brought for the Queen’s Majesty, her Heirs or Successors, any Time within the two Years after that Year ended; and if any Action, Suit, Bill, Indictment or Information, shall be brought after the Time so limited, the same shall be void.”—And by Section 6. it is provided, “ That where a shorter Time is limited by any penal Statute, the Prosecution shall be brought within that Time.”

THIRD, The 21st of *James I.* Chap. XVI. passed in 1623, for quieting Mens Estates, and avoiding Suits.—By the first Section of which it is Enacted, “ That all Writs of Formedon in Descender, Formedon in Remainder, Formedon in Reverter, of any Manors, Lands Tenements or other Hereditaments whatsoever, at any Time hereafter to be sued or brought by Occasion or Means of any Title, or Cause hereafter happening, shall be sued and taken within twenty Years next after the Title and Cause of Action first descended or fallen, and at no Time after the said twenty Years; and that no Person or Persons shall at any Time hereafter make any Entry into any Lands, Tenements or Hereditaments, but within twenty Years next after his or their Right or Title, which shall hereafter first descend or accrue to the same; and in Default thereof, such Persons so not entering, and their Heirs, shall be utterly excluded and disabled from such Entry, after to be made.”—Section 2. provides, “ That if any Person or Persons that is or shall be entitled to such Writ or Writs, or that hath or shall have such Right or Title of Entry, be or shall be at the Time of the said Right or Title first descended, accrued, come or fallen, within the Age of one and twenty Years, Feme-Covert, Non Compos Mentis, imprisoned, or beyond the Seas; that then such Person and Persons, and his and their Heir and Heirs, shall or may not-

for one and the same Offence, and shall be thereof legally convicted, yet nevertheless, the Cost of such Prosecution 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.

On joint Indictments for one Offence, the Costs to be jointly taxed.

## C H A P. CXXIV.

*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.*

Passed Feb. 10, 1727-8.

**W**HEREAS 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

Preamble.

“withstanding the said twenty Years be expired, bring his Action, or make his Entry, as he might have done before this Act; so as such Person and Persons, or his or their Heir and Heirs, shall within ten Years next after his and their full Age, Discoverture, coming of sound Mind, Enlargement out of Prison, or coming into this Realm, or Death, take Benefit of and sue forth the same, and at no Time after the said ten Years.”—Section 3. Enacts, “That all Actions of Trespass Quare Clausum Fregit, all Actions of Trespass, Detinue, Actions sur Trover, and Replevin for taking away of Goods and Cattle, all Actions of Account, and upon the Case, other than such Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants, all Actions of Debt grounded upon any Lending or Contract without Specialty, all Actions of Debt for Arrearages of Rent, and all Actions of Assault, Menace, Battery, Wounding and Imprisonment, or any of them, which shall be sued or brought at any Time after the End of the then Session of Parliament, shall be commenced and sued within the Time and Limitation herein after expressed, and not after; *That is to say*, The said Actions upon the Case, other than for Slander; and the said Actions of Account; and the said Actions for Trespass, Debt, Detinue, and Replevin for Goods or Cattle; and the said Action of Trespass Quare Clausum Fregit, within six Years next after the Cause of such Actions or Suit, and not after; and the said Actions of Trespass of Assault, Battery, Wounding, Imprisonment, or any of them, within four Years next after the Cause of such Actions or Suit, and not after; and the said Action upon the Case for Words, within two Years next after the Words spoken, and not after.”—By Section 4. it is “nevertheless Enacted, that if in any the said Actions or Suits Judgment be given for the Plaintiff, and the same be reversed by Error, or a Verdict pass for the Plaintiff, and upon Matter alledged in Arrest of Judgment, the Judgment be given against the Plaintiff, that he take nothing by his Plaint, Writ or Bill; or if any the said Actions shall be brought by Original, and the Defendant therein be Outlawed, and shall after reverse the Outlawry, that in all such Cases the Party Plaintiff, his Heirs, Executors or Administrators, as the Case shall require, may commence a new Action or Suit from Time to Time, within a Year after such Judgment reversed, or such Judgment given against the Plaintiff or Outlawry reversed, and not after.”—And by Section 7. it is “provided, That if any Person or Persons, that is or shall be entitled to any such Action of Trespass, Detinue, Action sur Trover, Replevin, Actions of Account, Actions of Debt, Actions of Trespass for Assault, Menace, Battery, Wounding or Imprisonment; Actions upon the Case for Words; or shall be, at the Time of any such Cause of Action, given or accrued, fallen or come, within the Age of twenty-one Years, Feme-Covert, Non Compos, imprisoned, or beyond the Seas; that then such Person or Persons shall be at Liberty to bring the same Actions, so as they take the same within such Times as are before limited, after their coming to or being of full Age, Discoverd, of sane Memory, at Large, and return from beyond the Seas, as other Persons having no such Impediment should have done.”

And fourth, The 4th and 5th *Anne*, Chap. XVI. passed in 1706, by the 19th Section of which it is Enacted, “That if any Person or Persons against whom there is or shall be any Cause of Suit or Action for Seamens Wages, or against whom there shall be any Cause of

“Action

requiring their Testimony and Service in many Cafes, not being fufficiently avoided, by Reason of Difficulties which happened relating to the Forms of the Declarations, Affirmation and Abjuration, prefcribed by the faid Statutes, it pleased the late King and Parliament of *Great-Britain*, by another Statute made in the eighth Year of the faid King's Reign, to grant further Eafe and Relief in that Behalf, by enacting other Forms of Affirmation or Declaration for the faid People: Now FORASMUCH as the Legiflature of *Great-Britain* were pleased to acknowledge, in the faid Statute, that the faid People called *Quakers* had given Testimony of their Fidelity and Affection to our faid late King GEORGE, and the Settlement of the Crown in the Proteftant Line, and had not abufed the Liberty and Indulgence allowed them by Law; and fince the like Testimony may be given concerning the faid People inhabiting this Province, and that thofe that confcientioufly fcrupled the Forms of the Affirmation or Declaration heretofore ufed are Perfons of like Probity and Juftice with thofe who were not under thofe Scruples; and by the King's Inftuctions are admitted to Places of Truft and Profit in this Province; and as it is reasonable the People called *Quakers* in this Colony fhould enjoy the like Eafe and Indulgence that thofe of the fame Community are favoured with in the Kingdom of *Great-Britain*, and in fome of the neighbouring Colonies;

*Secl. 1.* THEREFORE BE IT ENACTED by the Governor, Council and General Affembly of this Province, and it is hereby Enacted by the Authority of the fame, That, from and after the Publication hereof, the People commonly called *Quakers*, within this Province, may take an Affirmation in the Words following, purfuant to the faid Statute, *Videlicet*,

Form of Affirmation.

**I** A B do solemnly, fincerely, and truly, declare and affirm—

Which Affirmation fhall be admitted, allowed and taken, inftead of an Oath in the ufual Form, and is hereby enacted and declared to be of the fame Force and Effect to all Intents, Conftitutions and Purpofes, in all Courts of Juftice, and in all other Places, where by Law an Oath is required or permitted, within this Province of *New-Jerfey*.

2. AND BE IT FURTHER ENACTED by the Authority aforefaid, That in all Cafes where by Law any of the faid People called *Quakers* are or fhall be required or permitted to make and fubfcribe a Declaration of Fidelity, or to take the Effect of the Abjuration Oath, fuch Declaration of Fidelity, fo to be fubfcribed, fhall, purfuant to the faid Statute, be in the Words following, *Videlicet*,

Form of the Declaration of Fidelity.

**I** A B do solemnly and fincerely promife and declare, That I will be true and faithful to King George the Second; and do solemnly, fincerely and truly profefs, testify and declare, that I do from my Heart abhor, detest

“ Action of Trefpafs, Detinue, Action fur Trover, or Replevin for taking away Goods or Cattle,  
 “ or of Action of Account, or upon the Cafe, or of Debt grounded upon any Lending or Contract without Specialty, of Debt for Arrearages of Rent, or Assault, Menace, Battery, Wounding, and Imprifonment, or any of them, be, or fhall be, at the Time of any fuch Cause of Suit  
 “ or Action given or accrued, fallen or come, beyond the Seas, that then fuch Perfon or Perfons,  
 “ who is or fhall be entitled to any fuch Suit or Action, fhall be at Liberty to bring the faid Actions againft fuch Perfon and Perfons after their Return from beyond the Seas, within fuch Times  
 “ as are limited for the bringing of the faid Actions by the Twenty-firft of *James I.*”

*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 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 Power, Jurisdiction, Superiority, Pre-eminence 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, *Videlicet,*

**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 Style 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 Style 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, entitled, 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, entitled, 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, Electress and Dutches 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, Acknowledgment, Renunciation and Promise, heartily, willingly and truly.

A Form containing the Effect of the Abjuration Oath.

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  
W  
and

A Form prescribed in Lieu of the Teste.

\* The present Pretender is a Descendant of the Person here meant.

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 any 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, although 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.

*Quakers* duly elected, may serve in General Assembly.

3. 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 before 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 any other Place of Profit or Trust whatsoever.

*Quakers* convicted of false affirming, to suffer as for Perjury.

4. 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 incur 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.

Repeal of former Acts.

5. AND BE IT ENACTED by the Authority aforesaid, That all former Acts of this Province, prescribing the Forms of Declaration of Fidelity, Abjuration and Affirmation, shall be, and are hereby repealed and made null and void.

C H A P. CXXV.

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.

Passed Feb. 10, 1727-8.

Preamble.

WHEREAS our late King GEORGE, by his Instructions to our present Governor, 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

this Province; and by Virtue thereof a Writ has been issued by our said Governor 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*, Esquires: 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;

*SECT. 1.* 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.

Choice of  
*Salem* Town  
suspended  
until Provi-  
sion be made  
for two Mem-  
bers in the  
Eastern Di-  
vision.

2. 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 fit, vote and act as Members of the General Assembly aforesaid; and be entitled to the same Rights, Privileges and Immunities as by Law the other Representatives of the several Counties of this Province are entitled to.\*

*Hunterdon*  
County to  
elect two  
Members in  
Lieu of those  
in *Salem*  
Township.

The 3d Section only confirms a Choice of Representatives, made by *Hunterdon*, to sit in the General Assembly then met.

*The Act may be seen at large in Nevill's first Vol. Fol. 172.*

CHAP. CXXVI. 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.

Expired.

CHAP.

\* *Morris* and *Suffex* Counties have since been formed chiefly out of *Hunterdon*, and *Cumberland* County out of *Salem*, and have each two Members given them by Chap. CCCCLXXIV.

- Obfolete. CHAP. CXXVII. *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.*
- Obfolete. CHAP. CXXVIII. *An Act for lessening the Salaries of the Commissioners appointed to manage the Loan-Offices in the several Counties of this Province.*
- Repealed—  
supplied by  
Chap.  
DLXXXIX. CHAP. CXXIX. *An Act for the Amendment of the Law relating to Highways and Bridges; for explaining certain Clauses in several former Acts concerning the Power of the Justices and Freeholders therein mentioned; and for directing the Method for raising of Money to pay for the Bridge last built over South River.*
- Supplied and  
repealed by  
Chap. CCV. CHAP. CXXX. *An Act the better to prevent the concealing of stray Cattle, Horses and Sheep.*
- Difallowed. CHAP. CXXXI. *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.*

This Act was difallowed 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.

**W**HEREAS 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,

*Sect. 1.* 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 Witneses, either before any of the Justices of the Supreme 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 endorsed on the said Deeds before they shall be recorded.

2. 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 Supreme Court, or any of His Majesty's Council, or any two of the Judges, or any two of the Justices of the Inferior 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,

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.

The fourth Section contains a Proviso not to debar the Secretary from recording any Deed in his Office.

The fifth enacts, That, in those Counties where the Secretary keeps his Office, no Deeds should be recorded in any other Office.

The sixth declares, That Records heretofore made by County Clerks of Deeds, &c. proved as by this Act is directed, shall be good Evidence.

The seventh enacts, That the Books of such Records should be delivered to the County Clerks.

8. And if refused on Demand, the Possessor to forfeit *Fifty Pounds*.

9. 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.

10. 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 empowered, 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 Trial 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 Trial, 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.

The eleventh empowers the Officer and his Deputy to record, requires their Qualification, and prescribes the Form.

12. 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.

Provido, not to affect former Locations.

*The Act at large is in Kinsey's Edition, printed in 1732, Fol. 235.*

Difallowed. CHAP. CXXXII. *An Act for the shortening of Lawsuits, and regulating the Practice and Practitioners of the Law, and other Officers.*

By this Act, which was difallowed the twenty-fifth Day of November 1731, the Penalty of Bonds for the Security of Cofts in the Supreme Court was fixed at *Thirty Pounds*, and at *Fifteen Pounds* in the Inferior Courts; the Surety in the first Case to be resident in the Province, and in the second in the County where the Action was brought.—It was also hereby Enacted, That on every Issue joined fourteen Days before any Term in the Court where the Action depended, unless the Plaintiff gave Notice and proceeded to Trial at the Term next after the Issue so joined, although he afterwards recovered, no Cofts should be allowed him for that or any Term after, until the Term in which the Cause should be tried: The Statutes of *Jeofails* were extended: And it was declared that no Suit should be brought in an Inferior Court wherein the Sum demanded did not exceed *Forty Shillings*, and, if the Plaintiff neglected to prove this on Oath or Affirmation, the Defendant might abate the Writ by declaring on his Qualification, that he did not owe the Plaintiff that Sum.—The Act contains many more Clauses, some of which may be thought to merit the Attention of Legislators—It may be seen at large in *Kinsey's Edition*, Folio 200.

Difallowed. CHAP. CXXXIII. *An Act for the frequent meeting and calling of the General Assembly of this Province, and for the alternate sitting thereof.*

This Act provided for the sitting of the Assembly at least once in three Years; and for triennial Elections.—It was difallowed by the King in Council November the 25, 1731.

Private. CHAP. CXXXIV. *An Act for naturalizing John Boshart, Ann Rosina his Wife, Christopher Boshart and Dorothy Boshart, their Children, being Infants.*

These nine Acts were passed Feb. 10, 1727-8.

## At a GENERAL ASSEMBLY held

at Burlington from the Seventh Day of May to the Eighth Day of July 1730, in the Third and Fourth Years of the Reign of King George the Second, being the Tenth Assembly of New-Jersey, the following Laws were passed.

SESSION THE FIRST.

JOHN MONTGOMERIE, Esquire, Governor.

C H A P. CXXXV.

*An ACT for securing the Freedom of Assemblies.*

Passed July 8, 1730.

**F**ORASMUCH 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 deemed 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;

Preamble.

*Señ. 1.* 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.

A Representative accepting an Office, vacates his Election;

but may be rechosen.

*2.* 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 be elected or to sit or vote in any House of Representatives hereafter to be summoned in this Province; and if any Person, hereby disabled or 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.

Persons held ineligible to sit in Parliament, declared incapable of sitting in Assembly;

Election of such void.

Penalty on  
their sitting.

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 Essoine, Protection or Wager of Law shall be allowed, and only one Impar lance.

C H A P. CXXXVI.

*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.*

Passed July 8, 1730.

Preamble.

**W**HEREAS 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 Burden 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 ;

Duty on Per-  
sons import-  
ing Convicts.

*Secl. I.* 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 import, 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 Freehold 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 so becoming bound.

Importer to  
be bound for  
their good  
Behaviour.

Convicts, poor  
and impotent  
Persons, may  
be taken up  
and examin-  
ed.

2. 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

twelve Months next after their so being brought in, 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, and 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; or whether such 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 so 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 of 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 empowered 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 said 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 and 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 if they appear to be Convict, then to comply with this Act.

Masters of Vessels may be sent for.

Penalty on their being convicted of fraudulent Practices.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That upon Information given to any two Justices of any County within this Province, that any old Persons, Infants, Maimed, Lunatick, or

Importers of Persons likely to be chargeable, to transport them, or give Security.

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 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 Infants, Lunatick, Maimed, Aged, Impotent, Vagabond or Vagrant Person or Persons, coming into or living within this Province.

Appeal allowed to aggrieved Persons.

4. PROVIDED ALWAYS, That if any Person or Persons shall apprehend him or themselves aggrieved with such Order or Judgment of such Justice or Justices of the Peace, or other Magistrates, who shall give the same, the Person or Persons so aggrieved may appeal to the next Court of Quarter-Sessions of the Peace to be held for the City or County where such Order shall be made, whose Judgment there 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.

Masters of Vessels, &c. to give a List of Passengers and Servants by them imported to the Collector, &c.

5. AND, for the better Discovery of such Convicts, and poor, 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 twenty-four Hours after such Arrival, forthwith make Entry with the Collector of the Division where they shall arrive, or 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, enjoined 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 Passengers so imported or brought into this Province, a Certificate containing the Names

Justices to examine the Importer, &c.

And to give a Permit for landing at Discretion.

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.

Fees.

6. 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 in anywise notwithstanding.

To pay the Duty for any who after appear to be convict.

7. 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 who will sue for the same in any Court of Record in this Province, by Bill, Plaint or Information, wherein no Essoine, Protection or Wager of Law shall be allowed.

Penalty for not complying with this Act.

8. AND, for preventing many Abuses that hath 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 Mistres 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 Mistres 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 Time after the Offence committed.

Penalty on Retailers of strong Liquors selling Drink to Servants.

9. AND BE IT FURTHER ENACTED *by the Authority aforesaid*,  
That

White Men  
and Maid Ser-  
vants convict-  
ed of Forni-  
cation, &c.  
how punish-  
ed.

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 Person or Persons in this Province, and they the said Servants shall thereupon be duly convicted of Fornication, in such Case the Masters or Mistresses 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 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.

C H A P. CXXXVII.

*An ACT for the preventing of Lotteries, and for regulating of Pedlers.\**

Passed July 8, 1730.

Preamble.

WHEREAS the frequent Use and Practice of vending Goods and Merchandizes of late in this Province, by Way of Lottery and Raffling, 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 unfaleable, and sometimes almost useles 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,

No Person to  
vend Goods  
by Lotteries,  
&c.

*Sect. I.* 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, or offer to vend or dispose, of any Goods, Wares or Merchandizes within this Province, by Way of Lottery, Raffling, Balloting, 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 and dispose of any Goods, Wares or Merchandizes, by any of the Ways or 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 Effoine, Protection or Wager of Law, nor any more than one Impar lance shall be allowed, any Law, Custom or Usage whatsoever to the contrary thereof in anywise notwithstanding.

Any Person  
who shall of-  
fer so to do, to  
forfeit double  
the Value.

Penalty to be  
recovered by  
any one who  
will sue, &c.

Of

\* See Chap. CLXVI.

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.†

2. AND WHEREAS many idle and vagrant Persons, under Pretence of being Hawkers or Pedlers, 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 Misdemeanors, 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 Pedlers 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 employ him, her or themselves in the Business or Employment of a Hawker, Pedler 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 Beast of Burden, or on Foot; and shall thereupon have obtained a License 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 License, 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 Burden, and the Sum of *Fifteen Shillings* for every Person licensed to travel on Foot, and to the Clerk for said Bond and Certificate *Three Shillings*.

No Person to peddle until he is recommended.

And obtain the Governor's License, and give Security, &c.

Fees.

3. AND if any Person or Persons, not being qualified as aforesaid, shall be found hawking, peddling or travelling from House to House to sell Goods as a Hawker, Pedler or Petty Chapman, he or she so offending, if travelling with one or more Horses or other Beast of Burden,

Z shall

Penalty for peddling without License, &c.

† This Section so far as relates to Lotteries, Raffleing and Balloting, is repealed by Chap. CCXXVI, and is here inserted only for the Mode of applying the Penalty, which the subsequent Part of the Law refers to.

Application. 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 Freeholder, in any Town, Place or County within this Province, where he or she shall so trade, shall refuse to produce and shew unto such Justices, or other Person, his or her License for so trading, to be granted as aforesaid, and Certificate of his having given Bond as aforesaid, shall forfeit for not producing and shewing such License the Sum of *Forty Shillings*, and for not producing and shewing such Certificate the Sum of *Twenty Shillings*, to be recovered and applied in Manner as aforesaid.

Penalty on Pedlers refusing to shew their License.

This Act not to extend to Sales made in Fairs, or the Manufactures of this Province.

4. 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 and 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.

How to determine any Dispute arising about the Place of Manufacture, &c.

5. 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.

Repeal of former Acts.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all the former Acts of Assembly of this Province any Way relating to Pedlers shall be and are hereby repealed, made null and void, to all Intents and Purposes.

C H A P. CXXXVIII.

*An ACT to encourage the killing of Wolves and Panthers.\**

Passed July 8, 1730.

Money to be raised for killing Wolves and Panthers.

SECT. I. **B**E 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 Freeholders chosen yearly in each Town and Precinct of every County for raising of Money for building of Gaols and Courthouses, shall also direct the raising of such Sum and Sums of Money as shall be found necessary for defraying the Charge

\* See a Supplement to this Act, Chap. CCXLII.

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, entitled, *An Act for the more regular choosing and electing Assessors and Collectors in the respective Towns and Counties in this Province,*\* in such Manner as in and by the said Act is directed.

2. 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*.

Premiums to be paid for killing Wolves, &c. and by whom.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any of the Justices, Freeholders, 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 a 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.

Penalty on Justices, &c. neglecting their Duty.

4. 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 Freeholders *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.

Persons refusing to pay Assessments, &c. to be compelled.

Fees.

5. 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.

Repeal:

This Act not to retrospect:

C H A P.

\* Chap. LXXVII.

C H A P. CXXXIX.

*An ACT for the building of a Courthouse and Gaol in the County of Monmouth.*

Passed July 8, 1730.

Preamble.

**W**HEREAS the Courthouse and Gaol 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,

How to fix  
the Place of  
building a  
new Court-  
house.

*Seçt. I.* 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 shall be of the *Quorum*, and they are hereby enjoined, commanded and required, in Conjunction with the Freeholders chosen by Virtue of *An Act for raising of Money for building and repairing of Gaols and Courthouses,\** &c. to meet together as soon as may be conveniently after the Publication of this Act, at the House of *Thomas Cannan*, in the same County, and then and there draw Advertisements, to be fixed up in the most publick Place in each Township 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 the Place where the old Courthouse stood, some Day by the Justices and the Majority of the first-mentioned Freeholders to be appointed, not exceeding forty Days, nor less than twenty Days from the Time of the affixing up such Advertisements, then and there by Plurality of Voices to elect the Place whereon such Courthouse and Gaol should be built.

Justices to  
take the  
Votes, and  
the Freehold-  
ers to be  
Judges of  
the Poll.

2. 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 qualified 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 qualified and attending for that Purpose; and then the said Justices and Freeholders shall number the Persons voting, and for what Place soever a Majority of Voices shall happen for building the said Courthouse and Gaol, in that Place, and not elsewhere, the same shall be built.

Justices and  
Freeholders  
to meet for  
raising Mo-  
ney, &c.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That, in order to raise Money to build and complete the said Courthouse and Gaol, 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 Courthouse stood, to appoint Assessors and 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 enjoined any Matter or Thing, and shall neglect or refuse to perform the

\* Chap. XXXVII.

the same, such Person or Persons shall be liable to the same Pains, Penalties and Forfeitures, and to be recovered in like Manner, as by the said recited Act is inflicted and directed.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, 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 empowered to build, carry on, amend and repair the Courthouse and Gaol 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 Courthouses and Gaols therein particularly mentioned.\*

Justices, &c.  
vested with  
the same  
Powers given  
in a former  
Act.

## C H A P. CXL.

*An ACT for preventing small Stone Horses running at large in this Province.*

Passed July 8, 1730.

**W**HEREAS 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 rendering them less serviceable to the Inhabitants thereof.

Preamble.

*Sect. 1.* 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 Freeholder or Freeholders 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 Freeholder or Freeholders, 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 when 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 aforesaid. PROVIDED, That if any such Horse so gelded as aforesaid, should happen to die within one Month after being so gelt, that then and in that Case the Owner or Owners of such Horse or

Stone Horses  
of eighteen  
Months, not  
fourteen  
Hands high,  
may be cut.

Person do-  
ing it to be  
rewarded,

unless the  
Horse die in  
one Month.

A a

Horses

\* In Pursuance of this Law a Courthouse and Gaol were built at *Freehold*.

Horfes, shall be free and clear from the Payment of the *Ten Skillings* aforefaid.

None but  
Freeholders  
to take this  
Liberty.

Former Act  
repealed.

2. AND BE IT ENACTED *by the Authority aforefaid*, That if any Perfon or Perfons who are not Freeholders, fhall at any Time or Times hereafter range the Woods, and drive up and geld any fuch Horfe or Horfes contrary to the true Intent and Meaning of this Act, fhall pay the full Value of each Horfe fo gelt, if he fhould happen to die within one Month after his being fo gelt, to the Owner of the fame, to be recovered in any Court of Record within this Province; and the Act heretofore made concerning Stone Horfes, fhall be and is hereby repealed to all Intents and Purpofes.

C H A P. CXLI.

*An ACT for regulating Fences.\**

Passed July 8, 1730.

Preamble.

WHEREAS it hath been found by Experience prejudicial, that by a former Act of Affembly of this Province, entitled, *An Act for regulating Fences*, all fuch Fences as thereafter fhall be made and efteemed lawful, muft be four Feet and fix Inches high.

The legal  
Height of  
Fences.

*Seçt. 1.* BE IT THEREFORE ENACTED *by the Governor, Council and Representatives now met in General Affembly, and it is hereby Enacted by the Authority of the fame*, That, from and after the Publication hereof, all Fences made of Posts and Rails fhall be efteemed lawful if four Feet and two Inches high, and all other Fences to be lawful if four Feet and fix Inches high, meafuring from the Level or Surface of the Earth, and clofe, ftrong and fufficient to prevent Horfes and neat Cattle going through or under the fame, Sheep only excepted.

Cattle jump-  
ing over, &c.  
to be pound-  
ed, and Own-  
ers to pay the  
Damage app-  
raifed, &c.

Fees.

2. AND BE IT FURTHER ENACTED *by the Authority aforefaid*, That all fuch Cattle and Horfes that fhall jump over, or break down any fuch Fence, fhall be pounded, and the Owner of the Beast fhall pay the Damage to the Perfon damnified, which fhall be appraifed by two fufficient Men of the Neighbourhood, equally chofen by both Parties; but if the Owners of fuch Creatures fhall refufe or neglect to choofe one of the faid Appraifers, then the Party damnified may choofe them both himfelf, who fhall alfo view the fufficiency of the Fence: And it fhall and may be lawful for the Perfon injured to pound fuch unruly trefpaffing Horfes and Cattle, within his Field or Yard, the Space of twenty-four Hours, he giving Notice thereof to the Owners of the faid Trefpaffers, if known or eafy to be found; and if they are not redeemed within the faid twenty-four Hours Space, then he fhall lead or drive them to the Town or Precinct Pound, where the Poundkeeper fhall receive and keep them till the Damages and Charges of the Trefpafs, Driving and Pounding is paid; and the Poundkeeper fhall 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 fhall continue in the Pound.

3. AND

\* See a Supplement to this Law, Chap. DCI.

3. 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 adjoining 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 of Pleas in the County where such Trespas 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 choose one of the said Appraisers, then the other may choose 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 choose a third Person of the Neighbourhood to join 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 join in the Choice of such third Person, then the other may choose 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.

Partition Fences to be made at the equal Expence of both Parties, and so tight as to turn Sheep.

Mode of recovering Half the Expence of Fencing, where one Party refuses.

4. 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 Highways 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, although 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.

Partition Lines to be fixed by Surveyors of the Highway, where Parties disagree.

But not so as to alter the Property.

5. 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

Where Parties disagree, Surveyors aforesaid to determine the Part each ought to make.

OWN:

own: And if the Parties cannot agree in making such Division, then the Surveyors of the Highways above-mentioned, 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 betwixt 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 rendered 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, through 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, nor have any Action commenced against him thereon, to recover any Damage accruing thereby.

Party neglecting to fence, to be liable to all Damages;

but shall recover none.

Cattle impounded for Trespassing, to be advertised if the Owner is unknown.

Owner not appearing, the Poundkeeper to sell the Cattle.

Any Person neglecting to repair his Part of a Partition Fence, not to recover if a Trespass happens through such Part.

6. 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 Poundkeeper is hereby required forthwith 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 two next adjoining Towns, Precincts or Districts, giving publick Notice and Description of the said Strays; and if the Owner of such Strays, or some Person by his Order, do not appear and redeem them within two Months after such publick Notice given, the Poundkeeper 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 received for such Strays he shall pay for the Trespass as 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 Person by his Order, doth not appear within the Time aforesaid, then the Poundkeeper shall pay the said Overplus Money to the Overseers for the Use of the Poor of that Town or Precinct.

7. 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 through 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 or 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 entering into or upon any

any Person's Land, over or through such Fence, after the same Manner as by this Act is directed.

8. 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 joining thereto.

Partition Fences not to be removed in less than twelve Months.

9. AND BE IT FURTHER 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 Poundkeeper should or ought to have done by this Act; any Thing herein to the contrary notwithstanding.

Where no publick Pound is, the Party may impound, &c.

10. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Act, entitled, *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.

Former Act repealed.

CHAP. CXLII. *An Act for appropriating the Money directed to be raised by the Act, entitled, An Act for an additional Support of this Government, &c.\* and for raising a further Support of Government for one Year.*

Expired.

CHAP. CXLIII. *An Act to enforce 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.*

Obsolete.

CHAP. CXLIV. *An Act for settling the Militia of the Province of New-Jersey.*

Expired—supplied by Chap. CLXV.

Limited to seven Years.

CHAP. CXLV. *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.*

Supplied and repealed by Chap. DXCIV.

This Act was limited to seven Years; it was revived and made perpetual by Chap. CLXII, and that Act has since been supplied and repealed as in the Margin.

CHAP. CXLVI. *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.*

Obsolete.

This is the second Loan-Office Act, the Money was lent at Five Pounds per Cent per Annum, on a Credit of sixteen Years.

- Repealed—  
furnished by  
Chap.  
DLXXXIX. CHAP. CXLVII. *A supplementary Act explaining certain Clauses in an Act, entitled, An Act for the Amendment of the Law relating to Highways and Bridges, &c.†*
- Private. CHAP. CXLVIII. *An Act for naturalizing Christiana Elrington, Widow, and Susanna Roeters.*
- Private. CHAP. CXLIX. *An Act for the better enabling divers Inhabitants of the Province of New-Jersey to hold Lands, and invest them with Privileges of natural born Subjects of the said Province.*

The following are the Persons naturalized by this Law—Godfrey Peters, Hendrick Bost, Johnan Willem Snoek, Nicholas Signe, Johannes Laux, Willem Guise, Jacob Moore, Hieroninus Keyser, Joseph Bost, Rudolph Herly, Anthony Habback, John Moor, Johan Ludowick Rightmier, Jacob Houfelt, Johannes Yager, Johannes Peter Yagar, Paul Flag, Jacob Peer, Hendrick Dirdorf, Christian Cornelius, Carel Hierlogh, Bartholomeus Melbagh, Hendrick Yager, Jacob Eigh, Christian Hafell, Johan Houfelt, Johan Philip Kaes, Johan Peter Rockefeller, and his two Sons, namely, Peter Rockefeller and Johannes Rockefeller, Perter 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, Johan Gerig Miller, Johan Young, Martin Fisher and his two Sons, namely, Jacob Fisher and Philip Fisher, Koenraet Keiel, Hendrick Snock, William Han, Christopher Snider, Jacob Gerhart, William Engle, Pieter Fisher, Pieter Young, Herbert Homer, Koenraet Henerigh, Adam Homer, Willem Bellesfelt, Willem Kaes, Paul Kole, Hieronimus Ilorin, Matteys Smith, Carel Maret, Johannes Giddeman, and his Son Henderick Giddeman, Mattys Kaalsitt, Hendrick Weever, Ann Hagg, Anthony Dirdorf, and his four Sons, namely, Peter Dirdorf, John Dirdorf, Anthony Dirdorf, and Christian Dirdorf.

These last eight Acts were passed July 8, 1730.

At a GENERAL ASSEMBLY held at Burlington from the Twenty-sixth Day of April to the Seventeenth Day of August 1733, in the Sixth and Seventh Years of the Reign of King George the Second, the following Laws were passed.

SESSION THE SECOND.

WILLIAM COSBY, Esquire, Governor.

- Expired. CHAP. CL. *An Act for the further Support of this Government.*
- Obsolete. CHAP. CLI. *An Act for appropriating Part of the Interest Money, paid or payable into the Treasury, to the Incidental Charges of this Government.*

CHAP.

† Chap. CXXIX.

- CHAP. CLII. *An Act for the Relief and Discharge of poor distressed Prisoners for Debt.* Expired.
- CHAP. CLIII. *An Act for the better enabling of Creditors to recover their just Debts from Debtors who abscond themselves.* Expired—  
supplied by  
Chap.  
CLXX.
- CHAP. CLIV. *An Act for making Forty Thousand Pounds in Bills of Credit.* Obsolete.

This is the third Loan-Office Act—by it, as well as on Future like Laws, the Interest received was *Five Pounds* per Cent per Annum, to be applied to the Support of Government and other publick Uses, as directed by this and subsequent Acts of Assembly. The Money was lent on a Credit of sixteen Years.

- CHAP. CLV. *An Act for the better enforcing an Ordinance made for establishing of Fees, and for regulating the Practice of the Law.* Disallowed  
April 3, 1735.
- CHAP. CLVI. *An Act for naturalizing Henry Marston, of the County of Hunterdon, Planter, Peter Demond and Peter Knott, of the County of Monmouth, Planters.* Private.

These Acts were passed the 16th of August, 1733.

At a GENERAL ASSEMBLY held at Perth-Amboy from the Twenty-seventh Day of October 1738 to the Fifteenth Day of March 1738-9, in the Twelfth Year of the Reign of King George the Second, being the Eleventh Assembly of New-Jersey, the following Laws were passed.

SESSION THE FIRST.

LEWIS MORRIS, Esquire, Governor.\*

CHAP. CLVII.

*An ACT for the Trial and Punishment of Persons guilty of Larceny, under the Value of Twenty Shillings.*

Passed March 15, 1738-9.

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,

*Sec̄t.*

\* He was appointed to the Government of *New-Jersey* only, his Predecessors since the Surrender having all presided over *New-York* as well as this Province.—This may furnish one probable Conjecture how some of our ancient Acts became missing. It is a Loss to the early History of the Province, that it was not the Custom to record them.

Persons steal-  
ing under  
*Twenty Shil-  
lings*, may be  
committed  
and brought  
before two  
Justices for  
Trial.

*Secl. 1.* 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 Gaol 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.

An Accusa-  
tion in Writ-  
ing to be pre-  
ferred to the  
Magistrates,  
&c.

2. 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 empowered, 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 Trial: 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 Trial 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 Trial confess the same, such Person or Persons shall be by them sentenced to be forthwith whipped 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 exceeding *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 Trial 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 Gaol aforesaid, there to remain until he, she or they shall make full Payment thereof, or be committed as aforesaid to the Workhouse 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

Sentence may  
be given to be  
whipped,  
fined, and  
committed,  
&c.

fender 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.

Offender may be sold a Servant.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons, from and after the Publication hereof, shall be accessory 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 Accessories 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.

Accessaries to be tried and punished as Principals.

4. 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 Gaol aforesaid, there to be kept to that End.

Persons accused may be tried in the common Way if they choose.

5. 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 Trial; 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 Trial and Conviction, there to remain of Record amongst the other Records of the said Court.

Magistrates to keep Records of their Proceedings, &c.

6. PROVIDED ALSO, AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Magistrates, hereby directed and empowered 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.

Value of the Goods to be proved on Oath by the Owner.

7. 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

Penalty on Officers neglecting their Duty.

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.

Limitation.

8. 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.

This Act is now made perpetual by Chap. CLXXVII.

C H A P. CLVIII.

*An ACT for regulating Taverns, Ordinaries, Innkeepers and Retailers of strong Liquors.*

Passed March 15, 1738-9.

Preamble.

**W**HEREAS 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, Tippling, 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 Common Wealth: AND WHEREAS the present prescribed Methods of granting Licenses for the Purposes aforesaid are insufficient to obtain the Benefits hoped for: Therefore, to prevent as much as may be such Misfortunes and Inconveniencies for the Future;

Penalty on Persons retailing Liquors without License.

Application.

Penalty on second and every other Offence.

*SECT. I.* 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 Province shall sell by Retail any Rum, Brandy, Wine or Spirits of any Kind, under the Quantity of one Quart, nor any Cider, strong Beer, Metheglin, or any such strong Liquors, or any mixed Liquors, directly or indirectly, under the Quantity of five Gallons, except thereunto licensed 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 applied 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 applied

applied one Half to the Profecutor, the other Half to the Overseers, for the Use of the Poor where the Fact is done.

2. AND BE IT ENACTED *by the Authority aforesaid*, That, after this Act takes Place, no License or Licenses 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 License;\* and the said Justices are hereby required, at their said Sessions, to oblige every Tavern-keeper, Innkeeper or Keeper of an Ordinary, to whom such License 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, *Videlicet*,

Licenses only to be granted in Sessions to Persons recommended, &c.

Recognizance to be entered into.

**T**HE Condition of the above Recognizance is such, That whereas the above bounden A B is licensed 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 License, 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 Housekeeper or Innkeeper, 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.

The Condition.

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 License or Licenses to any Person whatever, 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 applied 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.

Penalty on Justices granting Licenses contrary.

3. 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 License 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 entering the Minute of such License granted, the Sum of *Three Shillings and Sixpence*, and no more.

Fees.

4. PROVIDED ALWAYS, AND BE IT ENACTED *by the Authority aforesaid*, That no Under-Sheriff or Goalkeeper shall be admitted to have any such License or Licenses as aforesaid, granted to him or them, on any Recommendation whatsoever.

No Under-Sheriff, &c. to be licensed.

5. AND

\* See Chap. CCCCLXXII.

Penalty on Under-Sheriff or Gaol-keeper re-tailing strong Liquors.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Under-Sheriff or Gaolkeeper shall sell or retail any Rum, Wine, Beer or Cider, or any other Liquors, simple or mixed, or suffer any to be sold in the said Gaol, 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 applied in the same Manner as is heretofore directed.

Clerks to give Lists of the Persons licensed to the Constables, &c.

Who are to make Search,

and prosecute Offenders.

Constables to visit Taverns, and report to Sessions.

License to continue for one Year only.

6. 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 Licenses are hereby directed to be granted, shall and is hereby required to make out Lists of the Names of the Persons to whom such Licenses 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, is hereby directed and strictly commanded to make diligent Search and Inquiry 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 entitled 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 Tavernkeepers, Innkeepers, Keepers of Ordinaries, or Retailers of strong Liquors, licensed 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 acquaint the Constables with their Duty herein, and to command them to perform the same.

7. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all such Licenses 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, and 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 License or Licenses, 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 License, any Thing herein contained to the contrary in anywise notwithstanding.

8. AND

8. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Tavernkeeper, Inkeeper, 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, Mulatto 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 obtained 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.

Penalty on Tavernkeepers entertaining Servants, &c.

9. 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 Licenses 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 licensed to sell and retail by small Measures as aforesaid; and the Clerk of such Court of Sessions shall give to every Person so licensed 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 licensed 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 applied in the same Manner as is heretofore first directed; and they and every of them so licensed are hereby commanded and obliged, under the Penalty of *Five Pounds*, to be recovered and applied 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.\*

Prices of Liquors, &c. to be fixed by the Justices in Sessions.

Penalty on demanding more.

List of Rates to be hung up.

10. AND WHEREAS it has 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, Tippling 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 Tavernkeeper 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 mixed, 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 Tavernkeeper or Retailer of strong Liquors so convicted

Penalty on Tavernkeepers suffering Persons to mispend their Time and Substance.

D d

shall

\* The greatest Part of this Section is well supplied by the third Section of Chap. CCCCLXXII.

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 applied in Manner as is first directed by this Act.

Tavernkeeper not to trust,

11. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Tavernkeeper, Innkeeper or publick Housekeeper, 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 for-ever be debarred from suing for, or recovering the said Debt.

Nor take Bills, &c. for more than *Ten Shillings*.

12. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Tavernkeeper, Innkeeper or publick Housekeeper, shall take any Bill, Bond or other Security, for any Liquors by them sold or drank, in or at their Houses, amounting to above *Ten Shillings*.

Tavernkeeper disabled to recover such Bill, &c.

13. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Tavernkeeper, Innkeeper or publick Housekeeper, 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 incapable of recovering any such Bill, Bond or other Security as aforesaid, for such Liquors 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 Tavernkeeper, Innkeeper or publick Housekeeper, 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 anywise notwithstanding.

Lodgers or Travellers may be trusted more.

Tavernkeepers to be yearly assessed for the Use of the Poor.

14. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Assessor chosen or to be chosen by Virtue of an Act, entitled, *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 empowered and required to assess every Tavernkeeper 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 License 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 empowered 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 above-mentioned Act or Acts.

15. PROVIDED

15. 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 License or Licenses heretofore granted according to Law. This Act not to retrospect.

16. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all Acts heretofore made in this Province for regulating Tavernkeepers and Retailers of strong Liquors, are hereby repealed. Repeal of former Acts.

## C H A P. CLIX.

*An ACT for building a Courthouse and Gaol in the County of Somerset.*

Passed March 15, 1738-9.

**W**HEREAS the Courthouse and Gaol, 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, Preamble.

*Sect. 1.* 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 enjoined, 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 Gaols and Courthouses, &c.\** 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 in 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 Courthouse and Gaol shall be built. Justices and Freeholders to advertise a Meeting.

2. 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; Freeholders met, to elect a Place to build the Courthouse, &c. and how.

\* Chap. XXXVII.

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 Courthouse and Gaol, in that Place, and not elsewhere, the same shall be built; and the said Justices, or either of them, are hereby authorized and empowered 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.

Money how  
to be raised,  
&c.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That, in order to raise Money to build and complete the said Courthouse and Gaol, 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 choosing 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 Hands 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 empowered 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 enjoined 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 Monies as they shall collect, receive, pay or expend, when thereunto required.

Penalty on  
Persons ne-  
glecting their  
Duty.

Freeholders  
and Assessors  
empowered  
to carry on  
the Work,  
&c.

4. 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 empowered to build, carry on, amend and repair the Courthouse and Gaol 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 Courthouses and Gaols therein particularly mentioned. ‡

CHAP.

† Chap. CXVI. \* Chap. LXXVII. ‡ In Pursuance of this Law a Courthouse and Gaol were built at *Millstone*, now called *Hillborough*.

## C H A P. CLX.

An ACT for erecting the upper Parts of the County of Hunterdon, in the Western Division of New-Jersey, into a County.

Passed March 15, 1738-9.

**W**HEREAS 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; Preamble.

*Sect. 1.* 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 *Allomatonck*, to the Northeastward of the Northeast 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 itself into the said South Branch, by an old *Indian* Path to the Northward of a Line to be run Northwest 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 Northwestward of the abovesaid Boundaries, be erected into a County, and it is hereby 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 the said *Hunterdon* County. Morris County formed.

2. 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 ordered by Act of Assembly. Privileges of a County given.

3. AND BE IT ENACTED by the Authority aforesaid, That, until such Time that the said *Morris* County shall be allowed the Privilege 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, Freeholders of Morris County may vote for Representatives with Hunterdon.

E e to

\* See Chap. CCXXXI, which further ascertains the Boundaries of this County, since which the upper Part of *Morris* has been formed into a County by Chap. CCLI.

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.†

The 4th Section only respected Taxes assessed or to be assessed by Acts of Assembly then passed.

## C H A P. CLXI.

*An ACT to restrain extravagant and excessive Interest.\**

Passed March 15, 1738-9.

Preamble.

**W**HEREAS 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;

No Person to take above 7 per Cent per Annum Interest.

*Sect. 1.* 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* of 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 Brokage, 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 hereof, take, accept or receive, directly

Bonds, &c. for more, to be void,

and the Principal to be forfeited.

† By Chap. CCCCLXXIV *Morris* now chooses two Representatives, as other Counties.

\* This Act is supplied and repealed by Chap. DXCIII, which lowers the Rate of Interest to *Six Pounds* per Cent per Annum, but since the Printing of Chap. CII in this Edition, which points to Chap. DXCIII as the Law which now regulates Interest, a Letter has been received from the Agent of this Province, residing at the Court of *Great-Britain*, giving Information that Chap. DXCIII will not receive the Royal Assent; should that be the Case this Act will revive, and is therefore here given.

rectly 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 Monies, Wares, Merchandizes, or other Things so lent, bargained, sold, exchanged, shifted, stored or procured.

2. 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 Brokage, 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, 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 Effoine, Wager or Protection of Law, or any more than one Impar lance 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 anywise notwithstanding.

Scrivener's  
Fees for Bro-  
kage and  
Writing.

CHAP. CLXII. *An Act for continuing an Act, entitled, 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.\**

Supplied and  
repealed by  
Chap.  
DXCIV.

CHAP. CLXIII. *An Act for naturalizing Peter Franberg, Jacob Forsman, Nicholas Dahlberg, Nicholas Bud, Johannes Casparus Koch, Katharine his Wife, and three Sons, namely, Joseph Koch, Anthony Koch and Jacobus Koch, Caspar Wister, Henry Fisher, John Bloom, John Peter Zenger, John Vandrefon, John De Wit and Charles Duran.*

Private.

CHAP. CLXIV. *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 1738, and to end the twenty-third Day of September 1741.*

Expired.

CHAP. CLXV. *An Act to continue an Act, entitled, An Act for settling the Militia of the Province of New-Jersey. †*

Expired—  
supplied by  
Chap. CC.

Limited to seven Years.

These four Acts were passed the 15th Day of *March*, 1738-9.

\* Chap. CXLV.

† Chap. CXLIV.

## At a GENERAL ASSEMBLY held at

Burlington from the Tenth Day of April to the Thirty-first Day of July 1740, in the Thirteenth and Fourteenth Years of King George the Second, being the Twelfth Assembly of New-Jersey, the following Laws were passed.

SESSION THE FIRST.

CHAP. CLXVI.

*An ACT to lay certain Taxes on Hawkers, Pedlers,\* or petty Chapmen, within this Province.*

Passed July 31, 1740.

Preamble.

**W**HEREAS many Hawkers, Pedlers or petty Chapmen go from House to House, and from Town to Town throughout this Province, vending Goods and Merchandize to the Inhabitants thereof, whereby they make great Advantage to themselves, and many of them not being Residents of this Province, are not liable 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, Pedlers 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 convened, do pray that it may be Enacted,

Pedlers to pay as follows:

*Sect. I. 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 or Employment of a Hawker, Pedler or petty Chapman, or in going from Town to Town, or House to House, and travelling with Horse or Horses, or other Beasts of Burden, or otherwise in this Province, or carry or sell, or expose to Sale any Goods, Wares or Merchandize within the same Province, except as herein after is 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 intend to expose to Sale any Goods, Wares or Merchandize as aforesaid, the following Sum or Sums of Money, Videlicet,*

Travelling with a Cart, &c. Ten Shillings; with a Horse, Six Shillings.

**F**OR every Person or Persons travelling with any Waggon, Cart, or other Carriage whatsoever, the Sum of *Ten Shillings*; for every Person or Persons travelling with Horse or other Beast of Burden, the Sum of *Six Shillings*.

**F**OR every Person or Persons travelling on Foot, the Sum of *Three Shillings* yearly and every Year; and every Person who now is, or hereafter

\* Chap. CXXXVII.

hereafter may be chosen Overseer or Overseers for each respective City, Town or Precinct, where such Person or Persons as aforesaid shall travel as aforesaid, are hereby directed and required to receive from every Person or Persons 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 Pedler, Hawker or petty Chapman's first coming to, and vending Goods and Merchandizes 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.

Travelling on Foot *Three Shillings* yearly.

Overseers of the Poor to receive of the same yearly, and give a Receipt.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons, not having obtained a Receipt as aforesaid, shall be found hawking, peddling or travelling from House to House, to sell Goods as a Hawker, Pedler or petty Chapman, he or she so offending, if travelling with Waggon, Cart or other Carriage, shall forfeit the Sum of *Forty Shillings*, and if travelling with Horse or other Beast of Burden 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 Magistrate's own Knowledge, or on the Oath or Affirmation of any one Person of said Place.

Penalty on Pedlers going without a Receipt.

3. 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 shall so trade, shall refuse to produce, and shew unto such Person his, her or their Receipt for the Money ordered to be paid to the Overseer or Overseers as aforesaid, shall forfeit, for not producing and shewing the said Receipt, the Sum of *Forty Shillings*, to be recovered in like Manner, and applied to the like Uses as the other Forfeitures in this Act.

Penalty on Pedlers refusing to shew their Receipt.

4. 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 applied to the Relief of the Poor of such City, Town or Precinct wherein the same shall or may be so received.

Application of the Monies received by this Act.

5. 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 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 neighbour-

Notto extend to Goods sold in Markets, or of the Growth, &c. of the Colonies.

ing 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.

On a Dispute respecting the Growth, &c. the Vender to prove the same.

6. 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.

C H A P. CLXVII.

*An ACT for restraining the burning of the Woods, Marshes, and Meadows.\**

Passed July 31, 1740.

Preamble.

WHEREAS by continual Experience firing the Woods, Marshes and Meadows is found very prejudicial and dangerous to the Inhabitants of this Province;

Any Person injuring another by burning his Woods, &c. to pay the Damage.

*Sect. 1.* BE IT THEREFORE ENACTED by the Governor, Council and Representatives in General Assembly met and convened, 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 damaged 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 liable 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 Record of this Province as shall or may have Cognizance thereof, wherein such Plaintiff shall recover the same, with full Costs of Suit.

Penalty on Persons firing Woods, &c. not his own, nor enclosed.

2. 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 Skillings*, 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.

3. AND

\* See a Supplement to this Act, Chap. CCCC.

3. 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, entitled, *An Act to prevent unreasonable burning the Woods*, § and every Article and Clause therein contained, be, and is hereby repealed to all Intents and Purposes whatsoever.

Repeal of former Act.

C H A P. CLXVIII.

*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.*

Passed July 31, 1740.

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 raised, and is or shall be by them received, for the publick Use of each respective County, and to pay the same according to the Directions of the Justices and Freeholders;

Preamble.

*Sect. 1.* BE IT THEREFORE ENACTED *by the Governor, 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 Gaols and Courthouses within each respective County of this Province*, \* or the major Part of them, together with three Justices of the Peace, one being of the *Quorum*, shall meet yearly and every Year, on the second *Wednesday* in *May*, at the Courthouse 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, raised 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 Counties in this Province*. ‡

Chosen Freeholders and three Justices to meet yearly, and choose a County Collector.

2. 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 raised 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 applied for the Use of

Collectors to account to the Justices and Freeholders when required.

Fees.

Penalty on Collectors neglecting to account, &c.

§ Chap. LXXXVII. a Neglect of Choice.

\* Chap. XXXVII. † Chap. LXXXVII.

† See Chap. CCCXXXII, for remedying

Affessor, &c.  
accountable  
to Justices and  
Freeholders.

Fees.

Penalty on  
Officers de-  
linquent.

Affessor, &c.  
dying, &c.  
how to be  
supplied.

Expired—re-  
vived by Chap.  
CCXXIV.

Repealed  
and supplied  
by Chap.  
CCCVI.

4. 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*.

5. 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 applied towards repairing the said Gaol and Courthouse 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 Essoine, Protection, Privilege or Wager of Law, nor more than one Impar lance 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 liable and subject to all the Penalties above-mentioned.

CHAP. CLXX. *An Act for the better enabling of Creditors to recover their just Debts from Persons who abscond themselves.*

CHAP. CLXXI. *An Act to explain what shall be a legal Settlement for any Person within this Province.*

Although this Act is repealed, it may be very necessary, on many future Inquiries, to know the Terms of gaining a Settlement under it: As the last legal Residence of the Grandfather, gained before the Repeal, may determine that of the Child born after—Hence the following Sections are thought material to be preserved.

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 Cities, Towns, Precincts or Districts therein, and thereby have been very chargeable, vexatious and burdensome to the Inhabitants of this Province: For the remedying thereof,

SECT. I. BE IT ENACTED *by the Governor, Council and Representatives in General Assembly convened, 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

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 assessed 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.

4. 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 lived 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 served one Master or Mistress one full Year at one Time in such Place, or who has not served 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 assessed and paid his or her Taxes for the Relief of the Poor of such Place, which may have been assessed 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 empowered 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 prefixed, 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.

*The Act may be seen at large in Nevill's first Vol. Fol. 256.*

CHAP. CLXXII. *An Act to erect and establish Courts in the several Counties of this Province for Trial of small Causes.*

Expired—  
supplied by  
Chap. cxciii.

This Act is not found—it is said to have given Jurisdiction to any single Justice of the Peace to recover Demands for and under *Five Pounds*, and appears to be the first Law, since the Surrender of the Government, which gave Justices so general a Jurisdiction; other Acts, after that Period until now, only authorizing a Recovery of certain Penalties of and under *Forty Shillings* and before them; and declaring, as in Chap. CXXXII, That “no Suit should be brought in an Inferior Court wherein the Sum demanded did not exceed *Forty Shillings* ;” which seem to imply a Jurisdiction some where to determine common Causes for Debts under *Forty Shillings*, and that probably was in the Justices of the Peace in Consequence of an Ordinance, or the constant Usage of the Province from the first Settlement.—By a Law passed in the Eastern Division, under the Proprietary Government in 1675, approbated, with some Amendments, by several subsequent Assemblies, it was Enacted, That two or three Persons, chosen annually by the respective Towns,

Towns, should have Power to issue Warrants and Summonses, for and to hear and determine Matters of Debt under the Sum of *Forty Shillings*, which should not be actionable in any other Court; which Jurisdiction went under the Denomination of *a monthly Court of small Causes*. \*

Private. CHAP. CLXXIII. *An Act for naturalizing Johannes Martinus Van Harlingen.*

Private. CHAP. CLXXIV. *An Act for naturalizing Peter Soulard.*

Obsolete. CHAP. CLXXV. *An Act for making current Two Thousand Pounds in Bills of Credit, for victualling and transporting the Troops to be raised in this Colony, for His Majesty's Service, on the intended Expedition to the West-Indies, and for making Provision for sinking the same Sum in Interest Money in Lieu thereof.*

These six Acts were passed the thirty-first Day of *July*, 1740.

## At a GENERAL ASSEMBLY held at

Perth-Amboy from the Second Day of October to the Fourth Day of November 1741, in the Fifteenth Year of the Reign of King George the Second, the following Laws were passed.

### SESSION THE SECOND.

#### CHAP. CLXXVI.

*An ACT to enable the Chief Justice, and other Judges of the Supreme 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 Supreme Court.*

Passed Nov. 4, 1741.

Preamble.

**F**OR the greater Ease and Benefit of all Persons whatsoever entering into Recognizances of special Bails, and in their making Oaths and Affirmations in all Actions and Suits depending, or to be depending, in the Supreme Court of this Province;

Justices of the Supreme Court to empower Persons to take Recognizance of Bail, &c.

*Sec't. 1. 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 Supreme 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 Supreme 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*

\* Grants, Concessions and Original Constitutions of *New-Jersey*, Folio 99, 229, 271.

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 Supreme Court, in such Manner and Form, and by such Recognizances or Bail-Pieces, as the Justices of the said Supreme Court have used 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 Supreme 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.

Which Recognizances to be transmitted to the Supreme Court Office.

Fees.

2. 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*.

Justices of said Court to make Rules for justifying such Bails, &c.

3. 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 or 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.

Personating another so as to subject him to the Payment of Money, to be Felony.

4. 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

H h

Persons

Commissioners appointed under this Act, empowered to administer Oaths, &c.

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 Supreme 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 Supreme Court.

C H A P. CLXXVII.

*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.\**

Passed Nov. 4, 1741.

Preamble.

**W**HEREAS 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,

*Sect. 1.* 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 anywise notwithstanding.

C H A P. CLXXVIII.

*An ACT to prevent the Destroying and Murdering of Bastard Children.*

Passed Nov. 4, 1741.

Preamble.

**W**HEREAS several lewd 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 alledge that the said Child was born dead; whereas it falleth out sometimes, although hardly it is to be proved, that the said Child or Children were murdered by the said Women their lewd Mothers, or by their Assent or Procurement; For preventing of this great Mischief,

Any Free Woman concealing the Death of her Bastard, shall suffer Death, except she can prove the Child was born dead.

*Sect. 1.* 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

\* Chap. CLVII.

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.

2. 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, Chapels and Meetinghouses within this Province, by the Clerk of such Parish Church, Chapel 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 Effoine, Protection or Wager of Law, or more than one Imparlance shall be allowed.

This Act to be publickly read yearly.

C H A P. CLXXIX.

An ACT to annex Part of the County of Essex to the County of Somerset, and to ascertain the Bounds thereof.\*

Passed Nov. 4, 1741.

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,

Preamble.

SECT. I. 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, *Videlicet*, BEGINNING at the South Branch of *Raritan* River, where the reputed Division Line between *East* and *West Jersey* strikes the same, along the Rear of *Raritan* Lots, until it meets with the North Branch of said River; thence up the same to a Fall of Water commonly called *Allamantuck*; from thence along the Bounds of *Morris* County to *Passaick* River; thence down the same to the lower Corner of *William Dockwrae's* two Patents on the same River; and thence on a straight Line southeasterly 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 *Raritan* River; thence down *Raritan* River to the Place where the Road crosseth said River at *Inian's* Ferry; from thence along said old Road, which leads by *Jedediah Higgins's* House, towards the

Bounds of the County of Somerset.

\* See the Act which first fixed the Boundaries of these Counties in 1709-10, Chap. XXIII, and an Alteration of *Somerset* in 1713-14, Chap. XLV.

the Falls of *Delaware*, until it intersects the Division Line aforesaid; thence along the said Division Line to the South Branch of *Raritan* River aforesaid where it first began; any 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 anywise notwithstanding.

Taxes already assessed shall be paid,

2. 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 *Effex*; 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.

Expired.

CHAP. CLXXX. *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 1741, and to end the twenty-third Day of September 1742.*

Expired—  
supplied by  
Chap. CCIX.

CHAP. CLXXXI. *An Act to prevent any Action under Fifteen Pounds, being brought into the Supreme Court of this Province.*

Limited to three Years.

Repealed—  
supplied by  
Chap.  
DLXXXIX.

CHAP. CLXXXII. *An Act for building, rebuilding and repairing Bridges in the County of Effex.*

These three Acts were passed the 4th Day of *November*, 1741.

At a GENERAL ASSEMBLY held at Burlington from the Sixteenth Day of October to the Twenty-fifth Day of November 1742, in the Sixteenth Year of the Reign of King George the Second, the following Law was passed.

SESSION THE THIRD.

Expired.

CHAP. CLXXXIII. *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 Nov. 25, 1742.

At

## At a GENERAL ASSEMBLY held at

Perth-Amboy from the Tenth Day of October to the Tenth Day of December 1743, in the Seventeenth Year of the Reign of King George the Second, being the Thirteenth Assembly of New-Jersey, the following Laws were passed.

## SESSION THE FIRST.

## C H A P. CLXXXIV.

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.

Passed Dec. 2, 1743.

**W**HEREAS 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 further Means of increasing the Inhabitants of the same; Preamble.

*Sect. 1.* 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, *Videlicet*,

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. Duty on Rum.

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. On Wine.

2. 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. Provido such Wines be deemed imported from the Place of their Manufacture.

I i

3. AND,

Entry to be made upon Importation, and Duty paid:

3. 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.

Otherwise the Commodities to be forfeited,

and may be seized.

Forfeitures applied.

4. 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 empowered 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, Complaint or Information, wherein no Effoine, Protection or Wager of Law shall be allowed, nor any more than one Imparance, 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.

Penalty on assisting to import contrary to this Act.

5. 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 aforesaid, 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 applied in Manner aforesaid.

Penalty on resisting the Officers.

6. 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,

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 applied in Manner afore-mentioned: 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 afore-mentioned, contrary to the Purport and true Meaning of this Act; or if any such 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.

Penalty on Officers conniving at fraudulent Importations.

7. 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.

Onus Probandi to lie on the Defendants.

8. 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 empowered 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.

Collector may appoint Deputies.

9. 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 borne out of the Shares and Parts 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.

Expence of Prosecution, how to be paid on the Part of the Plaintiff.

10. PROVIDED NEVERTHELESS, That all Suits and Prosecutions, for any Offence against this Act, shall be brought and commenced within six Months after such Offence committed.

## C H A P. CLXXXV.

An ACT to empower 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, and to restrain the unnecessary Meetings of said Freeholders.

Passed Dec. 2, 1743.

Preamble.

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,

SECT. I. 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, entitled, *An Act for raising of Money for building and repairing of Gaols and Courthouses, &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 empowered 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, entitled, *An Act for the more regular choosing and electing Assessors and Collectors in the respective Towns and Counties in 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.

Freeholders and Justices to direct the Assessors in what Manner to assess, &c.

Justices not to call the Freeholders more than four Times a Year;

2. 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.

Nor raise Money to defray their Expences.

3. 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.

\* Chap. XXXVII.

† Chap. LXXVII.

4. AND

4. 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.

Deficiencies to be raised on the Town where they happen.

C H A P. CLXXXVI.

An ACT *subjecting* Real Estates in the Province of New-Jersey to the Payment of Debts, and directing the Sheriff in his Proceedings thereon.

Passed Dec. 2, 1743.

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;

Preamble.

*Sect. 1.* 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.

Real Estates may be sold to pay Debts.

2. 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 endorsed 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 Monies so as aforesaid from him or them due, and on such Writs payable.

Personal Estate to be first seized and sold.

3. 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

Sale of Real Estates to be advertised

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.

Defendant  
may choofe  
what Part  
shall be fold.

4. 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 fold, if a Part or Dividend thereof may be sufficient to satisfy the Monies 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.

Sheriff, &c.  
to convey to  
the Purchaser

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when any Lands, Houses or Hereditaments shall be fold in Manner aforesaid, the Sheriff or other Officer that fold 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 fold 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 entitled 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 fold such Lands and Premises to such Purchaser or Purchasers, and signed, sealed and delivered a good Deed for the same, and receive the Consideration Money himself.

as good an  
Estate as the  
Defendant  
had.

Estate so fold,  
to be free of  
other Judg-  
ments, &c.

6. 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.

7. 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 Judgments be liable to be reversed for Error; and, by Carelessness of Clerks, the same Judgment or Process may be liable to be embezzled

bezzled 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 Risks, 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 Estates shall issue, until one of the Judges of the Supreme 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 certify thereon as aforesaid; and the said Judgment and Process, with such Certificates, shall be recorded in a Book by the Clerk of the Supreme Court to be kept for that Purpose, before sending such Process to any Sheriff or other Officer or Officers.

One of the Judges to inspect the Record and Process.

The same to be recorded.

8. 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.

After which no Reversal shall operate against the Purchaser, &c.

9. 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.

Record to be good Evidence.

10. 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.

Preference of Executions regulated.

11. 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

Penalty on Sheriff, &c. acting contrary to this Act.

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.

C H A P. CLXXXVII.

*An A C T 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.*

Passed Dec. 2, 1743.

Preamble.

**W**HEREAS many of the Inhabitants of this Colony live at a great Distance from any of the Judges of the Supreme 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,

What a sufficient Acknowledgment or Proof heretofore, to record Deeds ;

*Sec̄. I.* 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 Supreme 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 endorsed 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 empowered to record or register Deeds or Conveyances of Land within this Colony.

What hereafter.

2. 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 Supreme 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 endorsed 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 empowered

empowered to record or register Deeds or Conveyances of Land within this Colony.

3. 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 Supreme 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 endorsed 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.

Deeds of Feme Coverts how to be acknowledged.

4. 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 Acknowledgment 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.

Such Deeds how to be acknowledged and certified in *Great-Britain*, &c.

5. 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.

Feme Coverts under Twenty-one, not enabled to sell;

6. 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.

Nor if Tenants in Tail, to bar their Issue;

7. 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 their 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.

Nor to sell Estates of the Gift, &c. of former Husbands, while Issue is living.

Penalty on molesting the Officer.

Penalty on Persons assisting to export Timber, &c.

Application of the Penalties.

Collector to render an Account.

Fees.

Collector to appoint Persons to see that this Act be performed.

On his Default two Justices may appoint, &c.

Penalty on Officers conniving, &c.

any Ways 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 any Ways 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.

4. 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, Complaint or Information, wherein no Effoigne, Protection or Wager of Law, nor any more than one Impar lance 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 in the same.

5. 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 empowered 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, empowered 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.

6. 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

ing shall forfeit the Sum of *Fifty Pounds* for each Offence, to be recovered and applied in Manner aforesaid.

The 7th, 8th and 9th Sections of this Law, only respecting the Common Lands of the Freeholders of the Corporation of the Township of *Bergen*, are not thought necessary to be inserted here, being of a private Import.

10. 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 Feet, (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.

Firewood allowed to be exported.

11. 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.

Penalties to be sued for in six Months.

*The Act may be seen at large in Nevill's first Vol. Fol. 285.*

CHAP. CLXXXIX. *An Act to empower the Inhabitants of the County of Bergen to erect and build a Draw or Swinging Bridge over Hackinack River.*

Supplied and repealed by Chap. DLXXXIX.

By this Act the Bridge was to be built, repaired and maintained, by Subscription, but is now become a County Charge, and subject to the Direction of Chap. DLXXXIX.

CHAP. CXC. *An Act for continuing an Act, entitled, An Act for the better enabling of Creditors to recover their just Debts from Persons who abscond themselves.\**

Expired—supplied by Chap. CCXXIV.

Limited to five Years.

CHAP. CXCI. *An Act to empower the Inhabitants of the County of Salem to erect and build a Bridge over Salem Creek.*

Obsolete.

This Bridge was built by Subscription, and is made a Toll-Bridge by Chap. CCXLIII, in which the Mode of supporting it is pointed out.

CHAP. CXCII. *An Act for the Relief of poor distressed Prisoners for Debt.*

Expired—repealed by Chap. CCXXXIX.

This Act extended to Persons “being in Prison upon the first Day of December 1743, or who should be committed afterward, during the Space of five Years.”

CHAP. CXCIII. *An Act to erect and establish Courts in the several Counties of this Province for the Trial of small Causes.*

Expired—supplied by Chap. CCXXXIX.

This Act gave Cognizance to any Justice of the Peace of “all Actions for Debt and other Demands for and under the real Value of “Five Pounds,” except in special Cases, and continued in Force five Years.

The last five Acts were passed the 17th Day of Nov. 1743.

M m

CHAP.

\* Chap. CLXX.

Supplied and  
repealed by  
Chap.  
DLXXXIX.

CHAP. CXCIV. *An Act to empower the Inhabitants of the County of Middlesex to build a Bridge over South River in said County.*

A Purchase was made of *Edmund Bainbridges* Bridge by the Justices and Freeholders, as this Act authorized; but a new one being now provided by Chap. CCCCLXXXVII a little below, the former is gone to Decay, and the old Road vacated.

Difallowed.

CHAP. CXCV. *An Act for ascertaining the Fees to be taken by the several Officers in the Colony of New-Jersey.*

This Act had a suspending Clause.—*Nevill* doth not mention it in his Edition.

The last two Acts were passed the 2d Day of *December* 1743.

Expired.

CHAP. CXCVI. *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 1743, and to end the twenty-third Day of September 1744.*

Passed Dec. 5, 1743.

At a GENERAL ASSEMBLY held at Burlington from the Twenty-second Day of June to the Tenth Day of November 1744, and continued on an Adjournment to Trenton to the Eighth Day of December ensuing, in the Eighteenth Year of the Reign of King George the Second, the following Laws were passed.

SESSION THE SECOND.

Expired.

CHAP. CXCVII. *An Act to encourage the destroying of Crows, Blackbirds, Squirrels and Woodpeckers, in the Counties of Gloucester, Salem and Cape-May.*

Limited to three Years.

Private.

CHAP. CXCVIII. *An Act for naturalizing Ludwick Hadn, Jacob Utrz, Frederick Tendle Spick, Adam Hoefhield, 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.*

These Acts were passed the eighth Day of *December* 1744.

**At a GENERAL ASSEMBLY held at**

Perth-Amboy from the Fourth Day of April to the Sixth Day of August 1745, and continued on an Adjournment to Trenton to the Twenty-fourth Day of the same Month, in the Eighteenth and Nineteenth Years of the Reign of King George the Second, being the Fifteenth Assembly of New-Jersey, the following Law was passed.

## SESSION THE FIRST.

Chap. CXCIX. *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.* Obsolete.

Passed June 1, 1745.

**At a GENERAL ASSEMBLY held at**

Trenton from the Twenty-sixth Day of February 1745-6 to the Twenty-first Day of May 1746, when Governor Morris dying, was succeeded by John Hamilton, Esquire, President of the Council, the Assembly continued sitting to the Fourth Day of June, in the Nineteenth Year of the Reign of King George the Second, being the Sixteenth Assembly of New-Jersey, the following Law was passed.

## SESSION THE FIRST.

## C H A P. CC.

*An ACT for better settling and regulating the Militia of this Colony of New-Jersey, for the repelling Invasions, and suppressing Insurrections and Rebellions.*

Passed May 8, 1746.

**W**HEREAS the Security of this Colony, and Preservation of His Majesty's Government over it, greatly depends upon the Militia being put into such Methods as may make the same most useful for the Defence thereof, especially at this Time, when His Majesty hath a just War against both *France* and *Spain*; therefore, for the better Defence of this Colony, and the Honour of His Majesty, Preamble.

*Sec. I. BE IT ENACTED by the Governor, Council and General Assembly, and by the Authority of the same, That every Captain within this Colony, that already is or hereafter shall be appointed, shall make*

Captains to  
make Lists of  
Men within  
their Dis-  
tricts, &c.

Arms, &c.  
necessary.

Times of  
Muster.

make a true and perfect List of all the Men that now do, or hereafter shall dwell within the Districts or Divisions of which they are or shall be Captains, between the Age of sixteen and fifty Years (except the Gentlemen of His Majesty's Council, the Representatives of the General Assembly, Ministers of the Gospel, the Civil Officers of the Government, and all Field Officers and Captains, that heretofore have, now do, or hereafter shall bear such Commissions, Physicians, Schoolmasters, Millers, Ferrymen, bought white Servants and Slaves) every one of which so listed shall be sufficiently armed with one good Musket or Fuzee well fixed, a Sword or Bayonet, a Cartouch-Box or Powder-Horn, three Charges of Powder, and three fizeable Bullets; who shall appear in the Field so armed twice a Year, *Videlicet*, the first *Monday* in *April*, and the second *Monday* in *October*, except the County of *Cape-May*, which shall thus appear the third *Tuesday* in *April*, and the third *Tuesday* in *October*, at the Places appointed by their respective Captains or superior Officers, and continue in Arms but one Day at each Time, besides at other such Times when they may 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 within each respective County as shall be by him appointed, to be taught the Use of their Arms. PROVIDED ALWAYS, That such Calling together in Writing as aforesaid, shall not exceed once in a Year, and said Persons to be kept in Arms but one Day at such Time, except in Case of Alarms.

Disobedience  
to Officers,  
and for Non-  
Appearance,  
how punish-  
ed.

2. BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Person so listed, that doth appear at the Times and Places aforesaid, shall be and are hereby subjected to the Commands of their proper Officers, and upon Disobedience it shall and may be lawful for the Captain or Commanding Officer to fine said Offender or Offenders any Sum not less than *One Shilling*, nor above *Ten Shillings*; and in case of Delay or Refusal to pay such Fine or Fines, then the said Captain or Commanding Officer may make out his Warrant to one of his Sergeants or Corporals, commanding him to take to his Assistance one or more of the Soldiers under his Command, if Occasion should require, and take the Body of the said Offender or Offenders, and deliver him or them to the Gaoler of the said County, who is hereby required and commanded to take the said Offender or Offenders into his Custody, and keep him or them in close Gaol for such Time as shall be expressed in the Captain's Warrant, not exceeding three Days; and at the Expiration of said Time, or on Payment of the said Fine or Fines, then the said Offender or Offenders to be discharged, paying to the Gaoler *One Shilling* for his Fees, and no more.

Officers and  
Soldiers to  
behave well  
while under  
Arms.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Officer shall beat or abuse any of the Soldiers whilst under Arms on any such Days of Training as aforesaid: But if any Soldier shall, during that Time, use any reproachful or abusive Language towards any of his superior Officers, or shall quarrel himself, or promote any Quarrel amongst his Fellow-Soldiers, or appear in Arms disguised in Liquor, it shall and may be lawful for the Captain or Commanding Officer to disarm such Soldier at the Head of his Company, and to set a Centinel over him during the Time of the Company's being in  
Arms

Arms and no longer, or to fine him in Manner and Form aforesaid, as the said Captain or Commanding Officer in his Discretion shall think proper.

4. BE IT FURTHER ENACTED *by the Authority aforesaid*, That every of the Persons aforesaid, that appears at the Times and Places aforesaid, without the Arms and Ammunition aforesaid, shall forfeit and pay to their respective Captain or Commanding Officer as followeth, *Videlicet*, For want of a Musket or Fuzee *Two Shillings*, if not well fixed *One Shilling*; for want of three Charges of Powder and three fizeable Bullets *One Shilling*; for want of a Sword or Bayonet *One Shilling*: Which said Sums of Money shall be applied by said Captain to the Purchasing Drums and Colours for his Company.

Penalties on  
appearing  
without  
Arms, &c.

Application.

5. 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, Infurrection, or Rebellion, to call so many of the Persons aforesaid together, for repelling the Force of the said Enemy, or quelling the said Infurrection or Rebellion, or order such Detachments for the common Defence as he shall think fit, to follow and pursue the said Enemy into any of the neighbouring Governments, for the repelling or taking them Prisoners, and Preservation of His Majesty's Subjects and Government.

Power of the  
Captain-Ge-  
neral in case  
of Invasion,  
&c.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful, and such Captains or other Commanding Officers that live near such Places where an Enemy may come, are hereby required and commanded on any Descent or Invasion of an Enemy, or on their Landing, or Danger thereof, to call all or so many of their respective Companies together as shall be thought necessary to expel the said Enemy, and forthwith attack them; or otherwise to do the best that lies in their Power to distress, stop and hinder them in their intended Invasion or Plundering. And said Captains and Commanding Officers are hereby further required and commanded, as soon as possible, to send Notice of such Descent or Invasion to the Governor or Commander in Chief for the Time being.

Power of  
Captain, &c.  
in case of In-  
vasions, &c.

7. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in Times of any Invasion, Infurrection, Rebellion or Alarm as aforesaid, all the Officers and Persons so enlisted as aforesaid, that shall be commanded to their Arms, by Order of the Captain-General, or Commander in Chief, or other Officer or Officers, during the Time or Times of such Invasion, Infurrection, Rebellion or Alarm, are hereby made subject to the Pains and Penalties of the Martial Law, so that the Punishment do not extend to the taking of Life or Member.

In Time of  
Invasion, &c.  
all subject to  
Martial Law.

8. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when the Governor or Commander in Chief for the Time being, in Time of Danger, shall think fit to direct a Watch to be kept in any Place or Places within this Colony, the Colonel, Lieutenant-colonel, Major or other Commanding Officer, in each respective County where such Watch shall be appointed to be kept, to whom such Directions shall be signified, shall issue out his Orders to the several Captains under his

Governor  
may appoint  
Military  
Watches, &c.

Command, to appoint such and so many Men to appear with their Arms at such Times and Places as such Colonel, 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 to 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 every Person that shall leave the said Watch, until he is relieved by some other Person appointed to watch in his Room, shall forfeit *Forty Shillings*; which Forfeitures shall be recovered before any Justice of the Peace of the County where said Offence or Offences is or are committed, with Costs of Suit; one Half to the Informer who shall prosecute the same to Effect, the other Half to be paid to the Captain for the Uses hereafter mentioned. PROVIDED ALWAYS, That no Person or Persons shall be obliged to continue longer on the Watch than twenty-four Hours at one Time, any Thing in this Act to the contrary notwithstanding. And such Watch, upon the Approach of an Enemy or otherwise, shall make such Signals, and give such Alarms, as he shall be directed by the Officer appointing him; and every Officer or Soldier, upon hearing such Alarms, and seeing such Signals, shall obey such Orders for the repeating the same or calling together, or marching his Regiment, Troop or Company, as he shall receive from his Officer, or Commanding Officer in such Case.

Penalty on Persons neglecting to watch when appointed.

Time of continuing on the Watch, &c.

Watch to make Signals, &c.

Penalty on refusing to serve as Sergeants, Corporals, &c.

9. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person be appointed to be Sergeant, Corporal or Drummer, and shall refuse said Office, or neglect or refuse to do any of the Duties required of them by this Act, he shall forfeit for each Offence the Sum of *Twenty Shillings*, to be recovered before any Justice of the Peace within the County where said Offence or Offences are committed, one Half to the Informer who shall prosecute the same to Effect, the other Half to be paid to the Captain for the Use hereafter mentioned. PROVIDED ALWAYS, That none be appointed Sergeants, Corporals or Drummers, but such as have or shall appear in Arms as aforesaid. PROVIDED ALSO, That no Person be fined but once for the Refusal of either of said Offices.

Every Person enlisted to be always provided with Arms.

Penalty on Defaulters.

10. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Person listed as aforesaid, within this Colony, and who hath or shall appear in Arms as aforesaid, shall always be provided with one good sufficient Musket or Fuzee, well fixed, a Cartouchbox or Powderhorn, one Pound of Powder, twenty-four fizeable Bullets, three Flints and a Sword or Bayonet in his House or Place of Abode; and, as often as any of the said Persons shall be deficient in keeping the Arms and Stores aforesaid, he shall forfeit and pay to the Captain of the Company where such Offence is committed the Sum of *Four Shillings*, for the Use hereafter appointed. And each respective Captain within this Colony is hereby empowered and required to order and appoint their Sergeants to examine the same once a Year.

11. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Person so listed, that shall not appear at the Times and Places aforesaid,

aforesaid, to be taught the Use of their Arms, shall forfeit and pay the Sum of *Four Shillings* for each of the said Days Absence to the Captain of the Company to which they belong, except in Cases of Sickness or other reasonable Excuse, to be allowed by the Captain or Commanding Officer, for the Time being, of their respective Companies to which they belong. And if any Person or Persons shall neglect or refuse to pay each of their respective Forfeitures aforesaid, the said Captain or Commanding Officer is hereby required and commanded to issue out his Warrant to one of his Sergeants or Corporals, to make Distress upon every such Defaulter's Goods and Chattels, so neglecting or refusing to pay as aforesaid, provided such Distress be made in a reasonable Manner, and but once a Year for all the Defaults committed that Year before the Time of such Distress; and shall expose the said Goods to Sale by publick Vendue; and, after Sale thereof, pay the Forfeitures to the Captain as aforesaid, and return the Overplus, if any be, to the Owner thereof, after deducting *One Shilling* for his Trouble for each Distress, which he is hereby allowed to take. PROVIDED ALWAYS, That no such Distress be made on the Arms and Ammunition the Persons so listed are obliged to provide themselves with by this Act.

Penalty on  
Non-Appear-  
ance to Mus-  
ter.

Forfeitures  
how to be  
recovered.

12. AND BE IT ENACTED *by the Authority aforesaid*, That all the Fines and Forfeitures (except those aforesaid for purchasing Drums and Colours) shall be applied by the Captain or Commanding Officer of each respective Company, for providing the Arms and Ammunition, required by this Act, for such Persons so listed that shall be adjudged not to be able to provide themselves with the Arms and Ammunition aforesaid, in Manner hereafter mentioned. PROVIDED ALWAYS, That it shall and may be lawful for the said Captains or Commanding Officers to retain in their Hands Five per Cent out of the Money so levied and applied.

How applied.

13. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Captain, Lieutenant and Ensign of each respective Company, or any two of them, shall meet together at such Time and Place as said Captain or the Commanding Officer for the Time being shall appoint, within the Township or District wherein he is Captain or Commanding Officer, and then and there adjudge which of said Persons so listed are not able to provide themselves with the Arms and Ammunition aforesaid: All which said Persons shall be and are hereby exempted from the Fines and Forfeitures aforesaid, for not appearing at the Times and Places aforesaid, until such Time that they are provided for with Arms and Ammunition, or until such Time that the said Captain, Lieutenant and Ensign, or any two of them, shall judge them able to provide Arms for themselves.

Persons un-  
able to provide  
Arms, ex-  
empted from  
Fines, &c.

14. AND, to prevent the said Arms being seized by an Enemy, or Persons disaffected to the Government, BE IT ENACTED *by the Authority aforesaid*, That the Arms and Ammunition aforesaid, that shall be purchased as aforesaid, shall be distributed by each Captain or Commanding Officer of each respective Company, so as there be lodged but two of such Muskets or Fuzees, and but one Pound of such Powder, and twenty-four Bullets in one House, in the Custody or Care of some of

Arms, &c.  
how to be  
distributed.

of the principal Freeholders within said Captain's District or Division : And, upon Alarms or Mustering Days, the said Arms shall be delivered to such Persons to whom they were to be lent as aforesaid, with such a Quantity of Ammunition as is required of others to bring into the Field ; and, as soon as the said Alarm or Mustering Day is over, the Captain shall order the said Arms to be returned to the Persons that had them in Keeping, with the Ammunition aforesaid, only allowing so much to be deducted as the said Captain shall permit to be expended.

Parents and Masters to pay the Fines of Sons or Servants.

15. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That where young Men that dwell with their Parents or Masters, and listed as aforesaid, shall neglect or refuse to do the Duties required of them by this Act, then, and in that Case, their Fines and Forfeitures shall and may be levied out of their Parents or Masters Estate, any Law or Custom to the contrary in anywise notwithstanding ; unless the Captain, Lieutenant and Ensign, or any two of them as aforesaid, shall adjudge the said Parents or Masters not to be able to furnish the Son or Apprentice with the Arms and Ammunition required by this Act ; then, and in that Case, the said young Men shall have such Arms and Ammunition lent them, as the Persons aforesaid have, and be also exempted from the Fines and Penalties for not appearing at the Times and Places aforesaid, until provided as before directed.

Volunteers in unregimented Companies to perform their Duty as others.

16. AND WHEREAS several Persons have or hereafter may list themselves as Volunteers in unregimented Companies, and under Pre- tence thereof may say, that they are excused from doing the Duties required of them by this Act ; which Practice, if admitted of, will much lessen the Number and Regulation of the Militia of this Colony ; for Remedy whereof, BE IT ENACTED *by the Authority aforesaid*, That every Person or Persons that already hath or hereafter shall list him or themselves into said unregimented Companies shall be and are hereby made subject to the Commands of their proper Officers, and shall meet at the Times and Places appointed by this Act, to be taught the Use of their Arms, and provide themselves with such like Arms and Ammu- nition as is required of others to provide, and do every other Matter, Duty and Thing required by this Act of others that serve in Regi- ments, under the same Pains and Penalties, any Law, Custom or Usage to the contrary in anywise notwithstanding.

Foot Soldiers may list to serve in Troops of Horse.

17. BE IT FURTHER ENACTED *by the Authority aforesaid*, That if the Governor, or Commander in Chief for the Time being, shall think fit to grant Commissions for the Command of any Troops of Horse in this Colony, it shall and may be lawful for so many of the Persons enlisted by the several Captains aforesaid, to list themselves to serve in said Troop or Troops of Horse, being able to provide themselves with the Troopers Accoutrements hereafter mentioned. And when the Commanding Officers of said Troop are ready, and shall exercise said Troop, then, and not before, the said Persons so listed in said Troop, shall be and are hereby exempted from their Service in the Foot Companies.

18. AND

18. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That said Troopers, being so enlisted, are hereby subjected to the Commands of their proper Officers, and, upon Disobedience, shall be under the same Fines and Penalties that the other Persons serving on Foot are: And also the said Troopers shall be under the same Fines, Penalties, Forfeitures and Payments, for their not appearing at such Times and Places aforesaid, as the Footmen are by Virtue of this Act.

Troopers under the same Penalties, &c. as Foot Soldiers.

19. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Person, so enlisted to serve in a Troop, shall be provided with a good Horse, a good Saddle and Bridle, Holsters and Case of Pistols well fitted, Sword or Cutlass, Cartouchbox, and three Charges of Powder and Ball, and shall constantly appear so armed at the Times and Places appointed for Muster and Exercise; and shall keep at his Place of Abode, besides the Arms and Ammunition aforesaid, a well fixed Carbine, with Bolt, Swivel and Sling, Half a Pound of Powder, and twelve sizeable Bullets, and bring the same into the Field when specially required, which the Captain or Commanding Officer shall send one of his Sergeants to examine into once a Year.

Troopers how to be provided.

20. AND BE IT ENACTED *by the Authority aforesaid*, That each and every of said Persons so enlisted in a Troop, that shall be deficient in keeping the Arms and Stores aforesaid, at the Place of his Abode, shall forfeit and pay as follows, *Videlicet*, for want of a Carbine *Two Shillings*, if not well fixed *One Shilling*; for want of a Bolt, Swivel and Sling, *One Shilling*; for want of Half a Pound of Powder and twelve sizeable Bullets *One Shilling*: And every one of said Troopers that shall appear at the Places before appointed without the Arms and Accoutrements required as aforesaid, he shall forfeit and pay as follows, *Videlicet*, for want of a good Horse *Two Shillings*; for want of a good Saddle and Bridle *One Shilling*; for want of a Case of Pistols *One Shilling*; for want of three Charges of Powder and three sizeable Bullets *One Shilling*: All which Fines and Forfeitures shall be paid to the Captain as aforesaid, to be applied to purchasing Arms and Ammunition as aforesaid, for the Use aforesaid, and to be levied and accounted for in Manner aforesaid.

Penalties on Defaulters.

21. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That each Captain or Commanding Officer of every Company in this Colony, shall account for all such Fines and Forfeitures, so by him to be received, before any Justice of the Peace, and the two Freeholders chosen in the said Township or District wherein he is Captain or Commanding Officer, by Virtue of an Act, entitled, *An Act for raising of Money for building and repairing of Gaols and Courthouses, &c.* \* at such Time and Place as the said Justice of the Peace shall appoint. And if, upon such Accounting, it shall appear that any Captain or Commanding Officer shall not have expended and laid out all such Fines and Forfeitures (except those before excepted for Drums and Colours) in purchasing Arms and Ammunition aforesaid; then if said Sum shall appear to be *Five Pounds* or under, it shall and may be lawful, in case of Refusal or Neglect of the said Captain or Commanding Officer, to pay the same to the said Justice and Freeholders for the said Justice of the

Captains, &c. to account for the Fines they receive.

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the

\* Chap. XXXVII.

the Peace, and he is hereby required and commanded to issue his Warrant to any Constable, commanding him to make Distress upon the said Captain's or Commanding Officer's Goods and Chattels, and expose the same to Sale by publick Vendue; and, out of the Money arising by such Sale, he shall pay to the said Justice of the Peace and said two Freeholders, so much Money as the said Captain or Commanding Officer is found not to have laid out, returning the Overplus to the Owner, if any be, after deducting the lawful Fees for the Warrant, Distress and Sale. And if said Sum exceed *Five Pounds*, then it shall and may be lawful for the said Justice and Freeholders, for the Time being, in their Names, to sue the said Captain or Commanding Officer in any Court where the same is cognizable, by Action of Debt, to be recovered with Costs of Suit, and applied by the said Justice and Freeholders to the purchasing the Arms and Ammunition aforesaid.

Penalty on Refusal or Neglect.

22. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Captain or Commanding Officer shall refuse or neglect to account as aforesaid, he shall forfeit *Five Pounds* for every such Neglect or Refusal, with full Costs of Suit, to be recovered by Action of Debt by any Person that will sue for the same, before any Justice of the Peace; the one Half to such Person or Persons that shall prosecute the same to Effect, the other Half to be applied for purchasing the Arms and Ammunition aforesaid.

Penalty on selling strong Liquor near the mustering Place.

23. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Innholder, or any other Person or Persons whatsoever, without Leave from the Captain or Commanding Officer for the Time being, shall presume to sell any strong Liquor to any of the Persons so listed, in such Days or Times that they are obliged to appear in Arms at the Place of Mustering or Training, or within a Mile thereof, until after they are dismissed for that Day; and every Person or Persons so selling strong Liquor, contrary to the Directions of this Act, shall forfeit the Sum of *Three Pounds*, to be recovered by any Person that will sue for the same, before any Justice of the Peace; the one Half to such Person as will prosecute the same to Effect, the other Half to be applied for purchasing the Arms and Ammunition aforesaid.

No civil Proceſs to be served on Officers or Soldiers on the Day of Training.

24. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Summons, Warrant, Writ, or other Process, unless at the Suit of the King, shall be served upon any Officer or Soldier on the Day or Days of such training and appearing in Arms as aforesaid, but that all such Persons shall be free from Arrest, and have Liberty and Privilege of going and returning to their respective Places of Abode, without Let, Suit or Hindrance on those Days.

Ferry-men to take but half Ferriage of Soldiers on mustering Days.

25. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in case there shall be Occasion for the said Officers and Soldiers to pass or repass any River or Place where a Ferry or Ferries are kept, in going to or returning from the Place of training or appearing in Arms as aforesaid, the Ferry-men, Owners or Keepers of all such Ferries, are to take and receive of all such Officers and Soldiers only half Ferriage, for such carrying over and bringing back all such Officers, Soldiers, and their Horses. And in case any Ferryman, Owner or Keeper of such

fuch Ferry or Ferries, shall neglect to attend, or refuse carrying or bringing back all fuch Officers or Soldiers, or their Horses as aforefaid, the faid Ferryman, Owner or Keeper of fuch Ferry or Ferries, shall forfeit and pay the Sum of *Three Pounds* Proclamation Money, to be recovered by the Captain or Commanding Officer of fuch Company, in any Court in this Colony where the fame is cognizable, and when recovered, to be applied to the purchafing of Arms and Ammunition as aforefaid.

Penalty on Refusal or Neglect.

26. AND BE IT FURTHER ENACTED *by the Authority aforefaid*, That this Act fhall continue and be in Force for one Year after the Publication hereof, and from thence to the End of the next Seflion of General Affembly, and no longer.

Limitation.

This Act has been continued and fometimes amended pro tempore by fundry Acts fince, and ftands limited by Chap. DXXXIX to the firft Day of *May* 1777, and from thence to the End of the next Seflion of Affembly.

At a GENERAL ASSEMBLY held at Perth-Amboy from the Eleventh to the Twenty-eighth Day of June 1746, in the Twentieth Year of the Reign of King George the Second, the following Laws were paffed.

SESSION THE SECOND.

JOHN HAMILTON, Esquire, President.

CHAP. CCI. *An Act to encourage the enlifting of Five Hundred Freemen, or native well affected Indians, in this Colony of New-Jerfey, for His Majesty's Service in the prefent Expedition againft Canada; for making Provision for their Subfiftance for four Months; for transporting them to Albany in the Province of New-York; and for defraying the Expence thereof out of the Intereft Money arifing from the Loans of the Bills of Credit of this Colony.*

Obfolete.

The King, it appears by this Act, had engaged that the Forces to be raifed fhould have the ufual *British* pay, expecting the Colony would find them Provisions, which were accordingly provided.

CHAP. CCII. *An Act for making current Ten Thousand Pounds in Bills of Credit, to enable the Honourable John Hamilton, Esquire, Commander in Chief of this Colony, or the Commander in Chief for the Time being, to defray the Expence of Arming and Cloathing the Forces to be raifed in this Colony, for His Majesty's Service, in the prefent Expedition againft Canada; and directing the Manner of finking the faid Bills of Credit.*

Obfolete.

This Money was iffued under an Expectation of the Colony's being reimbursed a reafonble Allowance for providing Arms and Cloathing for the Forces, which it was defigned to raife and equip, agreeable to Inftuctions given by the Crown to General *St. Clair* for that Purpofe.

These Acts were paffed June 28, 1746.

At

At a GENERAL ASSEMBLY held at Perth-Amboy from the Ninth Day of October to the First Day of November 1746, in the Twentieth Year of the Reign of King George the Second, the following Law was passed.

SITTING THE SECOND OF THE SECOND SESSION.

Obsolete. CHAP. CCIII. *An Act to make current Eight Hundred and Fifty Pounds in Bills of Credit, for the further Victualling the Forces lately raised in New-Jersey, on an Expedition against Canada.*

Passed Nov. 1, 1746.

Five Companies having been raised and provided for during the Summer Season, and no Orders arrived from the King for their being discharged, under an Apprehension that they might be wanted during the Winter Season, the Assembly, being "heartily desirous to do all in their Power in Support of His Majesty's Interest, and zealous to carry on the Expedition," made Provision by this Law for the Support of these Troops.

At a GENERAL ASSEMBLY held at Perth-Amboy from the Fourth to the Ninth Day of May 1747, in the Twentieth Year of the Reign of King George the Second, the following Law was passed.

SITTING THE THIRD OF SESSION THE SECOND.

Obsolete. CHAP. CCIV. *An Act to make current One Thousand Pounds in Bills of Credit for the further Victualling and providing for the Forces lately raised in New-Jersey on an Expedition against Canada.*

Passed May 9, 1747.

At a GENERAL ASSEMBLY held at Burlington from the Seventeenth Day of November 1747 to the Eighteenth Day of February 1747-8, in the Twenty-first Year of the Reign of King George the Second, the following Laws were passed.

SITTING THE FIFTH\* OF SESSION THE SECOND.

JONATHAN BELCHER, Esquire, Governor.

CHAP.

\* At the fourth Sitting no Laws were passed.

C H A P. CCV.

An ACT the better to prevent the Concealing of Stray Cattle, Horses and Sheep.

Passed Jan. 19, 1747-8.

**W**HEREAS the Provision already made by a Law passed in this Colony in the first Year of the Reign of our Sovereign Lord King George the Second, entitled, *An Act to prevent the Concealing of Stray Cattle, Horses and Sheep*, has not, on Experience, been found fully to answer the End for which it was designed: For Remedy whereof,

Preamble.

*Sect. 1.* 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 the Inhabitants and Freeholders of each City, Town and Precinct, in the several Counties of this Colony, shall and may annually and every Year hereafter assemble and meet together on the second *Tuesday* in *March*, and then and there, by Plurality of Voices, elect a Person to be Clerk of the respective City, Town or Precinct for the ensuing Year; which Clerk so elected shall provide and keep at the Charge and Cost of the City, Town or Precinct, a Book for the Purposes herein after directed.

A Clerk to be chosen, when, and how.

Clerk to keep a Book.

*2.* 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 first Day of *November* and the first Day of *April*, in any Year ensuing, shall discover any stray Cattle, Horses or Sheep, upon his or their improved Land, shall forthwith give Notice thereof to the Clerk of the respective City, Town or Precinct where such Estrays shall happen to be found, with their and each of their several Ages, Colours 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 Sheep so given Notice of; on which Notice so given the Clerk of such City, 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, by the Person who shall require such Entry to be made. And if the Owner of such Estrays shall appear and prove his Property to the same, any Time before the Day of Sale herein after-mentioned, then, on paying the Charges which shall have accrued by Virtue of this Act, the said Estrays shall be delivered to the said Owner. And if no Owner or Owners of such Estrays shall appear before the first Day of *May* next ensuing such Entry as aforesaid, then the Possessor of such Estrays, shall, within the Space of five Days, give Notice to one of the Overseers, of the Poor of the said City, Town or Precinct; which said Overseer is hereby required, within five Days after such Notice given, to set up Advertisements in three of the most publick Places of the said City, Town or Precinct, appointing the Time and Place of Sale of such Estrays at publick Ven-

Notice of Strays to be given to the Clerk, and when.

Clerk to make an Entry thereof in the Book.

Owner appearing, to have the Stray on paying Charges.

Owner not appearing, Keeper of the Stray to give Notice to an Overseer of the Poor, who shall advertise and sell the same.

due to the highest Bidder; and shall proceed to sell the same, in not less than five nor above ten Days after setting up such publick Advertisements; and, out of the Money arising by such Sale, the said Overseer shall pay the Possessor such Costs of entering the said Estrays, as is by this Act directed, and such Damages or Charges for keeping the same as shall be adjudged by any indifferent neighbouring Freeholder, chosen by the Overseer and the Possessor, to be just and reasonable, whose Judgment and Determination shall be final; and it shall and may be lawful for the said Overseer to detain and keep to his own Use *Two Shillings* in the *Pound* for his Trouble in attending the said Sale, and for defraying the Charges and Expences thereof; and the Remainder of the Money, arising from such Sale as aforesaid, shall be paid to the Owner or Owners of such Estrays, provided he, she or they shall appear and make good their Title to the same in one Year after such Sale as aforesaid; and if no such Owner or Owners shall appear and make Demand of the said Overplus Money in the Time limited as aforesaid, then the same shall be applied to the Use of the Poor of the City, Town or Precinct where such Estrays shall be sold as aforesaid; and the said Overseer shall be accountable for the said Overplus Money to his Successor, according to the Act of Assembly of this Colony, entitled, *An Act for the Relief of the Poor*;\* and the said Overseer is hereby required to give a Receipt to the Purchaser or Purchasers of such Estrays for any Sum or Sums which the same shall sell for; which Receipt shall be a sufficient Voucher for the Payment of the same, and shall also give a lawful Right and Title to such Estrays to the said Purchaser or Purchasers, without his, her or their being any further accountable to the Owner or any other Person whatsoever, any Law or Custom to the contrary notwithstanding.

Fees.

Overseer to account.

Overseer's Receipt shall give a Right to the Stray sold.

Penalty on Persons neglecting to give Notice of Strays.

Owner not appearing to prosecute, Overseer of the Poor to prosecute for the Use of the Poor.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That any Person or Persons whatsoever, who hereafter may have any stray Cattle, Horses or Sheep upon his or their improved Lands, or in his or their Possession, at any Time between the first Day of *November* and the first Day of *April* as aforesaid, and shall not give the Notice prescribed by this Act in the Space of twenty Days after the Discovery thereof, such Person or Persons so offending shall not only lose any Demands he or they might otherwise have for keeping and feeding such Cattle, Horses or Sheep, but shall also forfeit to the Owner or Owners thereof the Sum of *Twenty Shillings* for each and every such stray Cattle or Horses, and *Two Shillings* for every Sheep as aforesaid, for every such Neglect, to be recovered before any one Justice of the Peace, with Costs of Suit; and if the said Owner shall not appear and prosecute the same within twenty Days after the first of *April* aforesaid, then the Overseer of the Poor of the City, Town or Precinct where the said Estray shall be so concealed, upon Notice thereof, is hereby required to prosecute the same to Effect, and to apply the said Fine, when recovered, to the Use of the Poor, in Manner and Form aforesaid.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Books so to be kept by the respective Clerks of each City, Town and Precinct,

\* The Act here referred to is Chap. XII, which is now repealed by Chap. CCCVI, but the accounting of Overseers of the Poor for all Monies they receive is provided for by the last Poor Law. Chap. DXC, Sect. 30.

Precinct, shall always by them be kept open and free for any Person or Persons who at any Time shall have Occasion to search therein for any such Stray, 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.

The Books to be kept free, and searched without Reward.

5. 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 of the Justices 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 choose a Clerk in the Room and Place of him or them so removed as aforesaid; and the Clerks so chosen, shall, to all Intents and Purposes, have the same Power, and be under the same Restrictions and Penalties as the aforesaid Clerk was.

How the Clerk is to be supplied on Death or Removal.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That, from and after the second *Tuesday* in *March* next, the Act, entitled, *An Act the better to prevent the Concealing of stray Cattle, Horses and Sheep*, † passed in the first Year of the Reign of his present Majesty King *George* the Second, and every Clause and Part thereof, is hereby repealed and declared null and void.

Former Act repealed.

The 7th and last Section only contained a Proviso, that Strays then in Possession should be proceeded against as the former Act directed.

C H A P. CCVI.

*An ACT to empower sundry of the Inhabitants of the Counties of Burlington and Gloucester, and others, to erect and build a Draw or Swinging Bridge over Cooper's Creek in the said County of Gloucester, and for appointing Commissioners to lay out a more direct Road from Burlington over the said Bridge to Coopers Ferries.*

Passed Jan. 19, 1747-8.

THIS Act also authorized the building a Bridge over *Pensawkin* Creek by Subscription, and though it was found impracticable to build the Bridge mentioned in the Title in the Mode prescribed by this Law, the other was erected, and a straight new Road from *Burlington* to *Coopers* Ferries opposite *Philadelphia* was laid out, and is become very useful: These were the Subjects of the first seven Sections of the Act; \* the Remainder is as follows:

8. AND WHEREAS it was proposed before the House of Assembly by each of the Owners of the Land on *Rancocas* Creek, at the Place the said Road will cross the same, that they will make and maintain at their own Charge and Risk, sufficient Wharfs and Causeways from the Upland down to the said Creek, with all other Accommodations

*John Busby* and *James Sberin*, their Heirs and Assigns, appointed Ferry-men over *Rancocas*.

† Chap. CXXX.

\* See Chap. CCXLIV, by which Part of this Act is repealed; and Chap. CCCXIX, making Provision for the said Road and Bridges in another Manner than these Sections enact.

tions for a good and complete Ferry; therefore, BE IT ENACTED by the Authority aforesaid, That *John Busby*, Owner of the Land on the East Side of the said Creek, and *James Sherrin*, Owner of the Land on the West Side of said Creek, for them, their Heirs and Assigns, Owners of the said Lands, do provide each of them one or more good and sufficient Boats or Flats for the keeping a Ferry over the said *Rancocas* Creek at the Place aforesaid; and they, and each of them, and each of their Heirs and Assigns, Owners of the said Land, are hereby authorized and empowered to keep good and sufficient Boats and Attendance for the transporting or carrying over of Passengers, Horses, Carriages and other Things; and they, and each of them, shall forthwith, after the Publication of this Act, provide due Attendance on the same, and respectively maintain, and from Time to Time, and at all Times, shall keep in good Repair sufficient and convenient Causeways of at least fifteen Feet wide upon the Surface for passing to and from the Ferry Boats from the Landing Place on either Side, any Law, Usage or Custom to the contrary in anywise notwithstanding.

9. AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the said *John Busby* and *James Sherrin*, Ferrymen aforesaid, their Heirs and Assigns, Owners of the said Lands, to demand and receive Pay from all Persons, the Post Riders excepted, for their Attendance on the said Ferry, as hereby directed, at the following Rates, *Videlicet*,

Rates of Ferryage.

For every Footman, *Two-pence*.

For every Man and Horse, *Three-pence*.

For every Chaise, Chair or Sleigh with one Horse, *Nine-pence*.

For every Chaise, Chair or Sleigh with two Horses, *One Shilling*.

For every Cart and one Horse, *Nine-pence*.

For every Cart or Waggon with two Horses, *One Shilling*.

For every Waggon, Coach or Chaise with four Horses, *Eighteen-Pence*.

For every Cow, Heifer, Bull, Ox or Steer, *Three-pence*.

For every Sheep and Hog, *One Penny*.

Penalty for Non-Attendance.

Which several specified Rates shall be taken, and no more: And the Ferrymen employed in said Boats respectively, are hereby required to give constant and diligent Attendance, and not to deny or unnecessarily delay the speedy carrying over any Passenger or Passengers, upon the Penalty of forfeiting the Sum of *Forty Shillings* for every such Denial, Neglect or Delay, to be recovered upon due Conviction before any neighbouring Justice of the Peace; one Half of the said Money to be paid to the Person who shall prosecute the same to Effect, and the other Half to the Overseers for the Time being, who shall have the Care of *Pensawkin* Bridge, to be applied to the repairing of the said Bridge as the same shall become necessary.

*The Act may be seen at large in Nevill's first Vol. Fol. 365.*

C H A P. CCVII.

An ACT for erecting the southern Parts of the County of Salem in New-Jersey into a separate County, and ascertaining the Boundaries of the several Precincts therein.

Passed Jan. 19, 1747-8.

**W**HEREAS the Inhabitants of the southern Parts of the County of Salem have, by their Petition, set forth, That by Reason of the large Extent of said County, and the Gaol and Courthouse being seated so near one End of the same, where all the publick Business is transacted, it hath been inconvenient and very prejudicial to many of His Majesty's loyal Subjects Inhabitants thereof: For remedying of which Inconveniencies,

Preamble.

*Sect. 1.* 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 all and singular the Lands within the following Bounds, *Videlicet*, BEGINNING in the County of Salem at the Mouth of Stow-Creek, and running up the same unto John Brick's Mills, leaving the said Brick's Mills within the County hereby erected; then continuing still up Stow-Creek Branch to the House where Hugh Dun now dwells, leaving said Hugh Dun within the new County; and from the said Hugh Dun's House upon a straight Line to Nathan Shaw's House, leaving said Nathan Shaw's House within the new County; and then on a Northeast Course until it intersects the Pilesgrove Line, leaving Pilesgrove within Salem County; then along the said Line till it intersects the Line which divides the Counties of Gloucester and Salem; then running southeastward down Gloucester Line unto the Boundaries of Cape-May County; then bounded by Cape-May County to Delaware-Bay; and then up Delaware-Bay to the Place of Beginning; shall be erected, and the said Lands are hereby erected into a County named and henceforth to be called by the Name of Cumberland.

Bounds of Cumberland County.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said County of Cumberland shall have and enjoy all the Jurisdictions, Powers, Rights, Liberties, Privileges and Immunities whatsoever, which any other County within the said Colony of New-Jersey doth, or may, or ought of Right to enjoy, excepting only the Choice of Members to represent the said County of Cumberland in General Assembly; which Liberty is hereby suspended until His Majesty's Pleasure be further known, or that it should be otherwise ordered by Act of General Assembly.\*

Privileges given.

The 3d Section authorized their continuing to elect Representatives with Salem, until they were enabled to choose for themselves.

The 4th Enacted, That all Taxes then laid should be paid as by Law directed.

5. AND BE IT ENACTED by the Authority aforesaid, That the said County of Cumberland shall be divided into six Precincts, by the Names

Q q

and

\* This Liberty is now granted by Chap. CCCCLXXIV.

Divided into  
six Precincts,  
the Names  
and Bounds  
of each.

and Boundaries following, *to wit*, three on the North Side, and three on the South Side of *Cobansie* Creek; the Names of the Precincts on the North Side of the said Creek shall be *Greenwich*, *Hopewell* and *Stow-Creek*; and the Names of those on the South Side of the said Creek shall be *Fairfield*, *Deerfield* and *Maurice River* Precincts; *Greenwich* Precinct shall be bounded on the South by *Cobansie* Creek, on the East by a small Creek that proceeds out of *Cobansie* Creek, called *Mill-Creek*; then up the said *Mill-Creek* to the Fork; then up the easternmost Branch till it intersects the Road that leads from *Greenwich* to *Cobansie* Bridge to a Corner Tree of *Job Shepard's* Land; then running up the said *Job Shepard's* Land to a Corner of a Tract of Land surveyed to *Edmond Gibbon*, standing on *Barnagate* Hill; then westerly along *Gibbon's* Line to a Corner of *Francis Brufter's* Land; then along *Brufter's* Land to the Road that leads from *Greenwich* to *John Brick's* Mill; then up the said Road till it intersects a Run called *Mackernipper's* Run; then down the said Run till it falls into *Stow-Creek* and bounded by *Stow-Creek* to *Delaware-Bay*; then along *Delaware-Bay* to the Place of Beginning. The other two are divided by the Road that leads from *Greenwich* to *Nathan Sharw's*; *Hopewell* on the East and *Stow* on the West Side of the said Road as it now runs.

The Precincts on the South Side of the said *Cobansie* Creek are divided as follows:

*Maurice* River Precinct shall contain all that Tract of Land lying on the East Side of Prince *Maurice's* River, within the said County of *Cumberland*.

*Fairfield* to begin at the Mouth of *Cobansie* Creek, and to run up the same to *Parvin's* Branch; then up the said Branch to the Head; and from thence on a direct Line to the Head of *Chatfield's* Swamp; then down the same to *Lebanon* Branch; then northeast till it intersects Prince *Maurice's* River; then down the same to *Delaware-Bay*; then up *Delaware-Bay* to the Mouth of *Cobansie* Creek aforesaid.

*Deerfield* to be bounded on the West by *Cobansie* Creek, on the South by *Fairfield* Precinct aforesaid; on the East by *Maurice* River Precinct; and on the North by *Pilesgrove*.

Privileges  
given.

6. AND BE IT ENACTED *by the Authority aforesaid*, That the Inhabitants of each of the said Precincts shall be vested with, and entitled unto all the Powers, Privileges and Authorities, and be subject to the same Regulations and Government which the other Precincts in the several Counties of this Colony are subjected and entitled unto.

Method to fix  
a Place to  
build a Gaol  
and Court-  
house.

7. AND WHEREAS there is not at present any Gaol or Courthouse within the said County of *Cumberland*, BE IT THEREFORE FURTHER ENACTED *by the Authority aforesaid*, That whenever it shall be judged necessary by the Majority of Freeholders, hereafter to be chosen within the several Precincts aforesaid, by Virtue of an Act for raising of Money for building and repairing of Gaols and Courthouses within each respective County of this Province, with the Concurrence of three Justices of the Peace of the said County of *Cumberland*, *Quorum Unus*, to build a Gaol or Courthouse, or Gaol and Courthouse within the said County of *Cumberland*, that it shall and may be lawful for any three Justices of the Peace of the said County,

County, *Quorum Unus*, and they are hereby enjoined, commanded and required, with the Concurrence of a Majority of the abovesaid Freeholders, to meet together at some convenient Time at *Cohanse* Bridge (the Time to be appointed by any three Justices of the Peace, one being of the *Quorum*) and then and there draw Advertisements, to be fixed up in the most publick Place in each Precinct of *Cumberland* County aforesaid, thereby giving Notice to all Persons who by Law are qualified to give their Votes for the Choice of Representatives, to assemble themselves together at *John Butler's*, in the Town of *Greenwich*, some Day by the said Justices and Majority of Freeholders to be appointed, not exceeding thirty Days, nor less than twenty Days from the Time of fixing up such Advertisements, then and there, by Majority of Votes, to elect and choose the Place whereon such Courthouse and Gaol shall be built.

8. AND BE IT ENACTED *by the Authority aforesaid*, That the said Justices shall take the Votes of such of the said Electors as may appear and are qualified 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, and from Place to Place, 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 qualified and attending for that Purpose; and then the said Justices and Freeholders shall number the Persons voting, and for what Place, and where the Majority of Voices shall happen for building the said Gaol or Courthouse, or both of them, in that Place, and no where else, the same shall be built.

Justices to take the Votes and Freeholders to be Judges of the Poll.

9. AND BE IT ENACTED *by the Authority aforesaid*, That in order to raise Money to build and complete the said Gaol or Courthouse, or each of them, it shall and may be lawful for any three Justices, *Quorum Unus*, and the Freeholders aforesaid, from Time to Time, and as often as Occasion may require, to meet together at or near the Place where the said Gaol or Courthouse shall be so voted to be fixed, and to appoint Managers, or agree with Workmen, which they in their Discretion shall think most proper for carrying on and completing the said Building; and the Money which shall be by them judged necessary for building the same shall be raised according to an Act of General Assembly of this Colony, entitled, *An Act to empower 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, and to restrain the unnecessary Meetings of said Freeholders.*\* And every Person who by this Act is enjoined 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 be recovered in like Manner as by the said recited Act is inflicted and directed.

Justices and Freeholders to appoint Managers or agree with Workmen.

Penalties on neglect of Duty.

*The Act may be seen at large in Nevill's first Vol. Fol. 361.*

\* Chap. CLXXXV.

## C H A P. CCVIII.

*An ACT to oblige the several Sheriffs of this Colony of New-Jersey to give Security, take the Oaths or Affirmations therein directed for the Discharge of their Offices, and to prevent their too long Continuance therein.*

Passed Jan. 19, 1747-8.

Preamble.

**I**N order to oblige the Sheriffs of the several Counties, Cities, Boroughs and Towns-corporate, within this Colony, to a more strict and impartial Execution of their several Offices, and for the better securing the Rights of the Crown, and the Properties of the People ;

Sheriffs to give Security for the due Execution of their Office.

*SECT. I. BE IT 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, when any Person shall obtain a Commission for, or be appointed to the Office of Sheriff, of any County, City, Borough or Town-corporate within this Colony, every such Person, so obtaining a Commission, or that shall be so appointed as aforesaid, before he enters upon the Execution of his said Office of Sheriff, or be admitted to take the Oath or Affirmation herein afterwards appointed to be taken for the due and faithful Discharge of his said Office, shall, before any of the Judges of the County, Mayor or chief Magistrate of the City, Borough or Town-corporate, for which he shall be appointed Sheriff, enter into Bond to our Sovereign Lord the King, his Heirs and Successors, with two good Securities, being Freeholders, in the said County, City, Borough or Town-corporate, jointly and severally, in the Sum of Eight Hundred Pounds, Money according to the Proclamation of the late Queen Anne ; which Bond, with the Condition thereof, shall be in the Form herein after-mentioned, excepting the Sheriff of Cape-May, who shall enter into Bond, with Securities as aforesaid, in the Sum of Two Hundred Pounds ; which said Bond the said Judges, Mayor or chief Magistrate, are hereby required and authorized to take, and cause to be acknowledged or proved before him, and shall write a Memorandum of such Acknowledgment or Proof on the said Bond, and within twenty Days thereafter shall deliver the same to the Clerk of the Peace of such County, City, Borough or Town-corporate to be by him recorded ; and the said Bond shall, as soon as it conveniently may, be transmitted to the Clerk of the Supreme Court of this Colony for the Time being, to be by him kept among the publick Records of this Colony.*

who to take the Bond,

and Proof of the same.

Clerk to record, and send it to the Clerk of the Supreme Court.

Sheriffs to take the Oaths, &c.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when such Sheriff hath given Bond as aforesaid, he shall take the Oaths and make and subscribe the Declaration as they are appointed to be taken, made and subscribed by an Act of General Assembly passed in the Eighth Year of the Reign of our late Sovereign Lord George the first, entitled, *An Act for securing His Majesty's Government of New-Jersey.\**

Or Affirmation, if Quakers.

3. AND BE IT FURTHER ENACTED AND PROVIDED *by the Authority aforesaid*, That if the said Sheriff shall be of the People called Quakers, he

\* Chap. CV.

he shall make the Declaration of Fidelity, and take the Effect of the Abjuration Oath, as they are appointed to be made and taken by the People called *Quakers*, in an Act passed in the first Year of the Reign of his present Majesty King *George* the second, entitled, *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, &c.*

4. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Sheriff shall, at the same Time, take an Oath, or if a *Quaker*, Affirmation, for the true and impartial Execution of his Office, in the Form and Words following, *Videlicet*,

To take an Oath or Affirmation of Office.

**I** A B do, in the Presence of Almighty God, swear: Or, I A B do solemnly, sincerely, and truly, declare and affirm, that I will well and truly serve our Sovereign Lord the King, in the Office of Sheriff of the County, City or Borough of \_\_\_\_\_ and I will duly, faithfully and truly execute, or cause to be executed, all Writs and Precepts to me directed which shall come to my Hands, and will faithfully and truly return the same according to the best of my Knowledge, Skill and Judgment: And I do further swear or affirm, that I will not knowingly corruptly or unjustly use or exercise the Office of Sheriff during the Time I shall remain therein; neither will I accept, receive or take, by any Colour, Means or Device whatsoever, or consent to the taking of any Manner of Fee or Reward of or from any Person or Persons whatsoever, for the empannelling or returning of any Inquest, Jury or Tales, in any Court for the King, or between Party and Party, more than such Fees or Rewards as now are, or hereafter shall be appointed, allowed and established by the Laws or Ordinances of this Colony, but will, according to my Power, truly and indifferently empannel, or cause to be truly and indifferently empannelled, with all convenient Speed, all Jurors; and will, in all Things that shall belong to the Duty of my Office, truly and impartially behave myself as it becomes me to do. So help me God.

Form thereof.

5. AND BE IT ENACTED AND DECLARED by the Authority aforesaid, That unless the Person or Persons so obtaining a Commission, or being appointed Sheriff or Sheriffs as aforesaid, shall enter into Bond, and give Security, and take the Oaths or Affirmations as herein is directed, it shall be unlawful for any Person so obtaining a Commission, or being appointed Sheriff as aforesaid, of or in any County, City, Borough or Town-corporate in this Colony, to execute the Office of Sheriff, or any Part thereof; and any Thing done by such Sheriff or his Deputy, not having entered into Bond, and taken the Oaths or Affirmations aforesaid, under Colour or pretended to be done by Virtue of such Commission or Appointment, shall be deemed, esteemed and adjudged to be illegal, null and void.

Sheriffs not entering into Bond, and taking the Oaths, &c. are disqualified.

6. AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for any one of the Judges of the Courts of Common Pleas in any County within this Colony, the Mayor or Chief Magistrate of any City, Borough or Town-corporate, to administer the said Oaths or Affirmations to any Person appointed Sheriff of such County, City, Borough or Town-corporate.

Who to administer the same.

The 7th and 8th Sections obliged Sheriffs then appointed to take the Oaths, &c. and enter into Bond at the next Court after, or disqualified them for Action.

Form of the Bond.

9. AND BE IT ENACTED *by the Authority aforesaid*, That the Bond to be entered into as aforesaid, by the Sheriff and his Securities, with the Condition thereof, shall be in the Form following, *Videlicet*,

*K* N O W all Men by these Presents, that we A B, C D and E F, all of are held and firmly bound unto our Sovereign Lord the King in the Sum of Money according to the Proclamation of the late Queen Anne, to be paid unto our said Lord the King, his Heirs, or Successors : To the which Payment, well and truly to be made and done, we do bind ourselves, our Heirs, Executors and administrators, jointly and severally firmly by these Presents. Sealed with our Seals. Dated the Day of in the Year of our Lord One Thousand Seven Hundred and The Condition of the above Obligation is such, that if the above-bound A B shall well and truly execute the Office of Sheriff of the County, City or Borough of and in all Things touching and concerning his said Office of Sheriff, shall well, truly and faithfully execute and perform the same, as well with Respect to all Persons whatsoever concerned, as to our said Lord the King, then the above Obligation to be void and of none Effect, otherwise to be and remain in full Force and Virtue.

Sheriffs neglecting to have their Bonds proved disqualified.

10. AND BE IT ENACTED *by the Authority aforesaid*, That every Person who now is, or shall be High-Sheriff of any County, City, Borough or Town-corporate within this Colony, and shall neglect to have his Bond, with Security, either acknowledged or proved, as herein before is directed, shall, upon such Neglect, be disqualified and rendered incapable of acting as Sheriff as aforesaid.

Penalty on Clerks neglecting to send Bond to Clerk of Supreme Court.

11. AND BE IT ENACTED *by the Authority aforesaid*, That if any Clerk in any County, City, Borough or Town-corporate within this Colony, shall, for the Space of three Months, neglect or delay to send the Bond aforesaid to the Officer of the Supreme Court, as before directed, such Clerk shall forfeit *Ten Pounds*, Money aforesaid, to be recovered by any Person who shall sue for the same by Action of Debt, in any Court where the same shall be cognizable in this Colony, with full Costs of Suit, one Half to the Prosecutor, and the other Half to be paid to the Treasurer of the respective Division where the same shall be recovered, to be applied as by Act of General Assembly shall be directed.

Time of Continuance in Office.

12. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Sheriff or Under-Sheriff that now is, or that shall hereafter be appointed within this Colony, shall continue in the same Office above three Years, and that they shall be, and are hereby rendered incapable of holding the same Office again, until they have been out of the said Office three full Years; and that there shall not hereafter be any Sheriff or Under-Sheriff appointed, who is not a Freeholder and Resident in the County for which he shall be appointed Sheriff or Under-Sheriff, and who immediately preceding such Appointment, hath not been a Freeholder

Freeholder and Resident therein for the Space of three whole Years, any Law, Usage or Custom to the contrary notwithstanding.

*The Act at large is in Nevill's first Vol. Fol. 352.*

C H A P. CCIX.

*An ACT to prevent Actions of Fifteen Pounds, and under, being brought into the Supreme Court of this Colony.*

Passed Feb. 18, 1747-8.

**W**HEREAS the preventing of Actions for small Sums being brought into the Supreme Court of Judicature in this Colony, hath been found by Experience to be of great Benefit to the Inhabitants thereof: And whereas the Act passed in the fifteenth Year of His present Majesty's Reign for that Purpose, is expired by its own Limitation; therefore,

Preamble.

*Sec't. 1. BE IT ENACTED by the Governor, Council and General Assembly, and by the Authority of the same, That no Person or Persons whatsoever, after the Publication of this Act, shall commence, sue or prosecute any Suit or Action whatsoever in the Supreme Court of Judicature of this Colony, wherein the true and real Sum expressed or mentioned in the Condition of any Bond, Bill or other Specialty, or the true and real Sum remaining unpaid upon such Bond, Bill or other Specialty, or upon any Matter of Account or otherwise howsoever, shall not exceed the Sum of Fifteen Pounds, Money according to the late Queen Anne's Proclamation, notwithstanding the Penalty in such Bond, Bill or other Specialty, shall and doth exceed the Sum of Fifteen Pounds, Money aforesaid, Causes wherein Titles of Lands, Tenements, Hereditaments or other real Estate, are anywise concerned, only excepted: And in case any such Suit shall be so commenced, contrary to the Intent and true Meaning of this Act, and wherein it shall appear that the true and real Sum due to the Plaintiff or Plaintiffs in such Action as aforesaid, over and above his, her or their Costs of Suit, shall not exceed the Sum of Fifteen Pounds Money aforesaid, the said Plaintiff or Plaintiffs shall lose his, her or their Costs of Suit.*

No Action to be brought in the Supreme Court for less than £. 15;

except where Titles of Lands, are concerned.

*2. AND BE IT ENACTED by the Authority aforesaid, That if any Person or Persons whatsoever shall commence, sue or prosecute any Suit or Action in the Supreme Court of this Colony, contrary to the true Intent and Meaning of this Act, in such Case it shall and may be lawful for the Defendant or Defendants in such Suit or Action, to sue for and recover from such Person or Persons so offending, all such Costs and Charges as he or they had expended in that Behalf, in any Court where the same is cognizable, with full Costs of Suit.*

Penalty for suing contrary.

*3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Suit or Action whatsoever, except as herein before excepted, shall be removed from the County Courts of this Colony, either by Writ of Habeas Corpus or otherwise, save only by Writ of Error after Judgment, except the real Sum due, or Value of the Suit or Action commenced, exceeds the*

Removing of Suits from County Courts.

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 real Sum due on the Action or Actions depending against the Defendant is or are *Fifteen Pounds* or under, 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.

How Writs of Error are to be brought.

4. AND BE IT 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 Colony, returnable to any Superior Court, such Person or Persons, before such Writ shall be allowed, shall give Security to pay 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.

Limitation.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That this Act shall be and continue 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 the General Assembly of this Colony thereafter, and no longer.

This Act is continued by several subsequent Acts, and made perpetual by Chap. CCCXVII.

C H A P. CCX.

*An ACT for the better enabling the Judges and Justices of this Colony to ascertain and tax Bills of Cost, and for making Provision by Law for the Payment of the Services of the several Officers of the Colony, and for preventing the said Officers from taking exorbitant Fees.*

Passed Feb. 18, 1747-8.

Preamble.

**F**OR the better ascertaining and establishing of the Fees lawful to be taken within this Colony, and for preventing any undue Exactions or exorbitant Demands touching the same, We, the House of Representatives of the said Colony, do pray that it may be Enacted ;

No Person to take other Fees for Services in this Act mentioned than is here expressed.

*Sect. I.* AND BE IT THEREFORE 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 Publication of His Majesty's Royal Assent to this Act, 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 herein after-mentioned, for any Fee, Perquisite or other Reward, shall exact, demand or require any greater or other Fee or Fees, Sum or Sums of Money, than is herein after set down, allowed and established for the same, except such Fees that are already provided for by Acts of the General Assembly of this Colony, and not herein particularly mentioned ; *That is to say,*

*That*

*That the Governor's Fees shall be as follows, Videlicet,*

- Governor's Fees.
- FOR
- A LICENSE of Marriage, Hand and Seal, &c. *Ten Shillings.*
  - The Seal to every Probate of a Will, or Letter of Administration, *Nine Shillings.*
  - A Certificate for a Vessel's Property, if of the Burden of twenty Tons and upwards, *Ten Shillings*; if under the Burden of twenty Tons, *Five Shillings.*
  - A Certificate to go beyond the Seas if desired, *Ten Shillings.*
  - A License to purchase Land of the *Indians, Fifty Shillings.*
  - A Bill of Health, if required, *Twelve Shillings.*
  - The Seal to a Patent for a Township, *Twenty Shillings.*
  - The Seal to a Confirmation or renewing a Patent, *Twelve Shillings.*
  - Every Writ of Error, or other original Writ, *Three Shillings.*
  - The first Rule in every Cause in Error, *Eight Shillings.*
  - Licensing every Attorney, *Twenty Shillings.*

*And that the Justices Fees of the Supreme Court shall be as follows, Videlicet,*

- Justices of the Supreme Court, their Fees.
- FOR
- A LL Causes to be tried on the first Motion, *Six Shillings.*
  - The Allowance of every *Certiorari, Habeas Corpus,* or other Writ where an Allowance is necessary, *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 Cost, *Four Shillings.*
  - Signing the Judgment Roll, *Two Shillings.*
  - Taking Bail on a Writ of Error, or any other Writ, *Three Shillings.*
  - Making a Return of a Writ of Error, examining and affixing a Transcript of the Record thereto, and delivering the same in to the Governor and Council, *Twenty Shillings.*
  - Inspecting the Process against Real Estates, and the Record of the Judgment on which the same is founded, and certifying thereon, *Six Shillings.*
  - Every Justification or Disallowance of Bail, *Three Shillings.*

*And that the Secretary's Fees shall be as follows, Videlicet :*

- Secretary's Fees.
- FOR
- 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.*
  - Entering 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 Half-penny.*
  - 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.*

S f

A Commission

- F O R
- A Commission of *Oyer and Terminer*, to be paid by the Person desiring the same, *Twenty Shillings*.
  - 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*.
  - All other civil Commissions, each Commission *Five Shillings*.
  - A Commission for a Colonel of a Regiment, *Twelve Shillings*.
  - Ditto for 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*.
  - The Rolls for every Person Sworn, *One Shilling*.
  - Searching the Records, the first Book *Nine-pence*, every other Book *Six-pence*.
  - License for an Attorney to practice, *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*.
  - Attending the Courts or elsewhere, with an Original Will or Record, for each Day *Six Shillings per Day*.
  - License for a Boat or Ferry, counter-signed by the Secretary, *Six Shillings*.

*And that the Fees of the Prerogative Office, shall be as follows, viz.*

Prerogative  
Officers Fees.

- F O R
- E**NGROSSING 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 and 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 License of Marriage, *Nine Shillings*.
  - Every Bond taken in the Office, *Two Shillings and Six-Pence*.
  - Entering a Caveat, *One Shilling*.

*And*

And that the Fees of the Clerk of the Supreme Court, shall be as follows, viz.

**F O R** { **E**VERY Bond to prosecute, *Two Shillings and Six-pence.*  
 Making out every Procefs, Writ or *Capias*, if he does it, *Two Shillings and Six-pence.*  
 Sealing every *Capias*, or any other Writ, *One Shilling.*  
 Filing every Indictment, *One Shilling.*  
 Entering every Action, *Nine-Pence.*  
 A Copy of every Indictment, Declaration, Plea, &c. fifteen Lines to a Sheet, and six Words to a Line, *Seven-pence* per Sheet.  
 Every Copy of a Plea, Replication, or any other Pleadings, *Seven-pence* per Sheet as aforesaid.  
 Entering every Appearance of the Defendant, *Six-pence.*  
 Entering every Verdict and Judgment, *One Shilling.*  
 Reading every Evidence, *Six-pence.*  
 Entering every Rule of Court, *Nine-pence.*  
 Every Copy thereof, *Six-pence.*  
 Reading a Petition and entering Order thereon, *Nine-pence.*  
 Every Copy of the Entry, *Six-pence.*  
 Withdrawing an Action, Discontinuance, or entering a *Noli Prosequi*, *One Shilling.*  
 Entering every Recognizance taken in Court, *Eighteen-pence.*  
 Searching the Records, *Nine-pence.*  
 Filing the Roll in every Action, *One Shilling.*  
 Swearing every Jury and Constable, *Three Shillings.*  
 Discharging by Proclamation, *One Shilling.*  
 Every Copy of a Writ in the Supreme Court, per Sheet, *One Shilling.*  
 Filing every Writ, Indictment or other Paper, *Nine-pence.*

Clerk of the  
Supreme  
Court, Fees.

And that the Fees of the Clerk of the Council, shall be as follows, viz.

**F O R** { **F**ILING a Writ of Error, *One Shilling.*  
 Entering every Action in Error on the Council Book, and taking out the Docket for the Governor, *Nine-pence.*  
 Examining the Records in Council, *One Shilling.*  
 Entering the Plaintiff and Defendant's Appearance, *Nine-pence.*  
 Every Rule made in the Case, and Copy, *Two Shillings.*  
 Entering Judgment on the Minutes, and Copy, *Two Shillings.*  
 Entering every *Noli Prosequi*, and Discontinuance, and Retrait, *Two Shillings.*  
 Filing the Errors and all other Pleadings, each *Nine-pence.*  
 Filing 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 first Time, second Time and third Time, each Time *Five Shillings.*  
 Entering the Agreement of the Council to a Bill *Four Shillings.*  
 Each Bill engrossed in Parchment, *Eighteen Shillings.*  
 Affixing the Seal and Wax for each Bill, *Six Shillings.*  
 Attending the Committee of Council on a Reference on such Bills, *Ten Shillings.*

Clerk of the  
Council's  
Fees.

And

And that the Attorney-General's Fees, shall be as follows, viz.

Attorney General's Fees.

F O R

ALL Criminal Cafes or Indictments found by the Grand-Jury, if convicted, *Fifteen Shillings*.  
 All Informations preferred according to Law of this Colony, if convicted, *Fifteen Shillings*.  
 All Capital Cafes, if convicted, *Twenty-five Shillings*.  
 Every *Non vult ulterius Prosequi*, *Ten Shillings*.  
 All other Services in the King's Cafes to have one fourth more Fees than other Attornies in civil Cafes have for the like Services.

And that the Sheriffs Fees in all Courts, shall be as follows, viz.

Sheriffs Fees.

F O R

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 a Justice of the Peace, *Two Shillings*.  
 Discharging the same, *Nine-pence*.  
 Serving a *Venire Facias* and Return, *Six Shillings*.  
 Serving every Execution under *Fifty Pounds*, *Six Shillings*, and all above *Fifty Pounds*, *Three-pence per Pound*, the Poundage to be computed on the true and real Debt only.  
 Executing all Writs, or Orders of Partition of Lands and Tenements, attesting the Jury for any Matter or Thing to be done by him about such Partition, and making Return thereof, *Twenty Shillings*. But if the Business of the Partition exceed what the Jury can perform in one Day, then the Sheriff, for every Day more that he shall attend on the Jury about the said Partition, shall have *Ten Shillings per Diem*.  
 Every Writ of Possession and Return, *Fifteen Shillings*.  
 Every *Scire Facias* served and returned, *Three Shillings*; if not served, *One Shilling*.  
 Victualling every Prisoner, *Six-pence per Day*.  
 Every Writ of Inquiry and Return, *Fifteen Shillings*.  
 Taking every Bail Bond, *Five Shillings* in the Supreme Court, and *Two Shillings and Six-pence* in the Inferior Courts.  
 Travelling Charges upon every Writ or Process, to be executed above eight Miles from the Courthouse of the County, the Sheriff shall be allowed for every Mile above eight Miles, *Two-pence* besides his other Fees aforesaid, that is *Two-pence* for going and *Two-pence* for coming every of the said Miles, to be taken only where the Writs shall be served, and so always that the whole Mileage do not exceed *Fifteen Shillings* in any one Case.  
 Attending a Jury of View, *Ten Shillings per Day*.  
 Producing the List of the Freeholders, *Thirty Shillings*.

And that the Justices Fees in or out of Sessions, shall be as follows, viz.

Justices Fees in and out of Sessions.

F O R

EVERY Warrant of Appearance, *One Shilling*.  
 Taking every Recognizance *Eighteen-pence*.  
 A Pass, *Ten-pence*.  
 A Mittimus, *One Shilling*.

Taking

FOR { Taking Examinations, each Sheet containing fifteen Lines and six Words to a Line, *One Shilling.*  
 Every Oath or Attestation, *Four-pence.*  
 Actions tried in the Sessions, each Action, *Three Shillings.*

And that the Judges and Justices Fees in the Court of Common Pleas, shall be as follows, viz.

FOR { ACKNOWLEDGING every Deed, and endorsing the same, *Three Shillings.* Judges, &c. of the Common Pleas, Fees.  
 All Actions tried to the Bench, *Three Shillings.*  
 Every Action which shall be called, where there is a Rule made, and the Cause not tried, *Eighteen-pence.*  
 Taking special Bail to the Judge or other Justice, *Eighteen-pence.*  
 Settling and allowing every Bill of Cost, *One Shilling.*  
 Allowance to every Writ of Error, *One Shilling.*

And that the Fees in Actions of Five Pounds and under shall be as follows, viz.

Justices of the Peace, now having Jurisdiction in Actions of Six Pounds and under, by Chap. DCXXIII, their Fees are fixed by that Act.

And that the Fees for the Clerk of the Sessions and Common Pleas, shall be as follows:

FOR { EVERY Bond to prosecute, *Two Shillings.* Clerk of the Sessions and Common Pleas, Fees.  
 Drawing a *Capias*, or any other Writ, if he does it, *Two Shillings.*  
 Sealing every Writ, *One Shilling.*  
 Entering every Action, *Six-pence.*  
 Filing every Declaration, Plea, Rejoinder, and other Pleadings, each *Six-pence.*  
 Every Copy of a Declaration, or any other Pleadings, for each Sheet containing fifteen Lines, and six Words to a Line, *Six-pence.*  
 Sealing every *Subpena*, each Writ not exceeding four Names, *One Shilling.*  
 Entering the Defendant's Appearance, *Six-pence.*  
 Entering the Plea, *Non vult*, *Six-pence.*  
 Entering every Verdict, *Six-pence.*  
 Entering every Judgment, *Six-pence.*  
 Entering every Rule or Order of Court, *Six-pence.*  
 Reading every Petition, and entering Order thereon, *Nine-pence.*  
 Entering every *Non Prof. Retraxit*, Discontinuance, *Six-pence.*  
 Calling and Swearing the Jury and Constable, *Eighteen-pence.*  
 Every Evidence sworn or attested, *Four-pence.*  
 Entering every Allowance of *Habeas Corpus*, Writ of Error, or other Writ requiring an Allowance, *One Shilling.*  
 Entering every Recognizance taken in Court, *One Shilling.*  
 The Copy of every Rule of Court, *Six-pence.*  
 Searching the Records, *Nine-pence.*  
 Discharging by Proclamation, *One Shilling.*

And that the Fees of the Clerk of Assize or other Person executing that Office in any of the Counties, shall be as follows:

FOR { ENTERING every Cause or Action, *Nine-pence.* Clerk of Assize, Fees.  
 Filing the *Nisi Prius* Roll, *One Shilling.*

FOR { Filing the Distringas and Return, *Nine-pence.*  
Swearing the Jury and Constable, *Three Shillings.*  
Swearing or Affirming every Witness, *Six-pence.*  
Reading every Evidence, *Six-pence.*  
Entering every Rule of Court, *Nine-pence.*  
Every Copy thereof, *Six-pence.*  
Entering every Verdict, *One Shilling.*  
Drawing the Postea when a general Verdict is found, *Five Shillings.*  
Returning every Postea, *One Shilling.*

*And that the Witnesses Fees, shall be as follows, Videlicet,*

Witnesses Fees. FOR { ATTENDING in the County, *Two Shillings* per Day for each.  
FOR { Attending from other Counties, *Three Shillings* per Day for each.

Surveyors Fees. AND that the Surveyors Fees shall be, while on a View, *Ten Shillings* per Day.

Chain Bearers Fees. AND that the Chain Bearers Fees, on a View, shall be *Five Shillings* each per Day. And if a Juryman carries the Chain, then he shall have *Two Shillings* per Day more than the Fees allowed him as a Juryman on the View.

*And that the Jury's Fees, shall be as follows, Videlicet,*

Jury's Fees. FOR { ALL Causes tried, *One Shilling* for each Man that is sworn or affirmed on the Jury.  
FOR { A Writ of Inquiry executed, *One Shilling* per Man.  
FOR { On a Coroner's Inquest the same.  
FOR { Every Case when summoned, and the Cause not tried, for all that appear, *Six-pence* per Man.  
FOR { Each Juryman attending on a View, for himself and Horse, *Four Shillings*, and for finding himself and Horse *Two Shillings* per Day.  
FOR { Jurors coming out of their County and sworn, for every Day of their Attendance, each *Four Shillings.*  
FOR { For every Juror so attending, and not sworn, per Day, *Three Shillings.*

*And that the Constable's Fees, shall be as follows, viz.*

Constables Fees in small Actions are now fixed by Chap. DCXXIII.

*And that the Cryer's Fees shall be as follows, viz.*

Cryer's Fees. FOR { CALLING every Action, *Eight-pence.*  
FOR { Calling the Jury in each Case, *Eight-pence.*  
FOR { Calling every Evidence, *Three-pence.*  
FOR { Every one discharged by Proclamation, *Six-pence.*

*And that the Coroner's Fees, shall be as follows, viz.*

Coroner's Fees. FOR { VIEWING a Dead Body, *Twelve Shillings.*  
FOR { A Warrant to summon the Inquest, *Two Shillings.*  
FOR { Swearing or attesting the Jury, *Two Shillings.*  
FOR { Swearing or attesting every Witness, *Four-pence.*

Drawing

- FOR
- Drawing and returning the Inquisition, *Six Shillings.*
  - Executing every Procefs, *Ten Shillings.*
  - Returning every Writ, *Nine-pence.*
  - Serving every *Venire* and Return, *Six Shillings.*
  - Taking every Bail Bond, *Five Shillings* in the Supreme Court, and *Two Shillings and Six-pence* in the Inferior Courts.
  - Taking Examinations in Writing, for every Sheet as aforesaid, *One Shilling.*
  - Taking every Recognizance, *One Shilling and Six-pence*; provided, that no Fees shall be allowed where the Inquisition is taken on a View of a Person drowned, or otherwise Dead by Misadventure.

And that the Fees of Practitioners of the Law shall be as follows, Videlicet,

- Lawyers Fees.
- FOR
- A** RETAINING Fee in each Cause, *Six Shillings.*
  - Making out every Procefs, Writ or *Capias*, if he does it, *Two Shillings and Six-pence.*
  - Drawing every Declaration not exceeding three Sheets, *Five Shillings.*
  - Every Copy of a Declaration, where necessary, *Two Shillings*, provided the same be not above three Sheets.
  - Drawing every Affidavit, *One Shilling.*
  - Copy of the same, when necessary, *Six-pence.*
  - Every Common Plea, Replication, Rejoinder, *One Shilling.*
  - Copy of each when necessary, *Six-pence.*
  - Every Term Fee, after Service of the first Procefs in any Cause, and not before, *Six Shillings*, provided not above three Term Fees be allowed in Cases on Bond where Judgment is by Default; nor more in any Cause, unless when necessary Services are done in any Term after the said three Terms.
  - Drawing every special Plea, Replication, Rejoinder, or other necessary Pleadings, fifteen Lines to a Sheet, and six Words to a Line, *Ten-pence* per Sheet, for as many Sheets as are necessary.
  - Every Warrant of Attorney, *Nine-pence.*
  - Copy thereof, *Six-pence.*
  - Drawing every Breviat, *Three Shillings.*
  - Copy thereof, *One Shilling.*
  - Drawing Notice of Trial, *Two Shillings.*
  - Copy and Service thereof, *One Shilling and Six-pence.*
  - Drawing Notice of Exception to the Bail, *Two Shillings.*
  - Copy and Service, *One Shilling and Six-pence.*
  - Drawing Notice of taxing Costs where necessary, *Two Shillings.*
  - Copy and Service thereof, *One Shilling and Six-pence.*
  - Drawing Notice of any Motion, where Notice of such Motion is necessary, *Two Shillings.*
  - Copy and Service thereof, *One Shilling and Six-pence.*
  - Every Continuance of a Case after Issue, *One Shilling*, without any Pretence of a Term Fee for that Service.
  - Drawing up the Judgment, and entering the same on the Roll, *Five Shillings.*
  - Arguing a Demurrer or special Verdict, *Fourteen Shillings.*
  - A Fee upon every Trial, *Fourteen Shillings.*

Every

- F O R
- Every special Motion, allowed to be a Motion in *Westminster-Hall*, *Six Shillings*; provided but two Motions be allowed in a Judgment by Default, and not more than three in Causes tried, except in Cases where Titles of Land are concerned, or such Motion appear to the Court or Judge, who shall tax the Costs to be necessary in the Management of the said Cause.
- Service of a Copy of every Rule of Court, *Two Shillings and Six-pence*; provided that not more than the Service of one Rule be allowed in Cases of Judgment by Default, nor more than three in Causes tried, excepting Cases where Titles of Land are concerned, or such Rule appear to the Court or Judge, who shall tax the Costs, to be necessary in the Management of the said Cause.
- Drawing every Bail Piece and attending the Judge, *Three Shillings*.
- Every Ticket for a *Subpœna*, *Nine-pence*.
- Entering the Declaration, Plea, and other Pleadings on the Roll, per Sheet as before, *Eight-pence*.
- Writ or Declaration in special Cases, exceeding three Sheets, *Twelve-pence* per Sheet.
- Drawing Depositions of Witnesses, *One Shilling* per Sheet as aforesaid, for so many Sheets as shall be necessary.
- Copy thereof per Sheet, if required, *Seven-pence*.
- Every Copy of a special Writ or Declaration, exceeding three Sheets, or every special Plea, Replication, or other necessary Pleading, *Seven-pence* per Sheet.
- A Copy of a Bill of Costs, *One Shilling*.
- Drawing every common Rule in Ejectment, *Six Shillings*.
- Copy thereof, *Three Shillings*.
- Entering each Warrant on the Roll, *Nine-pence*.
- Entering every Continuance, Adjournment, or other necessary Matter on the Roll, *Eight-pence* per Sheet.
- Travelling Charges to the Circuit, *Twelve Shillings* by the Day.
- Drawing every Declaration in Ejectment, *Ten Shillings*.
- Retaining Fee, *Ten Shillings*.
- Fee on the Trial, *Twenty Shillings* for each Council, provided no more than two Council be allowed such Fees.

Speaker of  
Assembly's  
Fees.

AND that there shall be paid to the Speaker of the Assembly for the Time being, for every private Bill, *Twenty Shillings*.

And that the Clerk of the Assembly's Fees, in private Persons Affairs, shall be as follows, Videlicet,

Clerk of the  
Assembly's  
Fees.

- F O R
- READING and entering every Petition or other Instrument or Writing, *Eighteen-pence*.
- Reading every private Bill, first Time, second Time and third Time, each Time, *Eighteen-pence*.
- The Perusal of an Act, or each Day's Minutes, *Eighteen-pence*.
- Entering every Order, *Eighteen-pence*.
- A Copy thereof, *Eighteen-pence*.
- Entering a Report into the Journal of the House, *Eighteen-pence*.
- Engrossing every private Bill, per Sheet as aforesaid, *Eight-pence*.
- Fees

FOR { Fees for all private Bills to be taxed by the Speaker ; provided, no Bill be called a private Bill which concerns a County, Town or Precinct.

And that the Fees for the Sergeant at Arms for the Council and General Assembly shall be as follows, Videlicet,

FOR { SERVING every Order, *Seven Shillings.*  
 Taking every Person committed into Custody, *Two Shillings and Six-pence.*  
 Travelling Charges per Mile, *Three-pence* for going and *Three-pence* for coming ; every Day's Attendance on any Person after Commitment, *Two Shillings.*

Sergeant at Arms to the Council and Assembly, Fees.

And that the Collector's and Naval Officer's Fees shall be as follows, viz.

*Foreign Trade.*

FOR { COLLECTOR entering any Vessel from *Europe* or the *West-Indies*, *Fifteen Shillings.*  
 Naval Officer for ditto, *Six Shillings.*  
 Collector clearing to *Europe* or the *West-Indies*, *Fifteen Shillings.*  
 Naval Officer for ditto, *Six Shillings.*

Collector and Naval Officer's Fees.

*Coasting to New-England, &c.*

FOR { Collector entering a Vessel, *Ten Shillings.*  
 Naval Officer for ditto, *Three Shillings.*  
 Collector clearing a Vessel, *Ten Shillings.*  
 Naval Officer, *Three Shillings.*  
 Permit to load or unload foreign Vessels, *Eighteen-pence.*  
 Register, *Ten Shillings.*  
 Ditto for a Coaster, *Seven Shillings and Six-pence.*  
 Recording ditto, *Two Shillings.*  
 Endorsement of a Register, *Two Shillings and Six-pence.*  
 A Cocket, *Three Shillings.*  
 Bill of Store, *Five Shillings.*  
 Bill of Health, *Seven Shillings and Six-pence.*  
 Bond for enumerated Goods, *Two Shillings and Six-pence.*  
 Certificate to cancel ditto, *One Shilling and Six-pence.*  
 Transfers or Permits for Boats or Shallops to and from *New-York* or *Pennsylvania*, for their whole Load of Country Produce, *Two Shillings and Six-pence.*

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Officer or Officers, Person or Persons whomsoever, shall exact or take any greater or other Fees for or in Respect of any of the Services herein before-mentioned, than are ascertained and allowed of by this Act, he or they 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 or Successors ; the other Half to any one who shall sue for the same to Effect ; to be recovered by Action of Debt, Bill, Plaint or Information, in any Court of Record within this Colony, where the same shall be cognizable, with full Costs of Suit.

Penalty on any Officer taking greater Fees.

No Officer  
shall take any  
Fee for Ser-  
vices not  
done, or  
any unnecef-  
fary Services.

Bills may be  
retaxed.

Attornies  
shall deliver a  
Copy of the  
Costs, with a  
Receipt, &c.

And file a  
Copy before  
Execution  
issues ;

and file the  
Judgment  
Roll, &c.

Penalty.

Attorney ne-  
glecting or  
mifmanaging  
a Cause, shall  
make good  
the Damage.

Time to sue  
for the Penal-  
ties.

Suspend-  
ing  
Clause.

3. AND BE IT ENACTED *by the Authority aforesaid*, That, from and after the Publication of His Majesty's Royal Assent to this Act, no Attorney at Law, Sheriff, Clerk or other Officer of any Court of this Colony, shall receive or take any Fee or Reward for any Service or Services by him or them not actually done and performed ; nor for any Services actually done, but such only as are necessary in the Management of any Cause, and that upon good and sufficient Cause shewn by the Party against whom any Bill of Cost shall be taxed, to the Court in which the Cause was depending, or to any Judge who shall have taxed such Bill, to induce the said Court or Judge to believe that any of the Services contained therein were not actually done and performed ; that then and in such Case it shall and may be lawful to and for the said Court or Judge to re-examine the said Bill by Certificate from the Clerk's Office, or in any other Manner to the Satisfaction of the said Court or Judge ; and, if Occasion be, to retax the same. PROVIDED ALWAYS, That such Retaxation be demanded within six Months after the Party has Notice of the Taxation of the same Bill.

4. AND BE IT ENACTED *by the Authority aforesaid*, That at all Times hereafter, when any Attorney shall demand or receive the Costs due on any Action, he shall (if thereto required by the Person paying the same) at the Time of Payment, or at any Time when demanded within six Months afterwards, draw up the Bill of Particulars, and deliver the same to the Party from whom the Money is due, together with a Receipt for the same. And before he shall issue Execution in any Cause, he shall file a Copy of the taxed Bill in the Office of the Clerk of the Court, out of which such Execution shall issue. And in Cases where Execution issues out of the Supreme Court, he shall first file the Judgment Roll in the proper Office, and shall, upon the Execution, endorse the real Debt due. And in case any Attorney or Attornies shall neglect or refuse to do as is hereby required, he or they so offending shall, for each Offence in any one of the above Articles, forfeit the Sum of *Three Pounds* to the Party grieved, or any other who will sue for the same to Effect, to be recovered by Action of Debt, in any Court of Record where the same shall be cognizable, with full Costs of Suit.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That any Attorney at Law, who shall undertake any Cause, and by his Neglect or Mismanagement thereof the Cause shall miscarry, shall be liable to make good all Damages sustained by his Employers, to be recovered by Action in any Court of Record where the same shall be cognizable in this Colony.

6. PROVIDED ALWAYS, That all Actions, Prosecutions and Suits, for the Forfeitures and Penalties incurred by Virtue of this Act, shall be brought and commenced within six Months Time after the Offence or Offences committed, and not afterwards.

7. PROVIDED ALWAYS, That neither this Act, nor any Thing therein contained, shall be in Force till His Majesty's Royal Assent be had thereunto.

Confirmed by the King in Council at *St. James's*, Nov. 23, 1749.

CHAP.

CHAP. CCXI. *An Act for naturalizing Peter Louderbouch, Catharine, Elizabeth and Barbara, his three Daughters.* Private.

CHAP. CCXII. *An Act to continue an Act, entitled, An Act for better settling and regulating the Militia of this Colony of New-Jersey, for the repelling Invasions, and suppressing Insurrections and Rebellions.\** Expired—re-  
vived by  
Chap.  
CCXXXII.

These two Acts were passed the 19th Jan. 1747-8.

CHAP. CCXIII. *An Act to pardon the Persons guilty of the Insurrections, Riots, Tumults and other Disorders, raised and committed in this Province.* Obsolete.

Passed Feb. 17, 1747-8.

This Act recites that "Great Numbers of evil disposed Persons, Inhabitants of this Province, had committed great and dangerous Insurrections, Riots and Disorders; and, in open Violation of the established Laws of the Land, had frequently, and in a most audacious and riotous Manner, assembled themselves together and broke open the common Gaols of the several Counties of *Essex, Middlesex, Somerset, Hunterdon* and *Morris*, whereby they had rendered themselves obnoxious to grievous Punishments, Fines and Penalties;" and that some of them having for themselves, and others, conscious of their Guilt, by their Petitions to the House of Representatives, prayed their Supplication of the Governor on their Behalf, a free Pardon was hereby granted them.

CHAP. CCXIV. *An Act for the Support of the Government of His Majesty's Colony of New-Jersey for one Year, to commence the Tenth Day of August 1747, and to end the Tenth Day of August 1748; and to discharge the publick Debts and the Arrearages and Contingent Charges thereof.* Expired.

CHAP. CCXV. *An Act for punishing the Coiners and Counterfeiters of foreign Coin passing current; and the Counterfeiters of Bills of Credit of this Province.* Disallowed  
Nov. 23, 1749.

CHAP. CCXVI. *An Act to suspend the Execution of Part of an Act, entitled, 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.†* Expired.

CHAP. CCXVII. *An Act to suspend the Execution of an Act, entitled, 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.* Expired.

CHAP. CCXVIII. *An Act for avoiding Actions of Slander, and for Stay of Proceeding until the first Day of October 1748, in other civil Actions against the late Rioters.* Obsolete.

CHAP. CCXIX. *An Act for the suppressing and preventing of Riots, Tumults and other Disorders within this Colony.* Expired.

CHAP.

\* Chap. CC.

† Chap. CLXXXVIII.

- Obsolete. CHAP. CCXX. *An Act to subject certain Parcels of Bills of Credit now in the Treasury to the Payment of the Support of Government, and directing the Manner of sinking the same.*
- Obsolete. CHAP. CCXXI. *An Act to revive and continue the Process and Proceedings lately depending in the Court of Common Pleas for the County of Middlesex.*
- Disallowed  
Nov. 23, 1749. CHAP. CCXXII. *An Act for making Forty Thousand Pounds in Bills of Credit.*
- Disallowed. CHAP. CCXXIII. *An Act for running and ascertaining the Line of Partition and Division betwixt this Province of New-Jersey and the Province of New-York.\**

This Act contained a suspending Clause; *Nevill* has omitted it in his Edition.

The last ten Acts were passed the 18th Day of *February* 1747-8.

At a GENERAL ASSEMBLY held at Burlington from the Twenty-first to the Twenty-fifth Day of October 1748, and continued on an Adjournment to Perth-Amboy, from the Tenth Day of November to the Sixteenth Day of December following, in the Twenty-second Year of the Reign of King George the Second, the following Laws were passed.

SESSION THE THIRD.

CHAP. CCXXIV.

*An ACT for the better enabling of Creditors to recover their just Debts from Persons who abscond themselves.*

Passed Dec. 16, 1748.

Preamble.

WHEREAS an Act of General Assembly of this Colony, entitled, *An Act for the better enabling Creditors to recover their just Debts from Persons who abscond themselves*,† has, by many Years Experience, been of great Benefit and Use in affording Remedy for the Recovery of just Debts from Persons intending to defraud their Creditors: Therefore, We, the House of Representatives, do pray that it may be Enacted;

*Sec̄.*

\* See Chap. CCCXCVI, by which the Running of this Line has since been provided for and effected.

† Chap. CLXX.

*Sect. 1.* AND BE IT ENACTED *by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same,* That the Clerk of the Supreme Court, or any other Clerk of any Inferior Court of Common Pleas within this Colony, on Application to any of them made by or on Behalf of any Creditor, shall and are hereby required to grant and issue Writs of Attachment, which shall be duly served 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 or in whose Hands, Custody or Possession the same shall or may be found, returnable to the next succeeding Court, wherein the Creditor or Plaintiff may prosecute the same to Judgment and Execution, in such Manner and according to the Directions herein after prescribed. And the Execution of such Writ of Attachment shall be in Manner following, *Videlicet,* 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 Defendant's Goods, Chattels, Rights or Credits are (who is in Law called 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 appraised 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 thenceforth become bound to the Plaintiff; and the Goods, Chattels and Effects aforesaid, shall remain in the said Officer's Care, in order to answer and abide the Judgment of the Court, unless the said Garnishee, after such Inventory taken and Appraisalment made, shall give Security, with one or more sufficient Freeholders in double the Value, to the said Officer who attached the same, by Bond with Condition, that the same, or the full Value thereof, according to such Appraisalment, shall be forth coming 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 refused) to break open any House, Chamber, Shop, Door, Chests or Trunks, wherein he shall be informed or have sufficient Reason to believe any Money, Goods, Books of Accounts, Papers or Writings whatsoever of the Defendant so absconding, may be had or secreted.

Attachment to issue.

How to be served.

2. 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, or if a *Quaker* Affirmation, there-

In what Cases Garnishee may be sued.

W w

of,

of, and file the same in the Clerk's 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 received 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 Trial of the Cause to give such special Matter in Evidence to the Jury; which Matter so given in Evidence shall be sufficient and 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, proved 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.

That Action to be continued till the principal Action be determined, &c.

3. PROVIDED ALWAYS, That such Action against the Garnishee shall be continued by the Court wherein the same shall be depending untried, until such Time as the principal Action against the Defendant shall first be determined 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 principal 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 Trial 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.

Oath or Affirmation to be made before Attachment issue.

4. 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 Clerk's 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 Colony at the Time of such Application, and that he doth owe to the Plaintiff more than what is cognizable before a Justice of Peace.

Penalty on issuing Writs contrary to this Act.

5. 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 sealed 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 injured, to be recovered by Action of Debt, with full Costs of Suit, in any Court where such Sums are cognizable.

6. AND

6. 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 attached, and in whose Possession the same are: And the Court, before which the same is so returned, is hereby empowered and required to nominate and appoint three honest and discreet Men to audit and adjust the Demand of the Plaintiff, and of so many of the Defendant's Creditors as have appeared and applied 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 in Writing, under their Hands, to the first or second Term thereafter, as the Necessity of the Case may require; which said Report made and filed, shall the third Term (inclusive of the Term to which the Attachment as aforesaid was returned) 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 Proceedings 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 accrued thereby attend the Event of the Cause.

The Officers Return.

Men to be nominated by the Court to audit Accounts and adjust Demands of the Creditors.

7. 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 is herein before particularly excepted) issue against such Garnishee to appear at the next Court thereafter, and shew 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 Garnishee's, 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 Garnishee 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* returned *Scire Feci*, &c. or on the second *Nihil*, &c. Judgment shall be given by the Court against such Garnishee by Default, and a Writ of Inquiry shall issue to the Sheriff or other Officer, directed to inquire and certify to the said Court, on the Oaths of twelve honest and lawful Men of his Bailiwick, 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,

Upon Judgment on Report of Auditors, *Scire Facias* to issue against Garnishee.

nishee, for the Sum so found and certified, with full Costs of Suit: But if the Garnishee shall appear to such *Scire Facias*, and plead, that he had no Goods or Chattels of the Defendant in his Hand 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 Trial, 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.

Auditors to examine whom they shall think fit on Interrogatories, &c.

8. 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 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 empowered 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 after the making of such their Report; which Court is hereby directed and empowered 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.

On Judgment against principal Defendant, Auditors, by Order of Court, may sell, &c.

9. 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 Defendant's Creditors as have appeared in Court, or before the said Auditors for that Purpose, it shall and may be lawful to and for the said Auditors,

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 attached or seized, 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 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 ordered, to make their Report to the next Court thereafter, there to be filed and remain: And the said Appointment and Assignment shall be, if thereafter received 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 Defendant's Effects attached or seized as aforesaid.

Auditors to be allowed for their Trouble out of the Effects, &c.

10. 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 assigned in Manner aforesaid, by the said Auditors, until such Attachment shall be discharged by the Court, or the Defendant's Debts aforesaid otherwise be fully satisfied; any Law, Usage or Custom to the contrary notwithstanding.

Their Sale and Conveyance good and effectual.

11. PROVIDED ALWAYS, That this Act, or any Thing herein contained, shall not 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 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 Eight-

This Act extends not to Persons beyond Sea, &c.

teen Months from the Time of the Seizure, of which publick Notice shall be given at least thirty Days; nor of any Goods or Chattels until such Time as Judgment be obtained against the Defendant as aforesaid, unless the same be perishable, in which Case it shall be lawful for the Court, according to Discretion, to order the Sale of such Things perishable sooner.

Defendant may sue, and recover upon a future Trial what was not due.

12. PROVIDED ALSO, That if by Reason of the Defendant's Absence, or being unheard, the Auditors aforesaid shall happen to report a Sum to be due from such Defendant, when in Truth and Reality not so much or 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 received by Reason of such Report, and which on Trial 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 notwithstanding. And that in every Case wherein the Creditor or Plaintiff shall not be resident in this Colony 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 Freeholders of this Colony, 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 attached, 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 contained to the contrary thereof in anywise notwithstanding.

In what Case the Estate of an Inhabitant departing, shall not be subject to Attachment.

13. PROVIDED ALSO, That if any Persons who now are, or may be, Inhabitants within this Colony, 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 Courthouse, 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 Witnesses, taken in Writing and filed in the Clerk's 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 Colony, 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 the setting up such publick Advertisement as aforesaid, or after his, her or their Departure out of this Colony; and the Affidavit, so made and filed, shall be a sufficient  
Justification

Justification to the Clerk for his refusing to seal any Attachment against the Lands, Tenements, Goods, Chattels, Rights or Credits of the Person (excepting as before excepted) any Thing herein contained to the contrary thereof in anywise notwithstanding.

14. AND, for the Recovery of Debts cognizable before a Justice of the Peace, BE IT ENACTED *by the Authority aforesaid*, That any Justice of the Peace within this Colony, on Application and Affidavit made before him to the Purpose aforesaid, shall and is hereby required to 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 Effects 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.

How a Justice shall proceed in Cases cognizable by him.

15. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all and every Attachment now depending, or which were depending and undetermined in any Court of this Colony, shall and may be proceeded on by Virtue of this Act.

Attachment now depending.

16. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That this Act shall be and continue in Force for the Space and Term of seven 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.

Limitation.

This Act has been revived by several subsequent Laws, and is amended and continued without Limitation by Chap. CCCXXIII.

C H A P. CCXXV.

*An A C T to enable the Inhabitants of the County of Middlesex to build a Workhouse and House of Correction within the said County, and to make Rules and Orders for the Government of the same.*

Passed Dec. 16, 1748.

**W**HEREAS divers of the Inhabitants of the County of *Middlesex* have humbly certified to the General Assembly by their Petition, that the Numbers of poor People have of late Years very much increased

Preamble.

† An Attachment issued from any Court of Record shall be a Superfedeas to a Justice's Attachment, by Chap. CCCXXIII.

increased within the said County, and that for the better Regulation and Government of the said County, it is highly necessary that a Poorhouse shall be erected within the same, for the Maintenance and Employment of such poor Persons as may become chargeable to the several Cities and Townships within the said County, and for the educating and bringing up poor Children in some honest and industrious Way; as also a Workhouse and House of Correction for setting to Work and punishing all Vagrants, Vagabonds, and Pilferers, and all idle and disorderly Persons, Servants and Slaves, within the Limits of the said County; therefore, for the Encouragement of Honesty and Industry, and depressing of Vice and Immorality;

Three Justices empowered to summon the Justices and Freeholders chosen, &c.

*Seçt. I.* 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 in some convenient Time, after the Publication of this Act, it shall and may be lawful for the Justices of the Peace of the said County, or any three of them, one being of the *Quorum*, to issue a Warrant under their Hands and Seal, directed to the Constables of the said County, commanding them forthwith to summons all the Justices of the Peace of the said County, as also all the Freeholders of the said County which are chosen by Virtue of an Act of Assembly of this Colony, entitled, *An Act for raising of Money for building and repairing of Gaols and Courthouses within each respective County of this Province*,\* to meet at the Courthouse within the City of *Perth-Amboy*, at a certain Time in the said Warrant prefixed, not less than ten Days from the issuing of the said Warrant.

Major Part of Justices and Freeholders agreeing to build a Workhouse, &c. may raise Money.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the said Justices and Freeholders of the said County so assembled and met together by Virtue of the Warrant aforesaid, or the major Part of the said Justices so met, and the major Part of all the Freeholders of the said County so chosen as aforesaid, shall think it expedient and necessary to build a Poorhouse and Workhouse, or House of Correction, within the said County, that then and in such Case it shall and may be lawful for them to agree and fix upon a certain Sum of Money to be raised within the said County for the building, finishing and maintaining a Poorhouse and Workhouse, or House of Correction, some where near or adjacent to the Courthouse in the said City of *Perth-Amboy*. And the said Sum or Sums of Money so agreed upon by the said Justices and Freeholders, or the major Part of the said Justices and the major Part of all the said Freeholders of the said County, shall be raised and collected in the same Manner and Form, within the said County, as all publick County Money is by the Laws of this Colony ordered to be raised and collected.

Justices and Freeholders made a Corporation.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That, from and after the Publication of this Act, there shall and may be a Corporation to continue for-ever, for and within the County of *Middlesex*; which Corporation shall consist of the Justices of the Peace of the said County, for the Time being, and of the Freeholders of the said County, chosen as aforesaid, for the Time being; and they the said Justices and Freeholders shall for-ever hereafter, in Name and Fact, be

one

\* Chap. XXXVII.

one Body Politick and Corporate in Law to all Intents and Purposes, and shall have a perpetual Succession, and shall be called by the Name of *The Overseers and Trustees of the Poor, and Managers of the Workhouse of the County of Middlesex*: And the said Corporation shall be enabled to plead, prosecute and sue, and to be sued and impleaded by that Name, in all Courts and Places of Judicature within this Colony, and by that Name shall and may, without License in Mortmain, purchase, take or receive any Lands, Tenements or Hereditaments of the Gift, Alienation or Devise of any Person or Persons having a Right, and not being otherwise disabled, to grant, alien or devise the same. And the said Corporation is hereby, without further License, enabled to take, receive, transfer and grant the same, and any Goods and Chattels whatsoever, in, to or for the Use and Benefit of the Corporation aforesaid.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Corporation, or the Majority of them assembled and met together, shall, by the Plurality of Voices of the Trustees then present, have Power to choose a Treasurer, and all such other Officers and Servants as shall be thought needful to be employed in and about the Premises; and them, or any of them, from Time to Time to remove or discharge as they shall see Cause; and, upon the Death or Removal of any of them, to choose and appoint others in their Places; and to make and give such reasonable Allowances to them or any of them out of the Stock or Revenue belonging to the said Corporation as they shall think fit.

The Corporation empowered to choose Officers, &c.

5. AND, for the better regulating and well-governing of the said Poorhouse, and Workhouse and House of Correction, and of all Persons concerned therein and dependant upon the same, BE IT FURTHER ENACTED *by the Authority aforesaid*, That a General Meeting of the said Overseers and Trustees shall be held once in six Months at least, at the Courthouse in the City of *Perth-Amboy*; which said General Meeting or Assembly shall consist of at least eleven of the said Corporation: At all which Meetings or Assemblies, there shall be one of the Judges of the Inferior Court of Pleas for the said County, for the Time being, and also the major Part of all the Freeholders of the said County, chosen as aforesaid; and at all which said Meetings or Assemblies, all and every the said Overseers and Trustees, Officer and Officers of the said Corporation, for the Time being, are hereby enjoined to appear and be present, and not to depart from the same without the License or Leave of the said Overseers or Trustees, or the major Part of them then assembled. And it shall and may be lawful for the said Trustees, or the major Part of them, to adjourn any such Meeting or Assembly to such Time and Place within the said City of *Perth-Amboy*, as shall be thought fit by the major Part of the Trustees then present.

Eleven of them at least to meet once in six Months with a Judge, &c.

Power to adjourn.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Corporation at any Meeting or Assembly, by the Votes of the major Part of them then present, shall have Power and Authority to make and appoint a common Seal or Seals, for the Use of the said Corporation, and to make and ordain Rules, Orders and Ordinances for and concerning the better governing the said Corporation, and the Poor of any of the Cities or Townships within the said County, or any

Corporation to appoint a Seal and make Rules, &c.

Trade that shall be set on Foot by the said Corporation for employing the said Poor, and other the Ends and Purposes by this Act intended ; and also to constitute and appoint such and so many Committees, to consist of such Number of the Trustees as shall be thought fit, for the more easy and effectual Execution of the several Trusts and Purposes by this Act reposed and vested, or hereby intended to be reposed and vested in the said Corporation. And also that it shall and may be lawful for the said Committees to provide such Materials and Things as they shall judge necessary, for the setting to work the Poor aforesaid, of what Age or Sex soever they be ; and shall have hereby Power and Authority, at their Discretion, to compel such idle or poor People, begging or seeking Relief, who do not betake themselves to some lawful Employment, or who do or shall hereafter seek and receive Alms of any of the Cities or Townships within the said County, or who ought to be maintained or provided for by any of the said Cities or Townships, to dwell, inhabit and to work in the said Workhouse : And also to set to work all Persons sent to the said House of Correction, to do all such Work as they shall think them able and fit for ; and to receive, provide for, and detain and keep in the Service of the said Corporation, and to set to work until the Age of fourteen Years, any poor Child or Children belonging to any City or Township within the said County, who are or shall be, or whose Father or Mother or other Relation or Person with whom they shall dwell, are or shall then be maintained by any of the said Cities or Townships as aforesaid, or begging Relief, or which by any of the Laws now in Force or hereafter to be in Force, ought to be maintained or provided for by the said County : And, after they shall have attained their said Age of fourteen Years or sooner, the said Corporation by Indenture, under their common Seal, shall have Power, and are hereby required and authorized to bind and put forth such Child or Children Apprentices to any honest Person or Persons within this Colony, who are willing to receive such Child or Children for any Number of Years not exceeding seven Years,\* as they shall think convenient ; which Indenture or Indentures shall be binding to such Child or Children : And the Justices of the Peace for such County, City, Town or Place where the Masters or Mistresses of such Apprentices shall live, shall have the like Authority over them, as by any Law now in Force in that Part of *Great-Britain* called *England*, the Justices of the Peace there have over Apprentices.

And appoint Committees.

Who are to provide Materials and set the People to work.

And set to work Persons sent to the House of Correction.

And poor Children till fourteen Years of Age ;

then to bind them out.

Justices Power over said Apprentices.

A Committee to oversee the Workhouse.

7. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Overseers and Trustees assembled as aforesaid shall, from Time to Time, have and are hereby empowered and authorized to appoint a Committee, to consist of five of the said Trustees at least, who, or any three of them, one of the Justices of the Peace of the said County being always one, shall, from Time to Time, or any Time till the next Meeting or Assembly, have Power to oversee and take Care of the said Workhouse and Persons belonging thereto, and to inflict such Correction and Punishment, as to them shall seem reasonable, on any Person or Persons within the said Workhouse or House of Correction, who shall be so set to work, and shall not conform to such Rules, Orders and

\* By the Poor Law, Female Children are to be bound out until eighteen, and a Clause is to be inserted in their Indentures that the Master or Mistress shall learn them to read and write. See the 18th Section of Chap. DXC.

and Ordinances made or to be made as aforesaid, or shall misbehave in the same.

8. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Corporation shall take Care and provide for the Maintenance of all the Poor belonging to any of the Cities and Townships within the said County committed to their Care, of what Age or Sex soever they be, who are, or ought to be by Law, relieved and provided for by the said Cities and Townships: And in order thereunto the said Overseers and Trustees, or Committee thereof, appointed for that Purpose, shall have full Power to command and require the Constables of the several Cities and Townships within the said County, so oft as they shall think proper, from Time to Time, to examine, search and see what poor Persons there are come into, inhabiting or residing within the said Cities and Townships, and make Report thereof to the said Overseers or Committee at their next Meeting. And if any of the said Constables shall in any Thing neglect or refuse the Duty required of him by this Act, he or they shall be liable to be fined, to the Use of the Poor of the said Corporation, a Sum not exceeding *Ten Shillings* for each Offence, to be recovered as by this Act is directed.

Corporation to search after and provide for the Poor.

Constables Duty.

Penalty on Neglect or Refusal.

9. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the said Overseers and Trustees at their Meeting or Assembly, by the Votes of the major Part of the said Justices present, and of the major Part of all the Freeholders of the said County chosen as aforesaid, from Time to Time, to set down and ascertain what Sum or Sums of Money shall be needful for the Maintenance and Employment of the Poor of the said Workhouse, or House of Correction, or other Poor within the Care of the said Corporation, and to proportion and allot what each City, Township, Precinct or District within the said County, shall pay for and towards the same, which shall be according to the Number of poor Persons such City, Township, Precinct or District shall have in the said Poor or Workhouse, or committed to the Care of the said Corporation, to the Intent that no other Levy or Assessment may be made for any other Maintenance or Allowance to or for any such Poor; which Sum or Sums of Money shall be assessed, levied and raised, in such Manner and Form as by the Laws of this Colony is or shall be appointed and directed for the Support and Maintenance of the Poor of any other County within this Colony; and, when raised and received, shall be paid to the Treasurer of the Corporation aforesaid, for the Use aforesaid, and for no other.

How the Trustees to ascertain what shall be paid for the Support of the Poor, and how the Money to be raised.

10. PROVIDED ALWAYS, That such Poor in any of the said Cities, Townships or Precincts, as shall not be sent to the said Workhouse, or committed to the Care of the said Corporation, shall be maintained in such Manner as is already provided for by Law.

Poor not committed to said Corporation, how to be maintained.

11. PROVIDED ALSO, That if any Person or Persons shall find him or themselves to be unequally taxed or assessed, he or they may appeal to the next General Quarter Sessions of the Peace, to be held for the said County after such Assessment made and demanded, and the Justices of the Peace at such Sessions shall and hereby have full Power and Authority

Persons unequally taxed may appeal.

thority to hear the same, and to make such Order therein as to them shall seem just and reasonable, which Order shall be final.

Constables  
not to be tax-  
ed while in  
Office.

12. PROVIDED ALSO, That no Constable or Constables of the said Cities or Townships shall be liable to pay towards any Assessment which shall be made for any of the said Rates, during the Time of his or their continuing in that Office.

Treasurer and  
other Officers  
to account to  
the Corpora-  
tion.

13. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Treasurer of the said Corporation, for the Time being, and all other Officers belonging to the said Workhouse or House of Correction, shall from Time to Time account to the said Corporation for such Sums of Money, Stock and other Things belonging to the said Corporation, Workhouse or House of Correction, as shall come to his or their respective Hands, or be under his or their respective Care, upon every reasonable Warning and Notice thereof to them respectively given, and shall pay or deliver over such Money and other Things as shall be found in their Hands, to any succeeding Treasurer, or other Officer or Officers which may be appointed by the said Corporation as aforesaid, who shall give Receipts for the same. And if any Treasurer, or other Officer, belonging to the said Corporation, shall refuse or neglect to account and pay or deliver as aforesaid, such Person shall and may be prosecuted by Order of the said Trustees for the same, in Manner by this Act directed.

Penalty on  
Neglect.

Penalties how  
to be recover-  
ed and appli-  
ed.

14. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all Penalties and Forfeitures shall be levied in the usual Manner, by Distress and Sale of the Offender's Goods and Chattels, by Warrants under the Hands and Seals of any of the Justices of the Peace of the said County, for the Time being; and, being so levied, shall be paid to the Treasurer aforesaid, to be applied to and for such Uses and Purposes as the said Poor Rates are hereby directed to be applied, restoring the Overplus if any be, the Charges deducted.

Justices to  
send Rogues  
to the House  
of Correction.

15. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the Justices of the Peace of the said County, or any of them, and for the Justices of the Peace of any of the Cities within the said County, or any of them, and they are hereby required to apprehend, or cause to be apprehended, by any of the Constables or other Officers of the said Cities or County, all Rogues, Vagrants, Vagabonds and sturdy Beggars, and other idle and disorderly Persons, which shall be found wandering or misbehaving themselves within the said Cities or County, and cause them to be set to work to hard Labour for any Time not exceeding the Space of one Month from the Time of such Apprehension: And in case it shall appear upon Examination, that any such Person or Persons hath obtained any legal Settlement elsewhere within this Colony, or within the Province of *New-York* or *Pennsylvania*, then every such Person or Persons shall be sent to the Place or Places of his, her or their last legal Settlement by such Order, and in such Manner, as by the Laws of this Colony other Persons likely to become chargeable are or ought to be sent.

And to the  
Place of Set-  
tlement,  
when disco-  
vered,

16. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all

all Persons able in Body, and not having wherewithal otherwise to maintain themselves, or use loitering, and refuse to work for the usual and common Wages, all Servants who shall run away from their Masters or Mistresses, all idle Persons wandering abroad and begging, and all Persons using any subtle Craft to trick honest People, or practising any unlawful Games or Plays, shall by this Act be liable to the Pains and Penalties hereby prescribed.

Who' else liable to be sent to the House of Correction.

17. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons, so apprehended as aforesaid, shall refuse to be examined upon his, her or their Oaths before such Justice or Justices of the Peace, touching the Place or Places of his, her or their Birth or Settlement, or being so examined, shall knowingly give any false or unsatisfactory Account thereof, such Person or Persons so refusing or being detected of such Falstity as aforesaid, before any Justice or Justices of the Peace in a summary Way, shall be deemed Rogues and Vagabonds, and shall be punished in such Manner as Rogues and Vagabonds are directed by this Act to be punished; of which Punishment the Justice or Justices of the Peace who shall take such Examination shall apprise and inform the Person so examined before the Examination taken as aforesaid.

Persons refusing to be examined, &c. to be deemed Vagabonds.

18. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the said Justices, or any of them, to commit to the said Workhouse, to hard Labour, all or any white Servant or Servants, Slave or Slaves, which may or shall be brought before him or them, by their Masters or Mistresses or others, Inhabitants of the said County, for any Misdemeanor, or rude or disorderly Behaviour committed within the said Cities or County, and to order such rude and disorderly Servant or Slave to receive the Correction of the House, as shall be thought reasonable by the said Justice, not exceeding thirty Lashes for any one Offence.

Servants or Slaves how to be committed to the Workhouse.

19. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for any two of the Justices of the Peace, of the said Cities or County, to commit to the said House of Correction to hard Labour, any Person or Persons who shall be convicted before them of pilfering or stealing within the said Cities or County, under the Value of *Twenty Shillings*, provided such Crime or Crimes be not above the Degree of *Petit Larceny*, and to order such Person or Persons to have the Correction of the House, in such Manner as the Nature of the Offence may require, provided the said Punishment shall not exceed thirty-nine Lashes for any one Offence.

Two Justices may commit for Petit Larceny, and order Correction.

20. PROVIDED ALWAYS, That if the Person or Persons accused, shall make it his, her or their Request to be tried by the Course of the Common Law, he, she or they shall be remanded by the said Magistrates to Gaol, there to be kept for that Purpose.

Persons desiring to be tried by the Common Law, how to be dealt with.

21. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in case any Person or Persons so committed by any of the said Justices of the Peace, to the House of Correction as aforesaid, shall, before the Time be expired for which he, she or they shall be so committed, voluntarily

Punishment for Persons breaking out and escaping from the Workhouse.

tarily break out and make his, her or their Escape from the said House of Correction, he, she or they shall, for every such Offence, be whipped at the Discretion of any two Justices of the said County, not exceeding thirty-nine Lashes for any one Offence, and shall be again committed by the said Justices to the House of Correction to hard Labour, for any Time not exceeding six Months.

How the Corporation may receive Persons from other Counties.

22. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Corporation hereby constituted, or a Committee by them appointed, shall have and hereby hath full Power and Authority, at their own Will and Pleasure, and for such Time or Times as they shall think proper, to agree for, receive, employ and set to Work, any Rogues, Vagabonds, idle and disorderly Persons, Servants and Slaves, of any City, Borough, Township, Precinct or Liberty within any County of the Eastern Division of *New-Jersey*, and such Persons, after they shall be so received, are hereby in all Respects made subject to, and shall be ordered and governed by the said Corporation, in such Sort and Manner as any other such Persons there.

Payment or Security first to be made.

23. PROVIDED ALWAYS, That every such City, Borough, Township, Precinct or Liberty within the several Counties as aforesaid, so making Use of the said Workhouse, or House of Correction as aforesaid, shall first pay, or secure to be paid to the Treasurer of the said Corporation, such Sum or Sums of Money as shall be so agreed for.

Persons received from other Counties into the Workhouse not to gain a Settlement.

24. PROVIDED ALSO, That the Receiving, Working or Continuance of any Person or Persons not belonging to the said County of *Middlesex*, in the said Workhouse or House of Correction, shall not be deemed or construed to be any Settlement within the said County for such Person or Persons; but he, she or they, when discharged from the said Workhouse or House of Correction, shall return or be sent to the same City, Borough, Township, Precinct or Liberty where they were before settled, or from whence they were sent to the said Workhouse or House of Correction; any Law, Usage or Custom to the contrary hereof in anywise notwithstanding.

Corporation empower to hire or purchase a House till one shall be built.

25. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That until such Time as a Workhouse or House of Correction shall be built and prepared within the said City of *Perth-Amboy*, it shall and may be lawful for the said Corporation to hire or purchase, and make use of any other House within the said City, which they, or the Majority of them as aforesaid, shall think fit and convenient for a Poorhouse, Workhouse and House of Correction, in Manner and Form as is by this Act prescribed.

C H A P. CCXXVI.

*An ACT for the more effectual preventing of Lotteries, playing of Cards and Dice, and other Gaming for Lucre of Gain; and to restrain the Abuse of Horseracing within this Colony for the Future.*

Passed Dec. 16, 1748.

**W**HEREAS Lotteries, playing of Cards and Dice, and other Gaming for Lucre of Gain, are become of late frequent and common within this Colony, whereby many Persons have unjustly gained to themselves great Sums of Money from unwary Persons, as well as Children and Servants, tending to the manifest Corruption of Youth, and the Ruin and Impoverishment of many poor Families: AND WHEREAS such pernicious Practices and Desire of unlawful Gain may not only give frequent Opportunities to evil-minded Persons to cheat and defraud divers of the honest Inhabitants of this Colony, but may in Time, if not prevented, ruin the Credit thereof, and be a Hindrance to Trade and Industry, and a great Temptation to Vice, Idleness and Immorality, and consequently against the common Good, Welfare and Peace of His Majesty's Government: Wherefore, We, the House of Representatives, being very desirous to remedy such growing Evils, and to prevent such mischievous and unlawful Practices for the Future, do pray that it may be Enacted,

Preamble.

1. This Section respecting "the Erecting of Lotteries and Sale of "Tickets," is repealed by Chap. DXCVI.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all Cockfightings, playing of Cards and Dice, Rafflings and Ballotings for Lucre of Gain, and that shall or may depend upon, or be determined by Lot or Chance, shall from henceforth be declared and adjudged publick Nuisances; and the same are hereby declared and adjudged publick Nuisances, and the Authors, Parties, Contrivers and Abettors thereof, and every of them, shall be adjudged common Disturbers of the publick Peace, and as such shall and may be prosecuted and proceeded against according to the Laws of that Part of *Great-Britain* called *England*, in that Case made and provided; and all Wagers, Bets and Agreements made by any Person or Persons whatsoever thereon, or in any of the said Cases, shall be, and are hereby declared null and void to all Intents and Purposes whatsoever.

Cockfighting, Gaming, &c. declared to be publick Nuisances.

3. This Section, respecting Horseracing, is fully supplied by Chap. CCCXLIV, Section 1.

4 and 5. These, are repealed by Chap. CCCXLIV, Sect. 2.

6. Repeals "so much of an Act passed in the fourth Year of the Reign of His present Majesty King George the Second, entitled, *An Act for the preventing of Lotteries, and for regulating Pedlers*,"\* as concerns "Lotteries, Raffling and Balloting."

CHAP. CCXXVII. *An Act for empowering certain Persons herein after named to draw for and receive the Money lent the Crown for arming and cloathing*

Obsolete.

\* Chap. CXXXVII.

## At a GENERAL ASSEMBLY held at

Perth-Amboy from the Twentieth Day of May to the Seventh Day of June 1751, in the Twenty-fourth Year of the Reign of King George the Second, being the Eighteenth Assembly of New-Jersey, the following Laws were passed.

### SESSION THE FIRST.

- Obsolete. CHAP. CCXXXVII. *An Act to enable the Legislature to settle the Quotas of the several Counties in this Colony, in order for levying of Taxes from Time to Time, as Occasion may require, for Payment of the publick Debts, for Support of Government, and defraying the contingent Charges thereof.*
- Expired. CHAP. CCXXXVIII. *An Act for the Support of the Government of His Majesty's Colony of New-Jersey for two Years, to commence the tenth Day of August 1749, and to end the tenth Day of August 1751; and to discharge the publick Debts and the Arrearages and contingent Charges thereof.*
- Expired—  
supplied by  
Chap.  
CCLXXV. CHAP. CCXXXIX. *An Act for the Revival and Continuance of an Act, entitled, An Act for the Relief of poor distressed Prisoners for Debt.\**
- Limited to the first of *September* 1752, for the Benefit of all who were confined for Debt at the passing of the Act, or should be confined within three Months thereafter, except as therein excepted.
- Private. CHAP. CCXL. *An Act for naturalizing Philip Young, Henry Croo, Johannes Fisher, Jacob Winnacker, Michael Shuatterly and Jacob Kemper.*

These Acts were passed the 6th of *June* 1751.

## At a GENERAL ASSEMBLY held at

Burlington from the Tenth Day of September to the Twenty-third Day of October 1751, in the Twenty-fifth Year of the Reign of King George the Second, the following Laws were passed.

### SITTING THE SECOND OF SESSION THE FIRST.

CHAP.

\* Chap. CXCI.

C H A P. CCXLI.

*An ACT to restrain Tavernkeepers and others from selling strong Liquors to Servants, Negroes and Mulatto Slaves, and to prevent Negroes and Mulatto Slaves from meeting in large Companies, from running about at Nights, and from hunting or carrying a Gun on the Lord's Day.*

Passed Oct. 23, 1751.

*Sec't. 1. BE IT ENACTED by the Governor, Council and General Assembly, and by the Authority of the same, That, from and after the Publication of this Act, if any Person or Persons have Reason to suspect that any Tavernkeeper or other Person or Persons whatsoever, by themselves or any Person for them, have sold any strong Liquors to his, her or their Servant, Negro or Mulatto Slave, without Leave from their Master or Mistress in Writing, that it is and shall be lawful for him, her or them, to apply to any Justice of the Peace, who is hereby required and directed to issue his Warrant for apprehending the Person or Persons so suspected, to be brought before him, or any other of His Majesty's Justices of the Peace within the Town or Precinct where the suspected Person or Persons inhabit, who is hereby required to tender the following Oath or Affirmation to the Person or Persons suspected, Videlicet,*

Mode of determining whether strong Liquor has been sold to a Servant or Slave.

*I AB, do, in the Presence of God, Declare and Swear, That I have not, nor any Person for me, by or with my Consent or Knowledge, sold any strong Liquors of any Kind whatsoever to the Complainant's Servant, Negro or Mulatto Slave, at any Time without his, her or their Consent in Writing for the same.*

The Oath or Affirmation.

*AND, if the Person or Persons so suspected shall refuse to take the above Oath or Affirmation, their Refusal shall be and is hereby made sufficient Evidence to convict him, her or them thereof, and subject him, her or them to the Pains and Penalties prescribed by an Act, entitled, An Act for regulating Taverns, Ordinaries, Innkeepers and Retailers of strong Liquors.\**

A Refusal to answer, an Evidence of Guilt.

Penalty on Conviction.

*2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Negro or Mulatto Slaves shall at any Time hereafter meet and assemble together, more than to the Number of Five, unless being on his, her or their Masters or Mistresses Business and Employment, the Constable or Constables, on Information or Knowledge thereof, shall and are hereby required to apprehend the Negro and Mulatto Slaves that shall so meet, and carry them before the next Justice of the Peace, who is hereby required and directed to order him, her or them to be whipped on their bare Backs at his Discretion, not exceeding twenty Lashes; and the Constable or Whipper to be paid by the Master or Mistress of such Negro or Mulatto Slaves the Sum of Three Shillings, for apprehending and whipping each and every Negro or Mulatto Slave that shall offend as above.*

Penalty on Negroes meeting more than five together, except, &c.

3. AND

\* Chap. CLVIII.

Expired.

CHAP. CCL. *An Act for levying a Fund at different Periods by Provincial Taxes, for sinking the Sum of Fifteen Thousand Three Hundred and Two Pounds and Four-pence, now outstanding in Bills of Credit made current for His Majesty's Service in the late War.*

Passed June 8, 1753.

This Act, as to the Purposes for which it was first made, is expired; it was afterwards referred to by divers Money Bills, but is in these Respects since rendered obsolete, and supplied by the last Quota Law, Chap. CCCCXCV.

C H A P. CCLI.

*An ACT for erecting the upper Parts of Morris County in New-Jersey into a separate County, to be called the County of Suffex, and for building a Courthouse and Gaol in each of the said Counties.*

Passed June 8, 1753.

Preamble.

**W**HEREAS the Inhabitants of the upper Parts of *Morris County* have, by their Petition, set forth, That for some Years last past their frequent attending the several Courts held at *Morris-Town*, which is in the lower Parts of the said County, and at a very great Distance from most of the Inhabitants of the upper Parts, which makes it inconvenient as well as chargeable to them to attend said Courts; and as by said Petition, as well as by a Petition from the Inhabitants of the lower Parts of said County, it is humbly proposed and prayed, that said County should be divided, and that the Inhabitants should have the Liberty of building a Courthouse and Gaol in each: It is therefore Enacted,

Bounds of  
Suffex County.

*Seçt. 1.* AND BE IT ENACTED by the Governor, Council and General Assembly, and by the Authority of the same, That all and singular the Lands and upper Parts of said *Morris County* Northwest of *Muskonetkong River*, BEGINNING at the Mouth of said River, where it empties itself into *Delaware River*, and running up said *Muskonetkong River* to the Head of the Great Pond; from thence Northeast to the Line that divides the Province of *New-York* and said *New-Jersey*; thence along the said Line to *Delaware River* aforesaid; thence down the same to the Mouth of *Muskonetkong*, the Place of Beginning: All which said Lands, contained within the above Boundaries, be erected into a County, and they are hereby erected into a County, named and from henceforth to be called the County of *Suffex*: And the said *Muskonetkong River*, so far as the County of *Hunterdon* bounds on it, shall be the Boundary Line between that County and said County of *Suffex*; and the said *Muskonetkong River*, and a Northeast Line from the Head of said Pond, shall be the Boundary Line between *Morris County* and the said County of *Suffex*.

Privileges  
granted.

*2.* AND BE IT ENACTED by the Authority aforesaid, That the said County of *Suffex* shall have and enjoy all the Jurisdictions, Powers, Rights, Privileges, Liberties and Immunities whatsoever, which

which any other County within said Province of *New-Jersey* doth, may, or ought of Right to enjoy, excepting only the Choice of Members to represent said County of *Suffex* in General Assembly;\* which Liberty is hereby suspended until His Majesty's Pleasure be further known therein, or that it be otherwise ordered by Act of General Assembly.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That, until such Time the said County of *Suffex* shall be allowed the Privilege of choosing Representatives to serve in General Assembly, it shall and may be lawful to and for the Freeholders of said County, being qualified according to Law, from Time to Time, and as Occasion shall be, to appear at *Trenton*, or elsewhere in the County of *Hunterdon*, and there to vote and help to choose Representatives to serve for the said Counties of *Hunterdon*, *Morris* and *Suffex*, after the same Manner as formerly before the making of this Act they were accustomed to do; and their Votes shall be as good, and of the same Validity and Effect, as if the Persons so voting were properly Freeholders of the County of *Hunterdon*.

To join with *Hunterdon* and *Morris* in choosing Representatives, until, &c.

The 4th Section Enacted, That all Taxes assessed or to be assessed by former Laws, should be levied and paid as thereby directed.

5. AND WHEREAS there is not at present any Gaol or Courthouse within the said County of *Suffex*, BE IT THEREFORE ENACTED *by the Authority aforesaid*, That whenever it shall be judged necessary by the Majority of Freeholders hereafter to be chosen within the several Precincts of the County of *Suffex* aforesaid, by Virtue of an Act for raising of Money for building and repairing of Gaols and Courthouses within each respective County of this Province, with the Concurrence of three Justices of the Peace of the said County of *Suffex*, *Quorum unus*, to build a Gaol or Courthouse within the said County of *Suffex*, that it shall and may be lawful for any three Justices of the Peace of the said County, *Quorum unus*, and they are hereby enjoined, commanded and required, with the Concurrence of a Majority of the aforesaid Freeholders, to meet together at some convenient Time, at *Samuel Green's*, the Time to be appointed by any three Justices of the Peace, one of them being of the *Quorum*, and then and there draw Advertisements, to be fixed up in the most publick Places of the County of *Suffex*, thereby giving Notice to all Persons who by Law are qualified to give their Votes for the Choice of Representatives, to assemble themselves together at the said *Samuel Green's*, in the aforesaid County of *Suffex*, some Day by the said Justices and Majority of Freeholders to be appointed, not exceeding thirty Days, nor less than twenty Days from the Time of fixing up such Advertisements, then and there, by Majority of Votes, to elect and choose the Place whereon such Courthouse and Gaol shall be built; and at the same Time, by Plurality of Voices, to choose seven fit Persons to divide the said County of *Suffex* into Precincts; and the Persons chosen, or the Majority of them, are hereby empowered and required to divide the said County of *Suffex* into Precincts, and bound them as they shall think most convenient for the Inhabitants of said County of *Suffex*; which Bounds they are hereby

How to determine the Time and Place of building a Courthouse.

Seven Persons to divide the County into Precincts.

\* This Privilege is now granted by Chap. CCCCLXXIV.

Bounds to be recorded.

hereby required to have recorded in the Records of said County; and the Inhabitants thereof, when divided into Precincts, shall be vested with, and entitled unto all the Powers, Privileges and Authorities, and be subject to the same Regulations and Government, which the other Precincts in the several Counties of this Colony are subjected and entitled unto.

Justices to take the Votes, and Freeholders to be Judges of the Poll.

6. AND BE IT ENACTED *by the Authority aforesaid*, That the said Justices shall take the Votes of such of the said Electors as may appear and are qualified 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, and from Place to Place, 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 qualified and attending for that Purpose; And then the said Justices and Freeholders shall number the Persons voting; and for what Place, and where the Majority of Votes shall happen for building the said Gaol or Courthouse, or both of them, in that Place, and no where else, the same shall be built. And the said Justices and Freeholders shall take and number the Votes for the Persons who are to divide the County into Precincts; and those seven for whom the Majority of Votes shall happen, shall be the Persons for dividing the said County of *Suffex* into Precincts.

Majority of Votes to determine the Place and Persons.

Justices and Freeholders to appoint Managers.

7. AND BE IT ENACTED *by the Authority aforesaid*, That, in order to raise Money to build and complete the said Gaol or Courthouse, or each of them, it shall and may be lawful for any three Justices, *Quorum unus*, and the Freeholders aforesaid, from Time to Time, and as often as Occasion may require, to meet together at or near the Place where the said Gaol or Courthouse shall be so voted to be fixed, and to appoint Managers, or agree with Workmen, which they in their Discretion shall think most proper for carrying on and completing the said Building. And the Money which shall be by them judged necessary for building the same shall be raised according to an Act of General Assembly of this Colony, entitled, *An Act to empower the Freeholders chosen in each County, 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, and to restrain the unnecessary Meeting of said Freeholders*;\* and every Person who by this Act is enjoined 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, to be recovered in like Manner, as by the said recited Acts are inflicted and directed.

Penalties for Neglect of Duty.

The 8th Section enacted, That the Counties of *Suffex* and *Morris* should unite in raising Taxes until it should be otherwise ordered, which is now done by Chap. CCCCXCV.

Power to build a Gaol and Courthouse in *Morris*.

9. AND BE IT ENACTED *by the Authority aforesaid*, That the Inhabitants of the County of *Morris*, when the Freeholders shall think it necessary as aforesaid, shall have Liberty of building a Gaol and Courthouse, and shall fix the Place where they shall stand, and raise Money for building the same, in such Manner as is directed by this Act for the County of *Suffex*.

*The Act may be seen at large in Nevill's second Vol. Fol. 20.*

CHAP.

\* Chap. CLXXXV.

CHAP. CCLII. *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the twenty-first Day of November 1752, and to end the twenty-first Day of May 1754; and to discharge the publick Debts and the Arrearages and contingent Charges thereof; and for settling the Quotas in the respective Counties, and levying of a Provincial Tax.* Expired.

CHAP. CCLIII. *An Act continuing an Act, entitled, An Act to prevent Actions of Fifteen Pounds and under, being brought into the Supreme Court of this Colony.\** Expired—revived by Chap. CCLXXXIII.

CHAP. CCLIV. *An Act for choosing Overseers of the Highways.* Repealed—supplied by Chap. DLXXXIX.

CHAP. CCLV. *An Act to repeal and explain Part of an Act, entitled, A supplementary Act to the Act, entitled, An Act to prevent the killing of Deer out of Season, and against carrying of Guns, and hunting, by Persons not qualified. ¶* Expired.

Limited to the Continuance of the recited supplementary Act.

CHAP. CCLVI. *An Act for the further Revival and Continuance of an Act, entitled, An Act for the Relief of poor distressed Prisoners for Debt. †* Expired—supplied by Chap. CCLXXV.

This Act extended to such Debtors as were confined at the passing of it, or should be committed within three Months thereafter. The Act continued until the first Day of September 1754.

CHAP. CCLVII. *An Act to further continue an Act, entitled, An Act for better settling and regulating the Militia of this Colony of New-Jersey, for the repelling Invasions, and suppressing Insurrections and Rebellions, † passed in the nineteenth Year of His present Majesty's Reign.* Expired—revived by Chap. CCLXXXIII.

Limited to three Years.

CHAP. CCLVIII. *An Act to repeal an Act, entitled, An Act for the better repairing and amending of the publick Highways, Roads, Streets, Wharf and Bridges within the Town of Burlington. §* Obsolete.

CHAP. CCLIX. *A supplementary Act to the Act, entitled, An Act to enable the Owners of the Meadows and Marshes belonging to the Town of Salem, to keep out the Tide from overflowing the same. ||* Private.

CHAP. CCLX. *An Act to enable the Owners of the Meadows and Marshes adjoining to and on both Sides Manington Creek, to keep out the Tide from overflowing them.* Private.

These Acts were passed the 8th Day of June 1753.

\* Chap. CCIX.

¶ Chap. CCXLV.  
§ Chap. CCXXXIII.

‡ Chap. CXCII.

† Chap. CC.  
|| Chap. LXIV.

## At a GENERAL ASSEMBLY held at

Perth-Amboy from the Third to the Twenty-first Day of June 1754, in the Twenty-seventh and Twenty-eighth Years of the Reign of King George the Second, the following Laws were passed.

SITTING THE SECOND OF SESSION THE FOURTH.

C H A P. CCLXI.

*An ACT to enable the Mayor, Recorder, Aldermen and Common Council-men of the free Borough and Town of Elizabeth, to build a Poorhouse, Workhouse and House of Correction, within the said Borough; and to make Rules, Orders and Ordinances for the governing of the same; and to repair the Gaols of the said Borough.*

Passed June 21, 1754.

Preamble.

**W**HEREAS divers of the Inhabitants and Freemen of the free Borough and Town of *Elizabeth*, have humbly petitioned the Governor, Council and General Assembly of this Colony, that a Poorhouse, Workhouse and House of Correction may be erected and established; to the Intent the Poor of said Borough may be better employed and maintained; poor Children educated and brought up in an honest and industrious Way; as also for setting to work and punishing all Vagrants, Vagabonds, Pilferers, and all idle and disorderly Persons, Servants and Slaves within the said Borough: Therefore, for the Encouragement of Honesty and Industry, and suppressing of Vice and Immorality, and better Government of said Borough;

The Mayor, Recorder, &c. may raise Money to build or procure a Poorhouse, and to manage the same.

*SECT. 1. 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, at any Time after the Publication hereof, the Mayor, Recorder, Aldermen and Common Council-men of the said free Borough and Town of Elizabeth, or any eight or more of them, being met and assembled at the Common-Hall of the said Borough, and, eight agreeing, may make such Provision and Order for the erecting and building one or more Poorhouse or Houses, Workhouse or Houses, House or Houses of Correction, or fit and appropriate any publick Buildings already built, or any Part thereof, belonging to, and within the said Borough and Town of Elizabeth, for the Uses aforesaid; and may agree and fix upon such Sum and Sums of Money as may be necessary for the Purposes aforesaid; to be raised and collected by the several Assessors and Collectors of said Borough for the Time being, in such Manner and Form as Money is raised by an Act of this Province, entitled, *An Act for the Relief of the Poor*, by an Order from the said Mayor, Recorder, Aldermen and Common Council-men, or any eight or more of them. And the said Mayor, Recorder, Aldermen and Common Council for the Time being, or any eight or more of them*

them agreeing, shall and may, from Time to Time, and at all Times hereafter (when they shall think it expedient and necessary for the well ordering and managing the said Poorhouse, Workhouse and House of Correction) agree and fix upon such further Sum and Sums of Money, to be raised and collected in Manner aforesaid for that Use.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That, from and after the Publication of this Act, there shall and may be a Corporation, to continue for and within the said Borough and Town of *Elizabeth*, to consist of the Mayor, Recorder, Aldermen and Common Council-men of the said free Borough and Town of *Elizabeth*, for the Time being; and shall hereafter be, in Name and Fact, one Body Politick and Corporate in Law, to all Intents and Purposes, and shall hereafter have a perpetual Succession, and shall be called by the Name of *The Managers of the Poorhouse of the free Borough and Town of Elizabeth*. And the said Corporation shall be enabled to plead, prosecute and sue, and be sued and impleaded by that Name, in all Courts and Places of Judicature within this Colony. And the said Corporation, by the Name aforesaid, is hereby enabled, without License in Mortmain, to take, receive, transfer and grant any Lands, Hereditaments, Goods and Chattels whatsoever, in, to or for the Use and Benefit of the said Corporation, provided the annual Profits do not exceed *Five Hundred Pounds*, Sterling Money.

Mayor, Recorder, &c. made a Corporation.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Corporation and their Successors, or any eight or more of them, being assembled and met together at the Common-Hall aforesaid, shall, by Plurality of Voices of the Managers then present, have Power to choose a Chamberlain, and all such Officers, Ministers and Servants as shall by them be thought needful to be employed in and about the Premises; and them, or any of them, from Time to Time, to remove or discharge as they shall see Cause; and shall have Power and Authority to make and appoint a common Seal or Seals for the Use of the said Corporation; and to make and ordain all such Rules, Orders and Ordinances for and concerning the better governing the said Corporation; provided such Rules, Orders and Ordinances be not repugnant to the Laws of *Great-Britain*, or to the Laws of this Province of *New-Jersey*.

Power to choose Officers, appoint a common Seal, and make By-Laws.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the Managers of the Poorhouse to assemble and meet together as often as it is necessary and convenient; and, any eight or more agreeing, may provide such Materials and Things as they shall judge necessary for setting to work the Poor, of what Age or Sex soever they be; and shall hereby have such Power and Authority, at Discretion, to compel such idle or poor People begging or seeking Relief, who do not betake themselves to some lawful Employment, or who do or shall hereafter seek or receive Alms of any of the Inhabitants of said Borough, or who ought to be maintained and provided for by said Borough, to dwell, inhabit and to work in the said Workhouse; also to set to work all Persons sent to the House of Correction, to do all such Work as they shall think them able and fit for; and to receive, provide for, educate in Reading and Writing, and detain, set to work, and keep in the Service of the said Corporation,

The Corporation to provide Materials, and set the Poor to Work.

Set to work Persons sent to the House of Correction.

until

And to educate poor Children, and fet them to work.

until the Age of fourteen Years, any poor Child or Children belonging to said Borough, who are or shall be chargeable, or which, by any of the Laws now in Force, or hereafter to be in Force, ought to be maintained and provided for by the said Borough: And when they shall have attained the Age of fourteen Years, or sooner, the said Corporation, by Indenture under the common Seal, shall have Power and Authority to bind and put out such Child or Children Apprentices to any honest Person or Persons within this Colony, who are willing to receive such Child or Children, if Male, until they attain to the Age of twenty-one Years, and if Female, until they attain to the Age of eighteen Years: Which Indenture or Indentures shall be binding to such Child or Children, and to such Master or Mistres to whom the same shall be bound, to all Intents and Purposes. PROVIDED NEVERTHELESS, That it shall be lawful for the Parent or Parents of any Child or Children, under the Care of the said Corporation, to elect and provide a Master or Mistres, to whom the said Corporation are hereby directed to bind out said Child or Children, upon such Conditions and Terms as the Parent or Parents of such Child or Children, and the intended Master or Mistres shall agree upon, so that the Parent demand his or her Election before the Child attain to the Age of fourteen Years; and the Conditions do not subject the Corporation to any future Duty.

Corporation to appoint a Committee to take Care of the House, &c.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Managers assembled and met as aforesaid shall, from Time to Time, as often as they shall think it necessary, have Power and Authority to appoint a Committee, to consist of five of the said Managers at least, who, or any three of them, the Mayor, Recorder, or any one of the Aldermen aforesaid, being always one, shall, from Time to Time, or at any Time, till another Committee be chosen in their Stead, have Power to oversee and take Care of the said Poorhouse or Poorhouses, Workhouse or Workhouses, House or Houses of Correction, and Persons belonging thereto; and to inflict such Punishments as to them shall seem reasonable, on any Person or Persons within the said Workhouse or House of Correction, who shall be set to Work, and shall not conform to all such Rules, Orders and Ordinances made or to be made as aforesaid, or shall misbehave in the same, so that the same do not extend to Life or Member.

Magistrates to commit Vagrants, &c. and send them to the Place of their last Settlement.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for any Magistrate of the said Borough, and they are hereby required to apprehend, by the Marshal, Constables or other Officers of the said Borough, all Rogues, Vagrants, Vagabonds and sturdy Beggars, and other idle and disorderly People, who shall be found wandering or misbehaving themselves within the said Borough, and send them to the Workhouse or House of Correction, to be set to work to hard Labour, for any Time not exceeding one Month. And in case it shall appear, upon Examination, that any such Person or Persons hath obtained any legal Settlement elsewhere within this Colony, or within the Colonies of *New-York* or *Pennsylvania*, then every such Person or Persons shall be sent to the Place or Places of his, her or their last Settlement, by such Order and in such Manner as, by the Laws of this Colony, other Persons likely to become chargeable are or ought to be sent.

7. AND

7. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all Persons able in Body, and not having wherewithal otherwise to maintain themselves, or loiter about and refuse to work for usual and common Wages, all Servants who shall run away from their Masters or Mistresses, all idle Persons wandering abroad and begging, and all Persons using or practising any unlawful Games or Plays to deceive or cheat others, shall by this Act be liable to the Pains and Penalties hereby prescribed. PROVIDED ALWAYS, That, upon Application of the Master or Mistress of such Servant or Apprentice, they shall be discharged on paying the Fees.

Who liable to be committed.

8. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons, so apprehended as aforesaid, shall refuse to be examined upon his, her or their Oaths, before such Magistrate or Magistrates, touching the Place or Places of his, her or their Birth, or last Settlement, or, being so examined, shall knowingly give any false or unsatisfactory Account thereof; such Person or Persons so refusing, or being detected of such Falsity as aforesaid, before any of the aforesaid Magistrates in a summary Way, shall be deemed Rogues and Vagabonds, and shall be punished in such Manner as Rogues and Vagabonds are directed by this Act to be punished.

Persons refusing to be examined, &c. to be deemed Vagabonds.

9. AND BE IT ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the said Mayor, Recorder and Aldermen, or any one of them, to commit to the said Workhouse to hard Labour, any white Servant or Servants, Slave or Slaves, which shall or may be brought before him or them by their Master or Mistresses, or other Inhabitants of the said Borough, for any Misdemeanor or rude or disorderly Behaviour committed within the said Borough, and to order such rude and disorderly Servant or Slave to receive the Correction of the House, as shall be thought reasonable by the said Magistrate, not exceeding thirty Lashes for any one Offence.

Servants or Slaves how to be committed to the Workhouse.

10. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the said Mayor, Recorder and Aldermen, or any two of them, to commit to the said House of Correction, to hard Labour, any Person or Persons who shall be convicted before them of pilfering or stealing within the said Borough, provided such Crime or Crimes be not above the Degree of Petit Larceny, and to order such Person or Persons to have the Correction of the House, in such Manner as the Nature of the Offence may require, provided the said Punishment shall not exceed thirty-nine Lashes each Offence. PROVIDED ALWAYS, That if the Person or Persons accused shall make it his, her or their Request to be tried by the Course of the Common Law, he, she or they shall be remanded by the said Magistrates to Gaol, there to be kept for that Purpose.

Magistrates may commit for Petit Larceny, and order Correction.

Persons desiring, may be tried by the Common Law.

11. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in case any Person or Persons aforesaid, so committed by any of the aforesaid Magistrates to the House of Correction as aforesaid, shall, before the Time be expired for which he, she or they shall be so committed, voluntarily break out, and make his, her or their Escape from the said House of Correction, he, she or they shall, for every such Of-

Punishment for Persons breaking out and escaping.

fence, be whipped at the Discretion of any two of the said Magistrates, not exceeding thirty-nine Lashes for any one Offence; and shall be again committed by the said Magistrates to the House of Correction, to hard Labour, for any Time not exceeding six Months.

How Persons from any other County or Township may be received.

12. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Corporation hereby constituted, or a Committee appointed by them, shall have, and hereby have Power and Authority, at their own Will and Pleasure, and for such Time or Times as they shall think proper, to agree for, receive, employ and set to Work, any Rogues, Vagabonds, idle and disorderly Persons, Servants and Slaves, within any City, Borough, Township, Precinct or Liberty, within any of the Counties of this Colony, excepting such Parts of the County of *Essex* without the Limits of said Corporation; and such Persons within said County of *Essex*, and out of said Corporation, the said Corporation, or a Committee appointed by them, are hereby ordered and directed to receive, employ, set to work and correct in Manner as aforesaid; and such Persons, after they shall be so received, are hereby in all Respects made subject to, and shall be ordered and governed by the said Corporation, in such Sort and Manner as any other such Persons there.

Workhouse, &c. how to be paid for.

13. PROVIDED ALWAYS, That every such City, Borough, Township, Precinct or Liberty, as well those of the County of *Essex* as elsewhere within the Colony as aforesaid, so making Use of the said Workhouse or House of Correction as aforesaid, shall first pay, or secure to be paid to the Chamberlain of the said Corporation, such Sum or Sums of Money as shall be so agreed for, not exceeding *Six-pence* per Day.

Such Persons not entitled to a Settlement.

14. PROVIDED ALSO, The Receiving, Working or Continuance of any Person or Persons not belonging to the said free Borough and Town of *Elizabeth*, in the said Workhouse or House of Correction, shall not be deemed or construed to be any Settlement within the said Borough for such Person or Persons; but he, she or they, when discharged from the said Workhouse or House of Correction, shall return or be sent to the same City, Borough, Township, Precinct or Liberty, where they were before settled, or from whence they were sent to the said Workhouse or House of Correction; any Law, Usage or Custom to the contrary hereof, in anywise notwithstanding.

Corporation to raise Money for repairing the Gaols, &c.

15. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Mayor, Recorder, Aldermen and Common Council-men of the said Free Borough and Town of *Elizabeth* for the Time being, or any eight or more of them, being met at the Common-Hall as aforesaid, shall and may, from Time to Time, agree, fix upon, and order such Sum or Sums of Money to be raised as in Manner aforesaid, for repairing the Gaols within the said Free Borough and Town of *Elizabeth*, and for the other publick and necessary Charges and Expences of the said Borough, to be applied to the Purposes aforesaid, by their Directions.

Expired.

CHAP. CCLXII. *An Act for the Support of the Government of His Majesty's Colony of New-Jersey, to commence the twenty-first Day of May 1754, and to end the twenty-first Day of May 1755; and to discharge the publick Debts and the contingent Charges thereof; and for*

*for settling the Quotas in the respective Counties, and levying of a Provincial Tax.*

CHAP. CCLXIII. *An Act for naturalizing Johannes Doremus, Hendrick Beuf, Hendrick Beuf, junior, and Cornelius Parant.* Private.

These two Acts were passed the 21st Day of June 1754.

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At a GENERAL ASSEMBLY held at Perth-Amboy from the First to the Twenty-first Day of October 1754, in the Twenty-eighth Year of the Reign of King George the Second, being the Nineteenth Assembly of New-Jersey, the following Law was passed.

SESSION THE FIRST.

CHAP. CCLXIV. *An Act for naturalizing Henry Graaf, and others.* Private.

Passed Oct. 21, 1754.

The other Persons naturalized by this Law were Johannes Myer, Christian Kaul, Hendrick Koch, Peter Hoffman, John Young, William Hoffman, Christian Kule, William Barwick, Johannes Kafe, Matthias Kafe, Johannes Rofs, Hantil Resler, Hanborn Koch, and Martin Shipley.

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At a GENERAL ASSEMBLY held at Elizabeth-Town from the Twenty-fourth Day of February to the Third Day of March 1755, in the Twenty-eighth Year of the Reign of King George the Second, the following Laws were passed.

SESSION THE SECOND.

CHAP. CCLXV. *An Act to prevent the Exportation of Provisions, Naval or Warlike Stores from the Colony of New-Jersey to Cape-Breton, or to any other the Dominions settled by the Subjects of the French King.* Expired.  
Limited to the first Day of June 1755.

CHAP. CCLXVI. *An Act for making Provision for the Subsistence of His Majesty's Forces during their March through this Colony; and for providing Carriages for transporting their Baggage.* Obsolete.

These Acts were passed the 3d of March 1755.

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At a GENERAL ASSEMBLY held at Elizabeth-Town from the Seventh to the Twenty-second Day of April 1755, in the Twenty-eighth Year of the Reign of King George the Second, the following Laws were passed.

SESSION THE THIRD.

CHAP.

## C H A P. CCLXVII.

*An ACT to encourage the enlisting of Five Hundred Freemen or well affected Indians in this Colony of New-Jersey, for His Majesty's Service in the present Expedition, in Conjunction with the Forces of New-England and New-York, for the erecting a strong Fortrefs near Crown-Point within His Majesty's Dominions : And also for making current Fifteen Thousand Pounds in Bills of Credit, for providing for the Subsistence, Cloathing, Arming and Pay of the said Forces, and transporting them to the Place of general Rendezvous ; and also for the directing the Manner of sinking the said Bills of Credit.*

Passed April 22, 1755.

**T**HIS Law is obsolete, except the Section called the 30th in *Nevill's* second Volume, Folio 46, which is as follows, *to wit,*

Penalty for counterfeiting said Bills.

30. AND BE IT FURTHER ENACTED *by the Authority aforesaid,* That if any Person or Persons whatsoever shall presume to counterfeit, or be aiding and assisting in counterfeiting or altering any of the 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 convicted, he, she or they shall incur the Pains and Penalties of Felony, without Benefit of Clergy, and shall suffer Death accordingly.

Expired.

CHAP. CCLXVIII. *An Act to continue an Act, entitled, An Act to prevent the Exportation of Provisions, Naval or Warlike Stores from the Colony of New-Jersey to Cape-Breton, or to any other the Dominions settled by the subjects of the French King.*

Passed April 22, 1755.

Limited to the first Day of *November* 1755.

**At a GENERAL ASSEMBLY held at Elizabeth-Town from the Twenty-third to the Twenty-sixth Day of April 1755, in the Twenty-eighth Year of the Reign of King George the Second, the following Laws were passed.**

## SESSION THE FOURTH.

Obsolete.

CHAP. CCLXIX. *An Act to empower the Commissioners appointed for arming, cloathing and making Provision for the Five Hundred Men to be raised in this Colony for His Majesty's Service ; to apply a Sum not exceeding One Hundred Pounds to each Company as Levy-Money*

Money for raising the said Forces, if the same shall appear necessary to the said Commissioners, or the major Part of them; and for other Purposes therein mentioned.

Passed April 25, 1755.

CHAP. CCLXX. An Act for extending the Operation of the Forces to be raised in this Colony in the intended Expedition for the Defence of His Majesty's Lands. Obsolete.

Passed April 26, 1755.

At a GENERAL ASSEMBLY held at Elizabeth-Town and Perth-Amboy from the Twenty-first Day of July to the Twentieth Day of August 1755, in the Twenty-ninth Year of the Reign of King George the Second, the following Laws were passed.

N. B. The Laws all received the Governor's Assent at Elizabeth-Town.

SESSION THE FIFTH.

CHAP. CCLXXI.

An ACT to preserve the Navigation of the Rivers and Creeks within the Colony of New-Jersey.\*

Passed Aug. 20, 1755.

WHEREAS the Transportation of Timber, Plank, Boards, Hay, and other Things to Market by Water is a great Conveniency to the Inhabitants of this Colony, and the Preservation of those Advantages are highly worthy the Care of the Legislature:

SECT. I. BE IT ENACTED by the Governor, Council and General Assembly of the said Colony, and it is hereby Enacted by the Authority of the same, That if any Person or Persons, without first obtaining an Act of the General Assembly for that Purpose, shall, after the Publication of this Act, erect any Dam, Bank, Sluice, or other Thing, which shall obstruct or prevent the free and uninterrupted Navigation of any River, Creek or Stream of Water within this Colony, which is now used for the Navigation of Boats or Flats, or for the Transportation of Hay, Plank, Boards or Timber, or shall fall any Trees across such Creek, or throw Brush or other Filth in any Part thereof, between the Mouth thereof and the uppermost Place thereon, now or of late used as a Landing, he, she or they, so offending, shall severally forfeit the Sum of Five Pounds, Proclamation Money; to be recovered by Action of Debt before any one Justice of the Peace of the said Colony, at the Suit of any Person who will prosecute the same to Effect, to the sole Use of the Prosecutor, with Costs of Suit: And the Person or Persons, so offending, shall also, at his or their proper Costs and Charge, immediately remove

Preamble.

No Obstructions or Banks to be made across any navigable Water.

Penalty.

3 E the

\* Chap. CCCLIX is a Supplement to this Act.

## C H A P. CCLXXVIII.

*An ACT for making current Ten Thousand Pounds in Bills of Credit, to enable the Inhabitants of this Colony to protect and defend their Frontiers from any Invasions which may be made upon the same by the Enemy; and more particularly for making Provision for the Guard and Defence of the Frontiers of this Province, along the River Delaware, in the County of Suffex, and other Places adjacent, by erecting Block-Houses; and supplying the same with such a Number of Forces as shall be thought necessary for that Purpose; and also for directing the Manner of sinking the said Bills of Credit; and for subjecting such of them as shall not be used on the present Occasion, to be employed for the Services of the Provincial Forces under Colonel Schuyler, or on other Emergencies.*

Passed Dec. 24, 1755.

**T**HIS Act is obsolete, except the Section called the 8th in *Nevill's* second Volume, Folio 80, which is as follows, *to wit,*

Penalty for counterfeiting the Bills.

8. AND BE IT FURTHER ENACTED *by the Authority aforesaid,* That if any Person or Persons whatsoever shall presume to counterfeit, or be aiding and assisting in counterfeiting or altering any of the 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.

**At a GENERAL ASSEMBLY held at**  
Elizabeth-Town from the Ninth to the Sixteenth Day of March 1756, in the Twenty-ninth Year of the Reign of King George the Second, the following Law was passed.

SITTING THE SECOND OF SESSION THE SIXTH.

Expired.

CHAP. CCLXXIX. *An Act for raising Two Hundred and Fifty able-bodied Freemen as Volunteers, to protect and defend the Frontiers of this Colony from any Invasions which may be made upon the same by the Enemy, in Lieu of the Militia already stationed upon the said Frontiers: As also for subjecting two Hundred of the said Volunteers to act in Conjunction with the Colonies of New-York and Pennsylvania, to make up an Army of one Thousand Men, or one fifth Part of such an Army, not exceeding one Thousand Men in the Whole, as shall be thought necessary to be employed in pursuing the Indian Enemy into their*

*their Places of Retreat, and captivating them, their Wives and Children.*

Passed March 16, 1756.

At a GENERAL ASSEMBLY held at

Elizabeth-Town from the Twentieth Day of May to the Second Day of June 1756, in the Twenty-ninth Year of the Reign of King George the Second, the following Laws were passed.

SITTING THE THIRD OF SESSION THE SIXTH.

C H A P. CCLXXX.

An ACT for making current Seventeen Thousand Five Hundred Pounds, in Bills of Credit, for the further Supply and Pay of the Forces lately raised in this Colony, under the Command of Colonel Peter Schuyler, and also for subsisting and paying such of the Troops of this Colony as may be found necessary to remain in Defence of our Frontiers, or that may be detached from thence, in pursuing the Indian Enemy into their Places of Retreat; and Three Thousand Five Hundred Pounds more for exchanging ragged and torn Bills; and also directing the Manner how the said Seventeen Thousand Five Hundred Pounds shall be sunk.

Passed June 2, 1756.

THIS Act is obsolete, except the Sections called the 16th and 21st in Nevill's second Volume, Folios, 97 and 100, which are as follow, to wit.

16. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever shall presume to counterfeit, or be aiding and assisting in counterfeiting or altering any of the 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 convicted, he, she or they shall incur the Pains and Penalties of Felony without Benefit of Clergy, and shall suffer Death accordingly. Penalty for counterfeiting the Bills.

21. AND BE IT ENACTED *by the Authority aforesaid*, That, over and above the said *Seventeen Thousand Five Hundred Pounds* for the Uses aforesaid, there shall be printed at the same Time the Sum of *Three Thousand Five Hundred Pounds* in the Proportions following, *Videlicet*, One Hundred and four Bills, each of the Value of *Six Pounds*, or seventeen Ounces ten Penny-weight of Plate. Two Hundred and eight Bills, each of the Value of *Three Pounds*, or eight Ounces fifteen Penny-weight of Plate. Bills to the Value of £ 3500 more to be printed.

and signed  
to exchange  
ragged and  
torn Bills.

Plate. Three Hundred and thirty-three Bills, each of the Value of *One Pound Ten Shillings*, or four Ounces seven Penny-weight and twelve Grains of Plate. Eight Hundred and thirty-three Bills, each of the Value of *Fifteen Shillings*, or two Ounces three Penny-weight eighteen Grains of Plate. Nine Hundred and twenty-three Bills, each of the Value of *Twelve Shillings*, or one Ounce fifteen Penny-weight of Plate. Eight Hundred and thirty-three Bills, each of the Value of *Six Shillings*, or seventeen Penny-weight twelve Grains of Plate. One Thousand Bills, each of the Value of *Three Shillings*, or eight Penny-weight and eighteen Grains of Plate. One Thousand two Hundred and thirty-four Bills, each of the Value of *One Shilling and Six-pence*, or four Penny-weight and nine Grains. One Thousand six Hundred and thirty Bills, each of the Value of *One Shilling*, or two Penny-weight twenty-two Grains of Plate. To be signed by the aforefaid Signers, or any three of them, as aforefaid, and delivered to the faid Treasurers in equal Moieties, for exchanging of defaced, ragged and torn Bills, made current by the former Acts, or this present Act of General Assembly: And the faid Treasurers, on Receipt thereof, are hereby commanded from Time to Time to sign such Part of faid Bills as shall be necessary for exchanging ragged and torn Bills; and, as often as Application shall be made, at any convenient Time, to issue the same to any Person or Persons so applying, in Exchange for any Bills of Credit made current by this or former Acts of this Colony. And the faid ragged Bills, so by the faid Treasurers received in Exchange, shall be laid before the same Justices and Freeholders, and be cancelled and disposed of in the same Manner and Form, as is herein before directed, concerning the Bills of Credit hereby made current.

Expired.

CHAP. CCLXXXI. *An Act for the more effectual obstructing the Exportation of Provisions and Warlike Stores from the Colony of New-Jersey.*

Limited to continue from the first Day of *June* to the first Day of *August* 1756, and so long after as the Legislatures of *New-York* and *Pennsylvania* should pass Laws for the like Purposes, provided they did not exceed three Months from the faid first Day of *August*.

Expired.

CHAP. CCLXXXII. *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the twenty-first Day of May 1756, and to end the twenty-first Day of May 1757; and to discharge the publick Debts and the contingent Charges thereof; and for settling the Quotas in the respective Counties, and levying of a Provincial Tax.*

Expired.

CHAP. CCLXXXIII. *An Act for continuing several Acts of the General Assembly of this Colony, which will expire at the End of this present Session, by their own Limitation, or soon after.*

The Acts here meant were continued for one Year, and are, First, The *Fifteen Pounds Act*, Chap. CCIX: Second, The *Five Pounds Act*, Chap. CCXXIX: Third, The *Attachment Act*, Chap. CCXXIV: And Fourth, The *Militia Act*, Chap. CC. The three first are further continued by Chap. CCXCVIII, and the last is amended and revived by Chap. CCXCIV.

CHAP.

CHAP. CCLXXXIV. *An Act to enable the Owners of some Meadows and Marshes at Elfinborough, in the County of Salem, to keep out the Tide from overflowing the same.* Private.

CHAP. CCLXXXV. *An Act for naturalizing Johannes Belesvelt and Peter Vanallen.* Private.

The last five Acts were passed the 29th of May 1756.

CHAP. CCLXXXVI. *An Act for the better Regulation of the Forces upon the Frontiers of the Colony of New-Jersey, in the County of Suffex, for the Protection and Defence of the Persons and Estates of the Inhabitants there, and the Places adjacent.* Expired.

Limited to one Year.

Such were the Circumstances of the Times, occasioned by the French and Indian War, that this Act directed the Enlargement of all Persons confined on Civil Process in the County of Suffex, and indemnified all Persons from Restraint and Confinement on such Process, until the first Day of December thereafter; in the mean-time a Common Appearance was authorized to found a Suit and proceed to Judgment and Execution against the Defendant's Effects.

CHAP. CCLXXXVII. *An Act to enable the Possessors of two several Tracts of Tide Meadow and Marsh, lying and adjoining on the North Side of Cohansie Creek, alias Casarea River, in the County of Cumberland; one Tract called and known by the Name of the Fork Marsh; and the other situate lower down the said Creek adjoining to the same, and to the Lands in Possession of Jonathan Holmes, Esquire, and others, to stop out the Tide from overflowing them.* Private.

The last two Acts were passed the 2d of June 1756.

**At a GENERAL ASSEMBLY held at Elizabeth-Town from the Seventeenth to the Twenty-fourth Day of December 1756, in the Thirtieth Year of the Reign of King George the Second, the following Law was passed.**

**SITTING THE SECOND\* OF SESSION THE SEVENTH.**

CHAP. CCLXXXVIII. *An Act to continue the Pay of the remaining Part of the Forces lately under Colonel Schuyler; and for discharging the Forces on the Frontiers of this Colony.* Expired.

Passed Dec. 24, 1756.

This Act provided for the Pay of the Forces until the sixth Day of April 1757.

At

\* At the first Sitting no Law passed.

At a GENERAL ASSEMBLY held at Elizabeth-Town from the Fifteenth to the Thirty-first Day of March 1757, in the Thirtieth Year of the Reign of King George the Second, the following Laws were passed.

SITTING THE THIRD OF SESSION THE SEVENTH.

C H A P. CCLXXXIX.

An ACT for completing the Regiment in the Pay of the Colony of New-Jersey, to the Number of Five Hundred effective Men, and making Provision for the same.

Passed March 31, 1757.

BY this Act Ten Thousand Pounds were emitted. The Law provided for keeping the Forces it directed to be raised until the fifteenth Day of November ensuing. It is now obsolete, except the Section called the 38th in Nevill's second Volume, Folio 122, which is as follows, to wit,

Penalty for counterfeiting said Bills.

38. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons whatsoever shall presume to counterfeit, or be aiding and assisting in counterfeiting or altering any of the 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.

Expired.

CHAP. CCXC. An Act for regulating Indian Affairs; and to prevent the setting of Deer Traps within the Colony of New-Jersey.

This Act, so far as it relates to Indian Affairs, appears to have been made in Pursuance of sundry Articles mutually agreed on at a Treaty held by Commissioners empowered by this Government, and the Indian Inhabitants within the same, at *Crosswicks*, in the Month called *January*, 1756. And enacted, 1st, That no Person should give or sell to any *Indian* or *Indians* any strong Liquors, whereby they might become intoxicated, or more than one Quart of Beer or Cider, or Half a Gill of Rum, or any other Spirit in one Day to any one *Indian*, without an apparent Necessity, under the Penalty of *Twenty Shillings*; that on any Bargain with an *Indian*, no Part of the Consideration should be paid in Liquors, except as above, the Sale otherwise to be void, and the Property not altered; and that every Pledge, taken of an *Indian* for Liquors, should be delivered up.—2. That every Debt contracted by an *Indian* for strong Drink should be held void; that it should not be lawful to imprison an *Indian* for Debt, but the Process against him should be by Attachment to seize his Goods, Cloaths and Hunting Utensils excepted; and, on Default of his Appearance before the Court or Justice who issues the same, or Judgment passing against him, so much of the Goods should be ordered for Sale as would satisfy such Debt.—3. And, to prevent Imposition and Fraud, that

no

no Sale, Conveyance or Lease of Lands from any *Indian* or *Indians* should be held good, except previous thereto a Certificate was signed by six *Indian* Men, signifying that the *Indian* or *Indians* contracting were Owners of the Land ; which Certificate should be counter-signed by a Magistrate, who should also certify that the *Indians* were Men grown and sober, and that their Certificate was signed in his Presence. And, before the Execution of the Deed, the same was to be read and explained to the *Indians* by the Governor, or one of his Council, or one of the Justices of the Supreme Court, who should endorse that the *Indians* understood the said Deed, and had a reasonable Price paid ; and that they also saw the Certificate of the six *Indians* under the Hand of the Justice ; provided such Title should not prejudice any one holding by Title under the Crown.—4. Commissioners were appointed to inquire into the Claims of the *Indians* to Lands in this Colony, and to make Report to the Legislature. The Act was limited to two Years, and ordered to be read in every Court of Quarter Sessions during that Time. It is in *Nevill's* second Volume, Folio 125.

CHAP. CCXCI. *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the twenty-first Day of May 1757, and to end the twenty-first Day of May 1758; and to discharge the publick Debts and the contingent Charges thereof; and for settling the Quotas in the respective Counties, and levying of a Provincial Tax.* Expired.

These Acts were passed the 31st Day of March 1757.

At a GENERAL ASSEMBLY held at Elizabeth-Town from the Twenty-fourth Day of May to the Third Day of June 1757, in the Thirtieth Year of the Reign of King George the Second, the following Laws were passed.

SESSION THE EIGHTH.

CHAP. CCXCII. *An Act for the raising and maintaining One Hundred and Twenty effective Men, for the Defence of the Frontiers of the Colony of New-Jersey.* Obsolete.

This Act authorized the Release of civil Debtors from Gaol, and protected from Confinement those who were at large, until the first Day of *December* following, when the Forces were to be discharged. The Act was further continued by Chap. CCXCV, until the first Day of *April* ensuing.

CHAP. CCXCIII. *An Act to enable the Owners and Possessors of a large Tract of Salt Marsh, situate in the Township of Greenwich, in the County of Cumberland, called Tindal's Island Marsh, to make a Causeway and Bridges on the two Rod Road laid out from a Point of fast Land on the South Side of Bacon's Neck, now the Property of Charles Davis, Esquire, across the Marsh and Creeks to Tindal's Island aforesaid.* Private.

Expired—  
supplied by  
Chap.  
CCCLXXVII.

CHAP. CCXCIV. *A supplementary Act to the Act, entitled, An Act for better settling and regulating the Militia of this Colony of New-Jersey, for the repelling Invasions, and suppressing Insurrections and Rebellions ;\* as also for continuing such Parts and Clauses of the said Law as are not altered and amended by this Act.*

This Act gave Power to the Governor, by Advice of Council, to draught and march a Detachment of the Militia into other Colonies, which Clause was limited to one Year : The Rest of the Act was to continue until the End of the War with *France*.

These Acts were passed the Third of *June*, 1757.

At a GENERAL ASSEMBLY held at Burlington from the Tenth to the Twenty-second Day of October 1757, in the Thirty-first Year of the Reign of King George the Second, the following Laws were passed.

SITTING THE THIRD OF SESSION THE EIGHTH.

JOHN READING, Esquire, President,

C H A P. CCXCV.

*An ACT for making current Thirty Thousand Pounds in Bills of Credit, for His Majesty's Service in the present War.*

Passed Oct. 22, 1757.

THIS Act is obsolete, except the Section called the 8th in *Ne-vill's* second Volume, Folio 150, which is as follows, *to wit,*

Penalty for  
counterfeit-  
ing said Bills.

8. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever shall presume to counterfeit, or be aiding and assisting in counterfeiting or altering any of the 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 convicted, he, she or they shall incur the Pains and Penalties of Felony without Benefit of Clergy, and shall suffer Death accordingly.

Expired.

CHAP. CCXCVI. *An Act for appropriating a certain Sum of Money for the Support of the Commander in Chief of this Colony, from the ninth Day of September 1757, till the twenty-first Day of May 1758, and for other Purposes therein mentioned.*

Obsolete.

CHAP. CCXCVII. *An Act for the Trial of Benjamin Springer, now a Prisoner in the Gaol of the County of Essex, upon an Accusation for Felony and Murder, committed in the County of Suffex.*

\* Chap. CC.

The Fact charged against *Springer* was the Murder of — *Swartwoot*, in the County of *Suffex*; but, it being apprehended that the Incursions of the *Indians*, and the Commotions thereby occasioned, rendered it difficult if not dangerous to hold a Court of Oyer and Terminer there, this Act authorized a Trial in *Morris*, and directed the Expence to be paid by the Province in general; pursuant to which, on the positive Testimony of *Swartwoot's* Son, and the Contradictions in the Prisoner's own Story, after a full and fair Hearing, at which an eminent Counsellor charitably attended in his Behalf, he was convicted to the Satisfaction of most or all present, and was executed in *Morris*. He declared himself innocent of the Crime; and, on the Return of — *Hunt* and a Negro who had been taken a few Miles distant by the same Party of *Indians* that captivated *Swartwoot's* Family, (with which Party it was proved at the Trial *Springer* was, and that he killed *Swartwoot*) it appearing by their Declarations that they did not see *Springer* until they got to the *Indian* Town, some inclined to believe he might not have been guilty. Thus the Question seemed obscured. It is however agreed, that his Trial was deliberate and impartial, and many still think his Life was forfeited to the Laws of his Country.

CHAP. CCXCVIII. *An Act for continuing several Acts of the General Assembly of this Colony, which will expire at the End of this present Session by their own Limitation.* Expired.

The Laws enumerated in this Act are, First, The *Fifteen Pounds* Act, Chap. CCIX: Second, The *Five Pounds* Act, Chap. CCXXIX: And Third, The *Attachment* Act, Chap. CCXXIV. They are continued for one Year by Chap. CCCXII.

CHAP. CCXCIX. *An Act for providing an additional Security to the Frontiers of this Colony.* Expired.

This Act was for raising and stationing thirty Men on the Frontiers till the Regulars should arrive.

CHAP. CCC. *An Act for reviving an Act, entitled, An Act for the Relief of poor distressed Prisoners for Debt.\** Expired—revived and amended by Chap. CCCXXVI.

Made for the Benefit of those who were actually in Prison on the twenty-seventh Day of *September* 1757.

These Acts were passed the 22d Day of *October* 1757.

At a GENERAL ASSEMBLY held at Burlington from the Twenty-third Day of March to the Eighteenth Day of April 1758, in the Thirty-first Year of the Reign of King George the Second, the following Laws were passed.

SESSION THE NINTH.

C H A P.

\* Chap. CCLXXV.

C H A P. CCCI.

*An ACT for augmenting the Regiment of this Colony of New-Jersey, to the Number of One Thousand effective Men, Officers included, and making Provision for the same.*

Passed April 4, 1758.

**T**HIS Law provided for the Raising, Cloathing, Pay, Discipline, &c. of so many able bodied Freemen or well affected *Indians*, as, with that Part of the Regiment which then remained, would complete One Thousand effective Men, Officers included, to act in Conjunction with His Majesty's regular Troops, and those of the neighbouring Colonies, until the 15th Day of *November* 1758: For which Purposes, and other necessary Uses of the Colony, the Emission of £. 50,000 was hereby directed. The Law contains many Sections, and is Part expired and Part obsolete; yet the Sections called the 34th, 35th, 36th, 37th, 43d and 44th, in *Nevill's* 2d Vol. Fol. 177, &c. remain in Force, and are as follow, *to wit.*

Time of Currency of the Bills.

34. AND BE IT ENACTED *by the Authority aforesaid*, That the Bills of Credit to be made and issued by Virtue of this Act, or such Parts thereof as shall remain unfunk, shall be, continue and pass current until the first Day of *November* which will be in the Year of our Lord One Thousand Seven Hundred and Seventy-eight, but shall be received by the Treasurers, either in Exchange for other Money, or in any publick Payments for six Months thereafter; and shall be paid and received for the same Value expressed in and upon each Bill, for Goods and Lands, or any other Things bought and sold, by all Persons whatsoever, being in this Colony, according to their Rates.

Penalty on refusing to accept them.

35. 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 Currency of the said Bills, 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 Value or Rates, he, she or they, so refusing to accept 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, their, and every of their Heirs, Executors and Administrators, shall for-ever be barred from bringing his, her or their Actions for recovering 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.

Penalty on Persons demanding Silver Money, &c. instead of said Bills.

36. 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 Chattels, Lands or Tenements whatsoever, and deny or refuse

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 forfeit for every such Offence the Sum of *Twenty-five Pounds*, to be recovered by Action of Debt in any Court of Record within this Province, with Costs of Suit; the one Half to such Persons as shall sue for and prosecute the same to Effect, the other Half to be paid into the Treasury, and to be applied for the Support of Government.

37. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever shall presume to counterfeit, or be aiding and assisting in counterfeiting or altering any of the 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 convicted, he, she or they shall incur the Pains and Penalties of Felony without Benefit of Clergy, and shall suffer Death accordingly.

Punishment  
for counter-  
feiting, &c.

43. AND WHEREAS by Letter from the Right Honourable *William Pitt*, Esquire, to the Commander in Chief of this Colony, it appears, among other Inducements to the Equipping a large Body of Forces to assist in the ensuing Campaign, he was pleased to acquaint the Commander in Chief in the Words following, *Videlicet*, "The Whole, therefore, that His Majesty expects and requires from the several Provinces, is the Levying, Cloathing and Pay of the Men; and on these Heads also, that no Encouragement may be wanting to this great and salutary Attempt, the King is further most graciously pleased to permit me to acquaint you, that strong Recommendations will be made to Parliament in their Session next Year, to grant a proper Compensation for such Expences as above, according as the active Vigour, and strenuous Efforts of the respective Provinces, shall justly appear to merit."

44. AND WHEREAS the Legislature of this Colony have the greatest Confidence in His Majesty's most gracious Promises; Therefore, BE IT ENACTED *by the Authority aforesaid*, That *Charles Read*, *Robert Lawrence*, *John Wetherill*, *Samuel Smith* and *Jacob Spicer*, Esquires, the Committee of Correspondence, be, and they, or any three of them, are hereby empowered, at any Time hereafter, when they may think it proper, to solicit for the said Money, and to support the Expence thereof; or for any other provincial Service that they, the said Committee, or any three of them, may think necessary; it shall be lawful for the Treasurers of this Colony, and they are hereby commanded to retain in their Hands, subject only to the Demand of the said Committee of Correspondence, or any three of them, out of the Money made current by this Act, the Sum of *One Thousand Pounds*, and pay the same, or such Part thereof as may be wanted, to the said *Charles Read*, *Robert Lawrence*, *John Wetherill*, *Samuel Smith* and *Jacob Spicer*, Esquires, or any three of them, or to the Order of any three of them; and the Receipt of them the said *Charles Read*, *Robert Lawrence*, *John Wetherill*, *Samuel Smith* and *Jacob Spicer*, Esquires, or any three of them,

Committee of  
Correspon-  
dence to draw  
out of the  
Treasury  
*One Thousand  
Pounds* for the  
Service of the  
Province.

or Order from any three of them, with a Receipt thereon, when produced to the General Assembly, shall discharge them the said Treasurers, or either of them, of and from so much as he or they may pay in Consequence hereof.

C H A P. CCCII.

*An ACT for building of Barracks within this Colony; and for preventing spirituous Liquors being sold to common Soldiers without Leave from proper Authority; and for other Purposes therein mentioned.*

Passed April 15, 1758.

Preamble.

**W**HEREAS it is found by Experience that the admitting Soldiers within private Houses in this Colony, during their Winter Quarters, is not only attended with a very heavy publick Expence, but many other pernicious Consequences to private Families: For Prevention whereof for the Future, &c.

In Purfuance of this Law Barracks were built at *Burlington, Perth-Amboy, Elizabeth-Town, New-Brunswick* and *Trenton*, each sufficient to contain Three Hundred Men, and the Commissioners appointed for building them have long since settled their Accounts, which is the subject Matter of the 1st, 2d, 4th, 5th and 9th Sections, the 3d and 6th are as follow, *to wit,*

Trustees.

3. AND, to the End the said Ground and Building may be effectually secured to the Use of this Province, BE IT ENACTED by the Authority aforesaid, That the Honourable *Andrew Johnston, James Hude, and Richard Salter*, Esquires, and *Robert Lawrence, Charles Read, William Morris, John Johnston, Ebenezer Miller, and Richard Smith* of *Burlington*, be, and they are hereby appointed Trustees for the Colony of *New-Jersey*, in whose Names the respective Deeds of the said Grounds shall be taken, to them, and the Survivors and Survivor of them and the Heirs of the Survivors of them for-ever; yet, nevertheless, to the Uses, Intentions and Purposes herein after specified, and to no other Use, Intent or Purpose whatsoever, *That is to say,* To and for the Use of Barracks for the quartering of Soldiers whenever they may be sent by proper Authority, to reside in any of the Places aforesaid: And the said Ground and Barracks, when built, shall be under the Care and Direction of the two principal Magistrates, and the two Freeholders chosen for the City or Town where they are respectively built; and they may, at their Discretion, occupy the same, or suffer the same to be occupied at all Times hereafter, when no Soldiers are there; so always that proper Care be taken to keep them from Damage as much as may be, and to have them at all Times free for the Use of the Soldiers as aforesaid.\* PROVIDED ALWAYS, AND IT IS HEREBY DECLARED *to be the true Intent and Meaning of these Presents,* That no Part of the said Grounds shall be converted into, or made use of, for erecting any Sort of Building thereon besides Barracks as aforesaid, with the necessary Fencing with which the said Grounds so to be purchased shall be enclosed, and remain for the Uses aforesaid for-ever.

Use of the Barracks.

Under whose Care.

No other Buildings to be erected on said Grounds.

6. AND

\* This Paragraph is altered by Chap. CCCCXVIII, which appoints Commissioners to lease and take Care of the Barracks; but that Law is repealed by Chap. DXXVIII, which nominates certain other Persons to have the Care of them; yet, being in the Affirmative, a Query may arise whether this Clause is not revived, which is one Reason for its Publication here.

6. AND WHEREAS the suffering the Inhabitants of this Colony, or any others within the same, to sell strong Drink to the common Soldiers, while they are quartered within this Colony, is found by Experience to be attended with many bad Consequences; BE IT THEREFORE ENACTED by the Authority aforesaid, That no Person or Persons whatsoever within this Colony shall sell any Quantity, or any Kind of strong Drink, or spirituous Liquors, to any common Soldier, without Leave from some one of their Commission Officers, or one Justice of Peace of this Colony, under the Penalty of forfeiting the Sum of *Forty Shillings* for every Offence; to be recovered on Proof of the Soldier, or of one other Witness, or on View, before any one Justice of Peace within this Colony; one Half of the said Forfeiture to the Use of the Informer, the other to the Use of the Poor of the Place where such Conviction is made; any Law, Usage or Custom to the contrary thereof in anywise notwithstanding.

Strong Drink  
not to be sold  
to common  
Soldiers with-  
out Leave,  
&c.

Penalty.

Application.

7th and 8th relate only to the Payment of fundry incidental Charges, and the Indemnity of the Agent from certain Engagements, and are now obsolete.

*The Act may be seen at large in Nevill's second Vol. Fol. 183.*

CHAP. CCCIII. An Act to supply Colonel Peter Schuyler with the Sum of Six Thousand Pounds.

Obsolete.

Colonel Schuyler's Accounts being settled before the House of Representatives, this Sum was accounted for.

At a GENERAL ASSEMBLY held at Burlington from the Twenty-third Day of July to the Twelfth Day of August 1758, in the Thirty-second Year of the Reign of King George the Second, the following Laws were passed.

SITTING THE SECOND OF SESSION THE NINTH.

FRANCIS BERNARD, Esquire, Governor.

C H A P. CCCIV.

An ACT for the further Defence of the Frontiers of the Colony of New-Jersey.

Passed Aug. 12, 1758.

TEN Thousand Pounds were emitted by this Act; the Law is now obsolete, except the Section called the 33d in *Nevill's* second Vol. Fol. 207, which is as follows, *to wit*,

33. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons whatsoever shall presume to counterfeit, or be aiding and assisting in counterfeiting or altering any of the Bills of

Penalty on  
counterfeit-  
ing the 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 alter, or cause to be altered, any Bill or Bills, knowing the same to be counterfeit or altered as aforesaid, and be thereof legally convicted, he, she or they shall incur the Pains and Penalties of Felony without Benefit of Clergy, and shall suffer Death accordingly.

## C H A P. CCCV.

*An ACT to empower certain Persons to purchase the Claims of the Indians to Land in this Colony.*

Passed Aug. 12, 1758.

Preamble.

**W**HEREAS it is the Inclination of the Legislature of this Colony to settle and establish a good Agreement and Understanding with *Indians* who do and have inhabited the same: And as the satisfying their just and reasonable Demands will be a necessary Step thereto; and as a strict and minute Inquiry into their several Claims will be attended with very great Difficulty, Expence and Delay;

Treasurers to pay Commissioners any Sums not exceeding Sixteen Hundred Pounds to purchase Indian Claims.

*SECT. I.* BE IT ENACTED by the Governor, 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 the Treasurers of this Colony, or either of them, to pay unto the Honourable *Andrew Johnston, Richard Salter, Esquires, Charles Read, John Stevens, William Foster and Jacob Spicer, Esquires*, who are hereby appointed Commissioners on the Part of *New-Jersey* for this Purpose, or any three of them, out of any Money in their Hands, which now is or hereafter shall be made current for the Service of the present War, such Sum and Sums of Money as they may find necessary to purchase the Right and Claim of all or any of the *Indian Natives* of this Colony, to and for the Use of the Freeholders in this Colony, their Heirs and Assigns for-ever, so that the Sum expended in the Whole exceed not *Sixteen Hundred Pounds*, Proclamation Money; and that the Sum expended in the Purchase of the Claims of the *Delaware Indians*, now inhabiting near *Cranberry*, and to the southward of *Raritan River*, shall not exceed one Half of the said Sum: And the Receipts of the said Commissioners, or any three of them, when produced, shall discharge them the said Treasurers, or either of them, their Executors and Administrators, for so much as they, or either of them, shall pay out of the Treasury by Virtue of this Act.

Claims of Indians to the southward of *Raritan* not to exceed *Eight Hundred Pounds*.

Commissioners to purchase Land for the *Indians*.

2. AND WHEREAS the *Indians*, south of *Raritan River*, have represented their Inclination to have Part of the Sum allowed them laid out in Land whereon they may settle and raise their necessary Subsistence: In order that they may be gratified in that Particular, and that they may have always in their View a lasting Monument of the Justice and Tendereness of this Colony towards them, BE IT ENACTED by the Authority aforesaid, That the Commissioners aforesaid, or any three of them, with the Approbation and Consent of His Excellency the Governor, or the Governor or Commander in Chief for the Time being, shall

shall purchase some convenient Tract or Tracts of Land for their Settlement, and shall take a Deed or Deeds in the Name of his said Excellency or Commander in Chief of this Colony for the Time being, and of the Commissioners, and their Heirs, in Trust, for the Use of the said *Indian* Natives, who have or do reside in this Colony, South of *Raritan*, and their Successors for-ever. PROVIDED NEVERTHELESS, That it shall not be in the Power of the said *Indians*, or their Successors, or any of them, to lease or sell to any Person or Persons any Part thereof. And if any Person or Persons, *Indians* excepted, shall attempt to settle on the said Tract or Tracts, it shall and may be lawful for any Justice of the Peace to issue his Warrant to remove any such Person or Persons from such Land. And if any Person or Persons, *Indians* excepted, shall fall, cut up, or cart off, any Cedar, Pine or Oak Trees, such Person or Persons shall forfeit and pay, for each Tree so fell, cut up or carted off, the Sum of *Forty Shillings*; to be recovered before any Justice of the Peace in this Colony, or other Court where the same is cognizable; one Half to and for the Use of His Majesty, his Heirs and Successors, to and for the Support of Government of this Colony, and the other Half to such Person as shall prosecute the same to Effect.

How the Deed to be taken.

*Indians* not to lease or sell.

None but *Indians* to settle thereon.

nor cut Timber, &c.

Penalty.

3 and 4. These Sections authorized three Lotteries to defray the Expence of this Purchase; the first to be drawn in *October* 1759, the second in 1760, and the third in 1761. The Time for drawing has been enlarged by Chap. CCCXXI and CCCLXIII, but both are now expired.

5. PROVIDED, That no Conveyance to be made as above by the *Indians* shall prejudice any Right they now have to hunt on any uninclosed Lands, or fish in the Rivers and Bays of this Colony.

*Indian* Hunting preserved.

6. AND BE IT ENACTED by the Authority aforesaid, That so much of the Money as shall be paid into the Treasury, by Virtue of the Lotteries aforesaid, shall be sunk in Lieu of the same Sum to be deducted from the Funds to be sunk in the Year One Thousand Seven Hundred and Sixty-two.

Money paid in by the Lotteries to be sunk.

7. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Lands to be purchased for the *Indians* as aforesaid shall not hereafter be subject to any Tax; any Law, Usage or Custom to the contrary thereof in anywise notwithstanding.

Land purchased for the *Indians* not subject to any Tax.

In Pursuance of this Act the Commissioners appointed did obtain Releases and Grants from the *Indians*, fully extinguishing their Claims to all Lands in this Colony. See the Record of two Releases in Lib. O of Deeds, Folios 401 and 464, in the Secretary's Office in *Burlington*. They also purchased a large Tract of Land, containing Three Thousand and Forty-four Acres, in the Township of *Evesham* and County of *Burlington*, called *Edge Pillock*, on which the *Indian* Town, called *Brotherton*, containing a House for Worship, and several small Habitations, are erected. The Title Deed is made to Governor *Bernard* and the Rest of the Commissioners; it bears Date the twenty-ninth Day of *August* 1758, and is recorded at *Burlington* in the same Book, Folio 394.

The Act may be seen in *Nevill's second Vol. Fol. 212.*

Supplied and  
repealed by  
Chap. DXC.

CHAP. CCCVI. *An Act for the Settlement and Relief of the Poor.*

Although this Act is supplied and repealed by Chap. DXC, it confirms all Settlements gained under Laws antecedent thereto, which makes it necessary to preserve those Sections that prescribe the Terms and Mode of gaining a Settlement, as they must be attended to on Inquiries many Years hence, after Settlements obtained under this Act in Times past.

**W**HEREAS it is found by Experience that the Laws of this Colony, made for the Settlement and Relief of the Poor, and for removing Vagrants, and other idle and disorderly Persons wandering about the Country, have not proved effectual for the good Purposes for which they were intended, nor sufficiently securing the Inhabitants of this Colony from being oppressed with great Charges, arising by such idle and disorderly Persons coming from the neighbouring Provinces into this Colony, and concealing themselves in the several Townships thereof, until they have either gained a Settlement, or become so sick and infirm that they cannot be removed: For the more effectual Remedy of these Inconveniencies, and for the better providing for the Settlement and Relief of such poor Persons belonging to this Colony, as are or may be lawfully entitled to the same;

*Sect. 1.* BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That no Person or Persons whatsoever, coming into any County, City, Town-corporate, Township or Precinct within this Colony, Mariners and other healthy Persons arriving in any Vessel from beyond Sea, lading or unlading in any Port of this Colony only excepted, shall be esteemed and deemed to have obtained a legal Settlement in the same, unless such Person or Persons be a Native of such Place, or shall have lived at least one whole Year at one Time, either on the 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 of one full Year in such Place, or have served an Apprenticeship by Indenture in such Place; or shall, by himself, and on his own Account, have executed some publick annual Office in such Place during one whole Year at one Time, or shall have been assessed, and have paid his or her Share of the Taxes for the Poor of such Place, during one whole Year at one Time: All and every of which Transactions are hereby declared sufficient to gain any Person or Persons a Settlement in any City, Town-corporate, Township or Precinct within this Colony. PROVIDED ALWAYS, That the following Terms and Conditions shall be observed and fully performed; in Failure whereof, no Person or Persons whatsoever, except as before excepted, shall be deemed and esteemed to have obtained a legal Settlement in any such Place or Places; *That is to say,* All and every such Person and Persons shall, within ten Days after his, her or their coming into such City, Town-corporate, Township or Precinct, give Notice in Writing of the House and Place where he, she or they do live or abide, and the Number of his or her Family, if any he or she hath, to one of the Overseers of the Poor of the said City, Town-corporate, Township or Precinct, into which he, she or they shall come as aforesaid: Nor shall any hired or indented Servant or Apprentice, who has heretofore gained, or hereafter shall gain any legal Settlement in *Pennsylvania*, gain any Settlement in this Colony, by Virtue of his or her being hired or bound as aforesaid, or assigned to any Person inhabiting in any such City, Town-corporate, or Township or Precinct, unless Notice be given in Writing, within ten Days after such Hiring or Binding as aforesaid, to the Overseers of the Poor of the City, Town-corporate, Township or Precinct where such Person shall come to reside, by the Person who shall take

take such Apprentice, hire such Servant, or purchase such indented Servant, or by the Person or Persons so hiring, binding, or indenting him or themselves, within ten Days after every such Hiring, Binding or Indenting as aforesaid; any Law, Custom or Usage of this Colony to the contrary in anywise notwithstanding. PROVIDED ALWAYS, That if upon Complaint made by the Overseers of the Poor of any City, Town-corporate, Township or Precinct within this Colony, to any two of the Magistrates of any County, City or Town-corporate, wherein any new Settler shall reside, it shall by the said Magistrates be adjudged, within the Space of twelve Months next after such Notice given as aforesaid, that any Person or Persons is or are likely to become chargeable to any such City, Town-corporate, Township or Precinct where he, she or they is or are come to reside; and such new Settler or Settlers shall upon his, her or their being required, neglect or refuse to give Security that he, she or they shall not become chargeable to the Inhabitants of such City, Town-corporate, Township or Precinct as aforesaid; that then such Person or Persons shall be liable to be removed to the last Place of his, her or their legal Settlements; the giving such Notice as aforesaid, or any other Act to the contrary in anywise notwithstanding.

4. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That whenever it shall happen that the said Person and Persons, with their Families, so removing by Virtue of the Certificate or Certificates aforesaid, shall become chargeable, or be obliged by Sickness or otherwise to ask Relief of the City, Town-corporate, Township or Precinct to which such Certificate was given, and into which he, she or they were received as aforesaid; that then, and not before, it shall and may be lawful for the Overseers of the Poor of the last mentioned Place and Places to remove and convey all and every such Person and Persons, with all and every of their Family and Families, and Children, though born within the last mentioned Place and Places, together with his, her or their Servants and Apprentices, to the City, Town-corporate, Township or Precinct from which such Certificate was brought as aforesaid, who are hereby required and obliged to receive and provide for every such Person and Persons with his, her or their Family and Families as aforesaid, as Inhabitants of that Place. PROVIDED NEVERTHELESS, That every such Servant and Apprentice, who shall have duly served his Apprenticeship and Servitude in the said City, Town-corporate, Township or Precinct in which his Master or Mistress shall have so settled by Certificate as aforesaid, and who shall thereby have gained a legal Settlement in such Place agreeable and according to the Laws of this Colony, shall not be liable to be removed as aforesaid.

*The Act may be seen at large in Nevill's second Vol. Fol. 217, &c.*

CHAP. CCCVII. *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the twenty-first Day of May 1758, and to end the twenty-first Day of May 1759; and to discharge the publick Debts and the contingent Charges thereof; and for settling the Quotas in the respective Counties, and levying of a Provincial Tax.* Expired.

CHAP. CCCVIII. *An Act for altering one Part of a six Rod Road which leads from Perth-Amboy Ferry to Burlington.* Obsolete.

This Act declares, First, That such Part, and so much of the six Rod Road and Highway from Perth-Amboy to Burlington, which leads or runs through

through the Farm or Plantation of *Adrian Bennet*, near *Cranberry Brook*, is thereby declared to be vacated, and shall from thenceforth become uselefs, null and void, as to a publick Highway; and in Lieu thereof, that Part of the Road (meaning the Road from *Amboy Ferry* through *Cranberry* and *Allentown* to *Burlington*) and Highway is laid out, and should run as followeth, *to wit*, BEGINNING at or about the Northwest Corner of the Farm or Plantation now belonging to *Rem Vander Beek*, in the said Road, and from thence running North North-east along the outside Line, and within the Bounds of the said *Adrian Bennet's* own Land, extending six Rods in Breadth the whole Way, until it cometh nearly opposite to the Northeast Corner of the Farm or Plantation of *John Wetherill*, Esquire, and from thence about a northeasterly Course as the Road is now cleared, within the Bounds of the said *Adrian Bennet's* own Land, and extending six Rods wide the whole Way, until it shall meet the former old six Rod Road as aforesaid.

And, second, That the said six Rod Road and Highway, as altered and laid out by this and former Acts of Assembly, should not be subject to any Alteration whatsoever, but what might be thought proper and necessary by the same Power and Authority which confirmed and established the same.

*The Act may be seen at large in Nevill's second Vol. Fol. 215.*

Private.

CHAP. CCCIX. *An Act to enable the Owners and Possessors of some Meadows, Marshes and Cripples in Manington, in the County of Salem, to keep the Tide from overflowing the same.*

These Acts were passed the Twelfth of August, 1758.

At a GENERAL ASSEMBLY held at Perth-Amboy from the Eighth to the Seventeenth Day of March 1759, in the Thirty-second Year of the Reign of King George the Second, the following Laws were passed.

SESSION THE TENTH.

CHAP. CCCX.

*An ACT for raising One Thousand effective Volunteers, Officers included, for His Majesty's Service in the ensuing Campaign, and making Provision for the same; and for other Purposes therein mentioned.*

Passed March 15, 1759.

FIFTY Thousand Pounds were emitted by this Law, but the Act is now obsolete, except the Sections called the 38th and 46th in *Nevill's* second Volume, Folios 257 and 262, which are as follow, *to wit*,

Penalty for counterfeit-  
ing said Bills.

38. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever shall presume to counterfeit, or be aiding and assisting in counterfeiting or altering any of the 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

to be uttered, any Bill or Bills, knowing the same to be counterfeit or altered as aforesaid, and be thereof legally convicted, he, she or they shall incur the Pains and Penalties of Felony without Benefit of Clergy, and shall suffer Death accordingly.

46. AND BE IT FURTHER ENACTED, That the said Person, by Law appointed to build the said Barracks, shall provide for each of them two substantial Ladders and twenty Leather Buckets for each, to be under the immediate Care of the Person or Persons having the Care of the Barracks, and always kept handy and in order in case of Fire.

Ladders and Buckets for the Barracks.

CHAP. CCCXI. *An Act for the further Preservation of Timber within the Colony of New-Jersey.*

Expired—amended and revived by Chap. CCCCXXI.

This Act laid an additional Penalty of *Twenty Shillings* upon every Person who should cut, box, bore or destroy any Tree, Saplin or Pole on Lands to which he had no Right, to be fued for in one Year, and was limited to five Years.

CHAP. CCCXII. *An Act for continuing several Acts of the General Assembly of this Colony, which will expire at the End of this present Session by their own Limitation.*

Expired.

The Acts herein mentioned are continued for one Year, and are, First, The *Fifteen Pounds Act*, Chap. CCIX, re-continued by Chap. CCCXVII. Second, The *Five Pounds Act*, Chap. CCXXIX, supplied by Chap. CCCXXXIII. And Third, The *Attachment Act*, Chap. CCXXIV, amended and revived by Chap. CCCXXIII.

CHAP. CCCXIII. *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the twenty-first Day of May 1759, and to end the twenty-first Day of May 1760; and to discharge the publick Debts and contingent Charges thereof; and for settling the Quotas in the respective Counties, and levying a Provincial Tax; and for other Purposes therein mentioned.*

Expired.

CHAP. CCCXIV. *An Act to enable John Lawrence of the City of Burlington to stop out the Tide from overflowing his Marsh and Meadows adjoining to and on both Sides of Malago Creek or Run in the Township of Mansfield, in the County of Burlington.*

Private.

These Acts were passed the 17th Day of *March* 1759.

At a GENERAL ASSEMBLY held at Perth-Amboy from the Eleventh to the Twenty-sixth Day of March 1760, in the Thirty-third Year of the Reign of King George the Second, the following Law was passed.

SESSION THE ELEVENTH.

## C H A P. CCCXV.

*An ACT for raising One Thousand effective Volunteers, Officers included, for His Majesty's Service in the ensuing Campaign, and making Provision for the same, and for other Purposes therein mentioned.*

Passed March 25, 1760.

**B**Y this Act *Forty-five Thousand Pounds* were emitted, and the Sections called the 43d and 44th, for the Receipt and Application of the parliamentary Donation, were continued by Chap. CCCLXI, until all the Monies which might be granted from Home should be drawn for and applied; but the Act is now obsolete, except the Section called the 38th in *Nevill's* second Vol. Fol. 283.

Punishment  
for counter-  
feiting, &c.

38. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever shall presume to counterfeit, or be aiding and assisting in counterfeiting or altering any of the 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 convicted, he, she or they shall incur the Pains and Penalties of Felony without Benefit of Clergy, and shall suffer Death accordingly.

At a GENERAL ASSEMBLY held at Burlington from the Twenty-ninth Day of October to the Fifth Day of December 1760, in the First Year of the Reign of King George the Third,† the following Laws were passed.

## SESSION THE TWELFTH.

THOMAS BOONE, Esquire, Governor.

## C H A P. CCCXVI.

*An ACT to explain and fix in what Money the Taxes to the respective sinking Funds shall be hereafter paid into the Treasury.*

Passed Nov. 28, 1760.

Preamble.

**W**HEREAS the Laws for raising the Taxes to the respective sinking Funds are not sufficiently clear respecting the Money to be paid into the Treasury, by which many Inconveniencies may arise if not remedied by Law;

*Sec. 1.* BE IT THEREFORE ENACTED *by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same,*  
That

† He succeeded to the Crown the twenty-sixth Day of the Tenth Month (October) 1760.

That it shall and may be lawful for the Treasurers of this Colony to receive all and every of the Taxes hereafter to be raised and levied by Virtue of all or any of the Laws of this Colony, for levying the respective sinking Funds in Money as it now passes, or as it may pass, in the Western Division of this Colony, at the Time of paying all or any of the said Taxes into the Treasury; any Law, Usage or Custom to the contrary in anywise notwithstanding.

Treasurers may receive the Taxes in Money as it passes in the Western Division.

C H A P. CCCXVII.

*An ACT for continuing an Act passed in the Twenty-first Year of His late Majesty's Reign, entitled, An Act to prevent Actions of Fifteen Pounds and under being brought into the Supreme Court of this Colony.\**

Passed Nov. 28, 1760.

**W**HEREAS the Act for continuing the Act, entitled, *An Act to prevent Actions of Fifteen Pounds and under being brought into the Supreme Court of this Colony*, is near expiring by its own Limitation;

Preamble.

*Seçt. I. BE IT THEREFORE ENACTED by the Governor, Council and General Assembly of this Colony, and it is hereby Enacted by the Authority of the same, That the above-mentioned Act, passed in the twenty-first Year of His late Majesty's Reign, entitled, An Act to prevent Actions of Fifteen Pounds and under being brought into the Supreme Court of this Colony, shall be and is hereby continued, and every Clause, Article and Thing therein contained, shall continue and be in Force, any Thing in the said Act, or in any other Act, in anywise to the contrary notwithstanding.*

Continued without Limitation.

C H A P. CCCXVIII.

*An ACT for running and marking the Lines between the several Counties and Townships of this Colony.*

Passed Nov. 28, 1760.

**W**HEREAS the Boundaries of several Counties within this Province have not been actually surveyed, whereby many Inconveniencies have attended the Officers of the Government in the Execution of their Office, and much Injury has arose to the Inhabitants in levying Taxes; for Remedy whereof,

Preamble.

*Seçt. I. BE IT 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 hereof, whenever it shall be adjudged necessary, by a Majority of all the Freeholders, chosen or to be chosen for any County of this Province, by Virtue of an Act, entitled, An Act for raising of Money for building and repairing of Gaols and Courthouses†, in Conjunction with three Justices of the Peace, Quorum unus, for the said County, it shall and may be lawful for them, or such of them as a Majority*

Justices and Freeholders may cause County Lines to be run.

\* Chap. CCIX.

† Chap. XXXVII.

Majority at any of their Meetings shall appoint for that Purpose, to agree with a Surveyor, and other necessary Persons, to run out and mark the Lines of the Counties, as ascertained by Law, or such Part thereof as they shall direct ; the necessary Sum for which Purpose they are hereby empowered to levy and issue, in the same Manner and Form, as they levy and issue other Money requisite for the Service of the County.

Money to defray the Expence.

Notice to be given of the Time to the adjacent County.

2. AND BE IT FURTHER ENACTED, That, previous to the said Surveyors running any such Line, two Justices of the County employing him shall give one Month's Notice in Writing to two Justices of the County adjoining, affected by said Line, of their Intention, and the Time agreed on for that Purpose, that they may, pursuant to the Directions of this Act, appoint Persons in their Behalf, to see the same impartially run ; which Appointment if they neglect, it shall be lawful for the Party so giving Notice to proceed *ex parte* ; and the Line so run shall be the Bounds of the said Counties.

Township Lines may be run in like Manner.

3. AND BE IT FURTHER ENACTED, That it shall and may be lawful for the Justices and Freeholders as aforesaid to agree with proper Persons to run the Lines of the respective Townships in each County, as agreeable as may be to former Settlements thereof, but so as to include all the Inhabitants of the said County, that the Taxes may be impartially levied ; the necessary Sums for which Purpose it shall and may be lawful for the Justices and Freeholders to raise and issue as aforesaid.

Line Trees to be marked.

4. AND BE IT ENACTED *by the Authority aforesaid*, That some of the Trees in every Line between the respective Counties, Townships and Precincts in this Province, shall be marked on one Side with the first Letter of the County, Town or Precinct, on that Side ; and on the other Side with the first Letter of the County, Town or Precinct, on that Side.

Surveyors shall have a written Appointment prescribing their Business.

Surveyors to be qualified.

5. AND BE IT ENACTED *by the Authority aforesaid*, That the Surveyor or Surveyors, agreed upon or employed as aforesaid, shall have an Appointment in Writing, signed by such a Number of Justices and Freeholders respectively as are sufficient by Law to make a Board ; in which the particular Business he or they are appointed and employed to perform shall be mentioned and set forth ; which Surveyor or Surveyors so named and appointed shall take an Oath, or if of the People called *Quakers*, an Affirmation, for the true and faithful Performance of the Business and Duty he or they shall be so appointed to execute ; a Memorandum of which Oath or Affirmation shall be endorsed upon the Instrument of Appointment, and signed by the Justice administering the same.

Surveyors to keep a Field Book ;

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Surveyor or Surveyors that shall run the Lines of any County, Town or Precinct, by Virtue of and under the Powers given by this Act, shall keep a Field Book of his or their Transactions ; in which shall be set down the Courses and Distances of every Line so by him or them run, with the Marks and Letters he or they shall make or cause

to

to be made, and every Thing else that he or they may judge material for reducing the Lines so run and marked to a Certainty, that they may hereafter be the more readily discovered and known; a fair Copy of which Field Book shall be returned into and remain in the Clerk's Office of the County, in and for which the Surveyor or Surveyors making the same shall be employed and appointed.

And return a Copy into the Clerk's Office.

7. AND, in order to preserve and perpetuate the Memory of the several Surveys made, and Lines run, by Virtue of and in Pursuance of this Act, BE IT FURTHER ENACTED, That the Surveyor or Surveyors making such Surveys, or running such Lines, shall make a Certificate thereof, under his or their Hands, describing the same in the fullest Manner; and shall also make a Map of the several Lines so by him or them run and marked; which Certificate and Map shall be returned into the Clerk's Office of the respective Counties of this Province, where the same shall be entered of Record, and the Originals shall then be transmitted to, and recorded in, the Secretary's Office, of the Division to which the Counties respectively belong.

Surveyors to make a Certificate and Map, and return into said Office.

Originals to be recorded.

8. PROVIDED ALWAYS, That nothing herein contained shall in any Respect affect the County of *Cape-May*, or the Lines of any Lands belonging to any Persons whatsoever.

Not to affect *Cape-May*.

C H A P. CCCXIX.

*An ACT for building and maintaining a Bridge over Coopers Creek, and rebuilding and maintaining other Bridges on the great Roads from Burlington County to Coopers Ferries; and for keeping the new Road from Burlington to the said Ferries in Repair.*

Passed Nov. 28, 1760.

WHEREAS the new Road from *Burlington* to *Coopers Ferries*, opposite to the City of *Philadelphia*, has been laid out by Virtue of an Act of the General Assembly of this Colony, and the same has been found very beneficial and convenient, as well to the Publick in general, as to all such of the Inhabitants of the County of *Burlington*, and Part of the Township of *Waterford* in the County of *Gloucester*, in particular, as have Intercourse with the said City: AND WHEREAS the two Bridges hereafter particularized in *Northampton* Township are in the direct Road from several other Parts of *Burlington* County, and much used by them; and the said Township has, besides, many other Bridges to maintain at their own Charge; it is therefore but equal their Taxes should be lightened with Regard to the said two Bridges, which are maintained for the Benefit of many who have none, or very few, of their own Bridges to support: AND WHEREAS the Removal of every Interruption in Roads commonly used to Market is generally found publickly beneficial: IN ORDER therefore that the Petitioners to have the said Bridges built and maintained, and the said Roads kept in Repair, may have the Prayer of their Petitions answered;

Preamble.

A Bridge and  
Causeways to  
be erected o-  
ver *Coopers*  
Creek by cer-  
tain Commis-  
sioners.

How Com-  
missioners to  
be supplied in  
case of Death.

Commission-  
ers to give  
publick No-  
tice, &c.

Voluntary  
Contributi-  
ons.

Each of  
*Coopers Fer-  
ries* to be  
assessed a cer-  
tain Part.

Commission-  
ers to notify  
Assessors of  
*Burlington*  
County, &c.

Tax on *Bur-  
lington* Coun-  
ty not to ex-  
ceed *Three*  
*Hundred*  
*Pounds*.

*Sect. I.* BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That a Bridge, with sufficient Causeways on each Side, be forthwith erected over *Coopers* Creek, at the Place commonly called *Spicer's Ferry*, to begin and end at the fast Land on each Side, where Passengers are now usually landed, in such Sort, Manner and Form as *William Foster* and *Joshua Bispham*, Esquires, *Edmond Hollinshead*, *John Hatkinson*, *John Hoskins*, *Joseph Morgan*, *John Lippincoat*, *John Cox*, *Daniel Cooper*, and *Benjamin Cooper*, junior, or any three of them, shall at their Discretion think proper: PROVIDED ALWAYS, That the said Bridge shall be built high enough for such Boats as usually ply in the said Creek to pass under loaded or empty without their Masts. And the said *William Foster*, *Joshua Bispham*, *Edmond Hollinshead*, *John Hatkinson*, *John Hoskins*, *Joseph Morgan*, *John Lippincoat*, *John Cox*, *Daniel Cooper*, and *Benjamin Cooper*, junior, are hereby appointed Commissioners for that Service, and such other Services as by this Act is hereafter directed. And, in case of Death or Refusal of them, or any of them, it shall and may be lawful for the Justices of the Peace of the County of *Burlington*, in their Sessions, to appoint others, who shall, in all Times coming, have the same Power, and be under the same Penalties with those named in this Act.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Commissioners aforesaid, or any three of them, before they do any Thing in Pursuance of this Act, shall notify their Intentions of erecting a Bridge and Causeway at the Place aforesaid by Advertisement, and receive Proposals for completing the same; and agree or not agree thereto, as they in their Discretion shall think best; and proceed at their Discretion to complete the said Bridge and Causeways as soon as may be; any Thing in any former Law of this Province to the contrary hereof in anywise notwithstanding.

3. IN ORDER to raise Money sufficient for the good Purposes aforesaid, it shall and may be lawful for the said Commissioners, or any three of them, to receive such Sum and Sums of Money as any Person or Persons may voluntarily contribute towards erecting the said Bridge and Causeways; and, after waiting till the first Day of *May* One Thousand Seven Hundred and Sixty-one, to ascertain the Sum raised by Contribution, the said Commissioners, or any three of them, after estimating the Sum that may be wanted for the Purposes aforesaid, shall first assess the Occupiers of *Coopers* Ferries, each in one twentieth Part of the Sum necessary to be raised by Tax; and after deducting it, together with the Sum raised by Subscription, and the Tax herein laid on the Township of *Waterford*, from the Sum total that is wanted, shall notify by Writing under the Hands of three or more of the said Commissioners, directed to the Assessors of the County of *Burlington*, at the Time of their usual Meeting, in consequence of the several Sinking Fund Acts of this Province, and certify to them how much Money is necessary to be raised after the Deduction aforesaid, for the erecting and repairing the said Bridge and Causeways; so that the Sum to be raised on the said County of *Burlington* by Tax do not at any Time exceed *Three Hundred Pounds* in the Whole; and at the same Time shall deliver to them a List of the Subscribers in said County exempt

exempt by this Act; and the said Commissioners shall also deliver, or cause to be delivered, to the Assessor for the Time being for the Township of *Waterford*, in the County of *Gloucester*, a written Notification of the Sum or Sums of Money necessary for the Purpose aforesaid, together with a List of Subscribers in said Township, exempted by this Act. And the said Assessors of the County of *Burlington* are hereby directed and commanded to assess the Sums required by the Commissioners aforesaid, or any three of them, upon the Inhabitants taxable according to the several Sinking Fund Acts aforesaid, in each and every Township of the said County of *Burlington*, except the Townships of *Nottingham* and *Egg-Harbour*, on the same Certainties, and in the same Proportion with the said several Sinking Fund Taxes; and the same shall be assessed and collected by the Assessors and Collectors, in all Times coming, who assess and collect the Provincial Taxes, at the same Time they are assessed and collected. And the Assessor for the Time being, of the Township of *Waterford*, shall, on Receipt of the Notification aforesaid, assess on the Inhabitants and Taxables of the Township of *Waterford*, living between the King's Road, commonly called *Salem Road*, till it comes to the Place where the same crosses the North Branch of *Coopers Creek*, and the River *Delaware*, such Sum or Sums of Money as shall be required of them by the Commissioners aforesaid, for the Purposes aforesaid; so that the Sum demanded be one sixteenth Part of the whole Sum necessary to be raised by Tax, and no more. And the Collectors of the Townships in the County of *Burlington*, and the Collector of *Waterford*, shall collect their said respective Taxes at the usual Time of collecting the Sinking Fund Taxes aforesaid; and shall pay the same to the Collector of the County of *Burlington* on the Day the said Sinking Fund Taxes are directed to be paid. And the said several Assessors and Collectors shall have the same Rewards, and be under the same Pains and Penalties in Proportion, as they now are by the said several Sinking Fund Acts; and the several Taxes, on Failure or Neglect of Payment, shall be recovered in the same Manner.

*Burlington*  
Assessors  
Duty.

*Nottingham*  
and *Egg-*  
*Harbour* ex-  
empted.

*Waterford*  
Assessor's  
Duty.

Part of *Wa-*  
*terford* ex-  
empted.

Town Col-  
lectors to pay  
to *Burlington*  
County Col-  
lector.

Fees.

4. PROVIDED ALWAYS, That if the County Collector of *Burlington* should neglect his Duty as by this Act directed, it shall and may be lawful for any one of the Commissioners appointed by this Act, to sue for the Penalty laid on him for Breach of Duty, and no other Person, any Thing in any former Act of this Province to the contrary hereof in anywise notwithstanding.

County Col-  
lector ne-  
glecting his  
Duty may be  
sued.

5. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the County Collector of *Burlington* shall pay the said Money so received as aforesaid to the said Commissioners, or their Order, or to the Order of any three of them, and the Receipt of them, or of any three of them, shall at all Times be his sufficient Discharge. And in case an Overplus may at any Time remain in their or any of their Hands, they are to pay it to the said County Collector, to remain for future Use of the said Bridges.

County Col-  
lector to pay  
the Money to  
the Commis-  
sioners.

6. AND WHEREAS the lower Bridge over *Pensawkin Creek*, by *Samuel Davis's House*, and two Bridges, one near the Market-House at *Mountholly*, and the lowest Bridge on the South Branch of *Ancocas*, are essentially necessary for the Advantage of the Publick, in passing from

*Pensawkin*  
Bridge,

*Mountholly*  
and *Ancocas*  
Bridges,

from the upper Part of *Burlington* County to *Philadelphia*; and the Maintenance of them will be unreasonably Burdensome to the Townships where they lay, and the two most expensive of them have been erected by the Generosity of private Persons, without Tax; therefore, BE IT ENACTED by the Authority aforesaid, That each of the said three Bridges, and the necessary Causeways thereto, shall hereafter be built, rebuilt, repaired or amended, at the Discretion of the Commissioners aforesaid, or of any three of them; and the said Bridges and Causeways shall at all Times hereafter be under the Care of them the said Commissioners and their Successors in Office. And whenever they, or any three of them, shall hereafter adjudge any Repairs necessary to either of the said Bridges or Causeways, or the Bridge and Causeways to be built at *Coopers* Creek, they shall notify to the Assessors aforesaid the Sum they want raised for that Purpose; which said Sum shall be assessed, collected and levied, in the same Proportion, Manner and Form, and under the same Pains and Penalties, as herein before directed; each of the Occupiers of the *Coopers* Ferries always bearing one twentieth Part of the Sum necessary.

put under the Care of the Commissioners.

How and by whom to be repaired.

Person subscribing Twenty Shillings to be exempted from Tax.

7. AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Person (the Occupiers of *Coopers* Ferries aforesaid excepted) voluntarily contributing to the present Building, Rebuilding or Repairing, any of the Bridges aforesaid, to the Value of *Twenty Shillings*, shall be exempt from the Tax to be raised for the said Purposes; provided they contribute by the said first Day of *May* One Thousand Seven Hundred and sixty-one, but not after.

Commissioners to have the Care of the new Road, &c.

Their Duty.

8. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Commissioners aforesaid for the Time being shall have the Care of the new Road now laid out from *Coopers* Ferries to *Burlington*, which is hereby declared a publick Road; and they, or any one of them, shall and may from Time to Time notify to the Overseers of the Highways any Defect they may perceive, and where they may want Amendment; and the Overseers of the Township where the Amendment may be wanting are hereby commanded forthwith to summon the Inhabitants of the said Township to complete the same.

Judgment of a Majority of the Commissioners to be conclusive.

9. AND BE IT FURTHER ENACTED by the Authority aforesaid, That in case of Disagreement among the Commissioners, in any Thing to be done by Virtue of this Act, that the Determination of the Majority of the whole Commissioners shall be conclusive; and if such a Determination cannot be had, then upon written Notice being proved to be left at the House of each of them, of a reasonable Time and Place prefixed for a general Meeting, the Determination of a Majority attending shall be binding and conclusive.

*Waterford* how to be taxed.

10. PROVIDED ALWAYS, That the Inhabitants and Taxables in the Township of *Waterford* shall be taxed by Virtue of this Act in Manner aforesaid, for the Building and Repairs of the Bridges and Causeways over *Coopers* and *Pensawkin* Creeks only.

Commissioners accountable.

11. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Commissioners concerned in receiving the Money aforesaid shall be

be from Time to Time accountable to the Justices and Freeholders of Burlington County.

C H A P. CCCXX.

An ACT for the Preservation of the publick Records of the Colony of New-Jersey.

Passed Dec. 5, 1760.

**W**HEREAS the Care and Preservation of the publick Records of this Colony is highly worthy the Attention of the Legislature; and as a Destruction of them by Fire would be introductive of the greatest Distress to all the Freeholders within the same: In order to prevent as much as possible so great a Calamity, We, the House of Representatives, do pray that it may be Enacted;

Preamble.

*Sect. 1.* AND BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That a proper House for the Conservation of the publick Records in the Secretary's Office, shall be erected at Burlington, and another at Perth-Amboy, one Story high, in such Parts of the said Cities as shall be of most convenient Access to the Publick, and least liable to Accidents of Fire; and not nigher than forty Feet to any House or Building whatsoever; and shall, in the Construction thereof, regard in particular the Preservation of the Records from Fire; and proper Places for the Conservation of the Records shall be made therein.

A House to be built at Burlington and Amboy, for the Records.

*2.* AND BE IT ENACTED by the Authority aforesaid, That it shall and may be lawful for the Commissioners hereafter named, for Burlington or for Amboy, to purchase a convenient Lot of Land in each and either of the said Cities for the Purpose aforesaid, and to erect the said Buildings thereon, and shall take a Deed or Deeds for the same, in the Name of His Excellency Thomas Boone, Esquire, and his Heirs, or in the Name of the Commander in Chief for the Time being, and his Heirs, in Trust, to and for the Use and Behoof of all the Freeholders of this Colony, their Heirs and Assigns for-ever.

Lot to be purchased in each City.

*3.* AND BE IT ENACTED by the Authority aforesaid, That, to complete the said Work, Charles Read, John Lawrence and Daniel Smith, junior, Esquires, shall be Commissioners at Burlington; and Thomas Bartow, John Smyth and Andrew Smyth, Esquires, at Amboy. And it shall and may be lawful for the Treasurers of this Colony, or either of them, to pay to the said Charles Read, John Lawrence, Daniel Smith, junior, Thomas Bartow, John Smyth and Andrew Smyth, or to any two of them, such Sum or Sums, not exceeding Three Hundred Pounds to either of the said Places, nor above Six Hundred Pounds in the Whole, out of such of the Money as may remain in their Hands, that was made current for His Majesty's Service in the present War, as they, or any two of them, may find necessary, for erecting and completing the Buildings aforesaid, or either of them: And the Receipt of the said Charles Read, John Lawrence, Daniel Smith, junior, Thomas Bartow, John Smyth and Andrew Smyth, or of any two of them, shall discharge them

Commissioners appointed.

Treasurers to pay any Sum not exceeding Six Hundred Pounds.

the said Treasurers, or either of them, their Heirs, Executors and Administrators, of and from any Money they, or either of them, may pay in Pursuance of this Act.

To be completed speedily, and the Records removed.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Buildings shall be begun and completed as soon as conveniently may be; and, when so completed, the Records in the Secretary's Office, which are now kept at *Burlington*, shall be removed into the House erected for that Purpose in *Burlington*; and in like Manner the Records of the said Office kept at *Perth-Amboy* shall be removed into the House erected at *Amboy* for that Purpose.

Commissioners accountable.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Commissioners shall be and are hereby made accountable to the General Assembly of the said Province for the Monies they shall respectively receive by Virtue of this Act.

Fees.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Commissioners shall retain *Five per Cent* in their Hands on all the Money laid out in Pursuance of this Act.

C H A P. CCCXXI.

*An ACT to prevent the Sale of Tickets in Lotteries erected out of this Province; and more effectually to prevent Gaming; and to revive three publick Lotteries appointed by a former Law of this Colony.\**

Passed Dec. 5, 1760.

Preamble.

WHEREAS a Law of this Colony, passed in the twenty-second Year of His late Majesty's Reign, entitled, *An Act for the more effectual preventing of Lotteries, playing of Cards and Dice, and other Gaming, for Lucre of Gain; and to restrain the Abuse of Horseracing,*† has been evaded, and the good Ends proposed therefrom not been answered;

No Person to buy or sell any Lottery Tickets, except, &c.

*Sect. I.* 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 hereof, no Inhabitant of this Colony, or any Person coming within the same, shall sell or buy, or offer to sell or buy, any Lottery Ticket or Tickets,‡ except the Tickets in the Lotteries herein after mentioned, under any Pretence whatever; and every Person that shall sell or buy, or be aiding, assisting or any Way concerned in buying or selling any Lottery Ticket, under whatsoever Name the same may be coloured and distinguished, shall forfeit and pay for every such Offence the Sum of *Five Pounds* Proclamation Money; to be recovered by any Person or Persons who shall or will sue for the same, before any Justice of the Peace, with Costs of Suit; one Half for the Use of the Person suing for the same, the other Half for the Use of the Poor of the Township where the same may be recovered.

Penalty.

And

\* The Act here alluded to is Chap. CCCV.

† Chap. CCXXVI.

‡ So much of this Act as relates to buying and selling of Lottery Tickets is repealed by Chap. DXXVI.

And all Shooting-Matches for Lucre of Gain, except on Days of publick Training, are hereby declared and adjudged publick Nuisances; and the Authors, Contrivers, Parties and Abbettors thereof, shall be adjudged common Disturbers of the publick Peace, and as such shall be profecuted and proceeded against. And all Wagers, Bets and Agreements, made by any Person or Persons, to be determined by Lot or Chance, shall be, and are hereby declared null and void to all Intents and Purposes: And it shall and may be lawful for any Person or Persons who shall forfeit or lose any Sum of Money, or the Value of Money, by any Wager, Bet or Agreement, determined by Lot or Chance, to have his Action and recover the same, either from the Person in whose Hands the Money was deposited while the Wager, Bet or Agreement, was depending, or from the Person or Persons who may have received the same, by Action of Debt or otherwise, in any Court of Record where the same may be cognizable; and in case the Person so losing shall neglect suing for the same, for the Space of five Days, then it shall and may be lawful for any Person to sue for and recover the same, for his own Use, with Costs of Suit.

All Shooting-Matches for Gain, except, &c. publick Nuisances;

Wagers thereon void, &c. Party loosing may recover what he lost.

Looser neglecting to sue, another may.

2d, 3d and 4th, These Sections giving further Time for drawing three publick Lotteries made pursuant to Chap. CCCV, until the first Day of November 1761, 1762 and 1763, are now expired. See Chap. CCCLXIII, giving a longer Time for that Purpose, which also is now expired.

The 5th contains a Proviso, that this Act should not affect *Peter Gordon's* Lottery, which is since drawn.

*The Act may be seen at large in Nevill's second Vol. Fol. 362.*

C H A P. CCCXXII.

*An ACT to empower the Justices and Freeholders of each County to adjourn, and to remedy the Neglect of choosing County Collectors.*

Passed Dec. 5, 1760.

SECT. 1. **B**E IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That it shall and may be lawful for the Majority of the Freeholders, chosen for any County of this Colony, in Conjunction with three Justices of the Peace, *Quorum unus*, at any of their Meetings hereafter, to adjourn from Day to Day, and Time to Time, as they find necessary; all which Adjournments shall be valid in the Law. And at any subsequent Meeting, in Consequence of such Adjournment, or in Pursuance of a legal Summons from the Justices of the Peace, the Justices and Freeholders of the Counties of *Burlington* and *Middlesex*, are hereby empowered and required to cut and sink such of the Bills of Credit of this Province as the respective Treasurers shall lay before them for that Purpose; the cutting and sinking all which Bills of Credit, at any such Meeting or Adjournment, shall be as lawful to the said Treasurers, as if they had been done on the second *Wednesday* in *May*. And the Justices and Freeholders of said Counties, or of any other Counties within this Colony, are hereby empowered, at any Meeting hereafter, in consequence

Justices and Freeholders may adjourn,

and cut and sink Money, or do any other Business thereon.

quence of any such Adjournments, to do any Kind of Business as effectually as they could have done on any second *Wednesday* in *May*.

County Collector continued on a Neglect of choosing another.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in case the Justices and Freeholders of any County of this Colony should hereafter neglect to choose a County Collector, then the County Collector last chosen, or otherwise appointed according to Law, shall be and continue County Collector, and do the Duties of that Station in the said County so neglecting until another shall be legally chosen, as fully and amply to all Intents, Constructions and Purposes, as if he had been again chosen on the second *Wednesday* in *May*.

David Cooper continued Collector of Gloucester.

3. AND WHEREAS *David Cooper* was chosen County Collector of *Gloucester*, at a Meeting of the Justices and Freeholders of said County since the second *Wednesday* in *May* last; BE IT ENACTED *by the Authority aforesaid*, That the Election of the said *David Cooper* shall be valid, and he shall have the same Authority as if he had been chosen on the said second *Wednesday* in *May*, and shall so continue until another Person shall be legally chosen in his Stead.

C H A P. CCCXXIII.

*An ACT to revive and amend an Act, entitled, An Act for the better enabling Creditors to recover their just Debts from Persons who abscond themselves.*

Passed Dec. 5, 1760.

Preamble,

WHEREAS the Act, entitled, *An Act for the better enabling Creditors to recover their just Debts from Persons who abscond themselves*,\* has, by many Years Experience, been found beneficial;

Attachment Act revived without Limitation.

SECT. I. BE IT THEREFORE ENACTED *by the Governor, Council and General Assembly*, and it is hereby Enacted *by the Authority of the same*, That the aforesaid Act, entitled, *An Act for the better enabling Creditors to recover their just Debts from Persons who abscond themselves*,\* be, and is hereby revived and continued, and every Article, Clause and Thing therein contained.

Attachment issuing from a Court of Record supercedes Justices Attachments.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That any Writ of Attachment issuing from any Court of Record in this Colony, by Virtue of the Act hereby revived and continued, against the Goods and Chattels of any Person absconding, shall be a *Supersedeas* to all Attachments issued by any Justice of the Peace, or other Magistrate, undetermined at the Time of serving said Writ: And it shall and may be lawful for any Sheriff, or his Deputy, to take into his Possession all Goods attached by Virtue thereof, as fully to all Intents and Purposes as if the Attachment issued by the Justice had not been served; and the Plaintiffs in said Attachments shall be entitled to their several Debts, together with the Costs that may have accrued on their several Attachments, in Proportion with the other Creditors Claimants, as by the aforesaid Act is directed: PROVIDED ALWAYS, That no Constable or other

\* Chap. CCXXIV.

other Person shall be obliged to remove any Goods taken into his Custody by Virtue of any such Attachment.

CHAP. CCCXXIV. *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the twenty-first Day of May 1760, and to end the twenty-first Day of May 1762; and to discharge the publick Debts and contingent Charges thereof.* Expired.

CHAP. CCCXXV. *An Act to ascertain the Proportion of the Money granted or to be granted by Parliament to this Colony, in order to lessen the Sinking Funds on each respective County.* Obsolete.

The Sum granted by Parliament, as the Proportion of this Colony for its extraordinary Exertions in the Year 1758, for carrying on the War, appears by this Act to be *Nine Thousand One Hundred and Sixty-six Pounds Sterling*. The Act was continued by Chap. CCCLXI, until the Monies which should be afterwards granted in like Manner were drawn for and applied.

CHAP. CCCXXVI. *An Act to amend and revive an Act, entitled, An Act for the Relief of poor distressed Prisoners for Debt.\** Supplied by Chap. CCCXLV.

This Act extended the Benefit of Chap. CCLXXV to those who were actually in Prison on the Twenty-fifth Day of *November 1760*, which Part is expired; other Parts of a private Import are obsolete, and only the second Section in *Nevill's second Volume, Folio 318*, remains in Force; but as the second Section of Chap. CCCXLV is a Renewal or Repetition of this, and is in like Manner perpetual, a Publication of that alone is thought sufficient.

CHAP. CCCXXVII. *An Act for the Continuance of an Act, entitled, An Act for erecting the Bridge over Salem Creek into a Toll-Bridge.†*

This Act being near expired, is not here inserted for the Reason given at Chap. CCXLIII.

CHAP. CCCXXVIII. *An Act to enable the Owners and Possessors of the Meadows lying on Little Timber Creek, in the County of Gloucester, to support and maintain a certain Bank, Dam and other Waterworks lately erected across the said Creek, in order to prevent the Tide from overflowing the same; and to keep the former Watercourse of said Creek open and clear.* Private.

CHAP. CCCXXIX. *An Act to enable the Owners and Possessors of some Meadows or Marshes in Fairfield, in the County of Cumberland, to keep the Tide from overflowing the same.* Private.

CHAP. CCCXXX. *An Act to indemnify William Thorn for a Sum of Money in Bills of Credit of this Colony lost by Accident.* Private.

CHAP. CCCXXXI. *An Act for naturalizing Peter Penier, George Andreas Virselius, Jacob Autsoni and Christopher Baueysen.* Private.

The last eight Acts were passed the 28th Day of *November 1760*.

CHAP. CCCXXXII. *An Act to provide for the Pay of the New-Jersey Regiment* Obsolete.

\* Chap. CCLXXV.

† Chap. CCXLIII.

Regiment for the Month of November 1760; and other Incidental Charges.

Expired—  
supplied by  
Chap.  
CCCCLXXI.

CHAP. CCCXXXIII. *An Act to erect and establish Courts in the several Counties in this Colony for the Trial of small Causes.*

By this Act any Justice of the Peace was authorized to determine Actions for and under the real Value of Six Pounds, except in special Cafes. It was limited to seven Years.

Supplied and  
repealed by  
Chap.  
DLXXXIX.

CHAP. CCCXXXIV. *An Act for regulating Roads and Bridges.*

Repealed by  
Chap. DVIII.  
Supplied by  
Chap. DXL.

CHAP. CCCXXXV. *An Act to regulate the Size of Traps to be hereafter set in this Colony.*

Private.

CHAP. CCCXXXVI. *An Act to continue the Dam across Woodbury Creek, in the County of Gloucester.*

Private.

CHAP. CCCXXXVII. *An Act to enable the Owners and Possessors of some Marshes and Cripple Swamp, in the County of Cape-May, to keep out the Tide from overflowing the same.*

The last six Acts were passed the 5th Day of December 1760.

**At a GENERAL ASSEMBLY** held at Perth-Amboy from the Twenty-seventh Day of March to the Seventh Day of April 1761, in the First Year of the Reign of King George the Third, being the Twentieth Assembly of New-Jersey, the following Laws were passed.

SESSION THE FIRST.

C H A P. CCCXXXVIII.

*An ACT for raising Six Hundred effective Volunteers, Officers included, for His Majesty's Service, and making Provision for the same, and for other Purposes therein mentioned.*

Passed April 7, 1761.

**T**HE Forces raised by this Law were to act under the Commander in Chief of the Regulars until the first Day of November 1761; and for defraying the Expence, an Emission of *Twenty-five Thousand Pounds* was directed. Most of the Act being now obsolete, only the Sections called the 35th, 36th, 37th and 38th, in *Nevill's* second Vol. Fol. 385, &c. are in Force, and are as follow, *to wit,*

35. AND BE IT ENACTED *by the Authority aforesaid,* That the Bills of Credit to be made and issued by Virtue of this Act, or such Parts thereof as shall remain unfunk, shall be, continue and pass current until

until the first Day of *November* which will be in the Year of our Lord One Thousand Seven Hundred and Seventy-eight, but shall be received by the Treasurers either in Exchange for other Money, or in any publick Payments, for six Months thereafter; and shall be paid and received for the same Value expressed in and upon each Bill, for Goods and Lands, or any other Things bought and sold, by all Persons whatsoever being in this Colony, according to their Rates.

Time of  
Currency of  
the Bills.

36. 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 Currency of the said Bills, shall, upon Tender made before two lawful Witnesses, of all or any of 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 and Demands according to their Value or Rates; he, she or they, so refusing to accept 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 for-ever be barred from bringing his, her or their Actions for recovering 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.

Penalty for  
Refusal on  
Tender.

37. 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 Chattels, 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 the 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 forfeit for every such Offence the Sum of *Twenty-five Pounds*; to be recovered by Action of Debt, in any Court of Record within this Province, with Costs of Suit; the one Half to such Person as shall sue for and prosecute the same to Effect, the other Half to be paid into the Treasury, and to be applied for the Support of Government.

Penalty on  
demanding  
other Money.

38. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever shall presume to counterfeit, or be aiding and assisting in counterfeiting or altering any of the 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 convicted, he, she or they shall incur the Pains and Penalties of Felony without Benefit of Clergy, and shall suffer Death accordingly.

Penalty on  
counterfeit-  
ing the Bills.

Difallowed  
January 2,  
1762.

*Assembly passed last Session, and for confirming the Proceedings of the Courts of Justice in this Province since the Demise of His late Majesty.*

Private.

CHAP. CCCXL. *An Act for naturalizing David Slayback, Henry Luts, Michael Hammer and John Allifon.*

Private.  
Difallowed  
January 2,  
1762.

CHAP. CCCXLI. *An Act for the Relief of Francis Goelet.*

These Acts were passed the 7th of April 1761.

At a GENERAL ASSEMBLY held at Burlintgon from the Fourth to the Eighth Day of July 1761, in the first Year of the Reign of King George the Third, the following Law was passed.

SESSION THE SECOND.

Obsolete.

CHAP. CCCXLII. *An Act to provide for the Enlisting, Cloathing and Pay of sixty-six effective Volunteers, Officers included, to be employed in His Majesty's Service from and after the first Day of November next.*

Passed July 8, 1761.

This is the last Act in Nevill's second Volume.

At a GENERAL ASSEMBLY held at Perth-Amboy from the Thirtieth Day of November to the Twelfth Day of December 1761, in the Second Year of the Reign of King George the Third, the following Laws were passed.

SESSION THE THIRD.

JOSIAH HARDY, Esquire, Governor.

C H A P. CCCXLIII.

*An ACT for building a Courthouse and Gaol in the County of Suffex.*

Passed Dec. 12, 1761.

Preamble.

**W**HEREAS a great Number of the Inhabitants of the County of *Suffex* have petitioned to have erected and built a Courthouse and Gaol in the said County;

*Sect. 1. 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 some convenient Time, after the Publication of this Act, it shall*

shall and may be lawful for the Inhabitants of the said County to erect and build a Courthouse and Gaol for the said County, on the Plantation now in the Possession of *Henry Harelocker*, or within half a Mile of said *Harelocker's* Dwellinghouse; the particular Spot to be fixed, with the Consent of the Owner of the Land, by a Majority of the Justices and Freeholders of said County.

2. AND BE IT ENACTED *by the Authority aforesaid*, That, in order to raise Money to build and complete the said Courthouse and Gaol, it shall and may be lawful for the Assessors and Collectors, for the Time being, chosen by Virtue of an Act, entitled, *An Act for the more regular choosing 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 judged necessary by three Justices of the Peace of the said County, whereof one to be of the *Quorum*, and the Majority of the Freeholders chosen for the said County, by Virtue of an Act, entitled, *An Act for raising of Money for building and repairing of Gaols and Courthouses*:† And the said Sum and Sums of Money so assessed and collected shall be paid into the Hands of such Managers as the said Justices and a 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 empowered 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 enjoined 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 last 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 Monies as they shall collect, receive, pay or expend, when thereunto required.

Manner of raising Money and appointing Managers.

Managers to agree with Workmen.

Collectors and Managers to render Accounts.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Justices and Freeholders, and those who may be at any Time appointed and chosen in any succeeding Years, shall be and are hereby empowered to build, carry on, amend and repair the Courthouse and Gaol aforesaid, and to do and perform every other Matter or Thing relating to the same, as fully, amply and largely as the Justices and Freeholders by the last recited Act are appointed and authorized to do, touching or concerning any of the Courthouses and Gaols therein particularly mentioned.

Power to build and repair said Courthouse and Gaol.

C H A P. CCCXLIV.

*An ACT effectually to prevent Horseracing and Gaming in the Province of New-Jersey.*

Passed Dec. 12, 1761.

WHEREAS by a Law of this Colony, passed in the twenty-second Year of the Reign of His late Majesty, entitled, *An Act* for

Preamble.

\* Chap LXXVII.

† Chap. XXXVII.

for more effectually preventing of Lotteries, playing of Cards and Dice, and other Gaming, for Lucre of Gain; and to restrain the Abuse of Horseracing within this Colony for the Future;\* all Persons are allowed at all Fairs, and on the first working Days after the three grand Festivals of Christmas, Easter and Whitsunday, to run, trot or gallop Horses for any Sum or Sums of Money not exceeding the Sum of *Forty Shillings*: AND WHEREAS many Persons of vicious or unguarded Conduct, taking Advantage of the Toleration granted in said Law, assemble themselves together from many Parts of the Country at some of the yearly Fairs held in said Province, and game and lay Wagers to an immoderate Degree, to the great Prejudice of some Families, and the Hindrance of Trade and Industry, and the Corruption of the Morals of Youth, and against the Peace and Quiet of many of His Majesty's liege Subjects: WHEREFORE, We, the House of Representatives, in order to guard as much as possible against all Indulgencies that have a Tendency to debauch Youth, impoverish Families, and propagate Vice and Immorality, do pray that it may be enacted;

Horseracing  
for Lucre of  
Gain, a public  
Nuisance,

Wagers  
thereon void.

The Looser  
may recover  
it back.

Another may  
on his neglect.

*Sect. I.* AND BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That all Horseracing, pacing or trotting of Horses, Mares or Geldings, for Lucre of Gain, or for any Sum or Sums of Money, or Specie or Value of Money of any Kind whatever, as well at all Fairs, to be held in the said Province after the Publication hereof, as at all other Times whatsoever, shall be, and are hereby declared and adjudged publick Nuisances; and the Authors, Parties, Contrivers and Abbettors thereof, shall be adjudged common Disturbers of the publick Peace, and as such shall be prosecuted and proceeded against by Indictment, Fine or Imprisonment. And all Wagers, Bets and Agreements to be made by any Person or Persons, to be determined by a Race or Races, Game or Games of any Kind, shall be, and are hereby declared null and void to all Intents and Purposes. And it shall and may be lawful for any Person or Persons who shall lose any Sum of Money, or the Value of Money, by any Wager, Bet or Agreement, to have his Action and recover the same, either from the Person in whose Hands the Money or the Value thereof was deposited while the Wager, Bet or Agreement was depending, or from the Person or Persons who may have received the same, by Action of Debt, in any Court of Record in this Colony where the same may be cognizable, with Costs of Suit. And in case the Person so losing shall neglect suing for the same, for the Space of five Days, then it shall and may be lawful for any Person to sue for and recover the same for his own Use, with Costs of Suit; any Clause, Matter or Thing contained in the before-mentioned Law to the contrary hereof in anywise notwithstanding.

2. AND WHEREAS by a Clause in the before recited Law it is provided, that it shall and may be lawful for any Body Politick, or Body Corporate, within this Province, on certain Days therein mentioned, to cause or suffer any Piece of Plate, or any Sum of Money they shall think proper, not exceeding the Value or Sum of *Twenty-five Pounds*, to be run, paced or trotted, or otherwise rid for, by two or more Horses, as they shall think fit: Therefore, in order that the said Indulgence may be made void for the Future; BE IT FURTHER EN-

ACTED

\* Chap. CCXXVI.

ACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever shall contribute or collect any Money, Goods or Chattels, to make up any Plate, Purse or other Thing, to be run, raffled or gamed for, at any Fair, or at any other Time within this Province, or be aiding or assisting in contributing or collecting any Money, Goods or Chattels for the Purpose aforesaid, or ask or desire any Person so to do, every Person so offending shall forfeit and pay for each Offence the Sum of *Forty Shillings*; to be recovered by Action of Debt by any Person who will sue for the same, with Costs of Suit; the one Half thereof to be applied for and toward the Support of the Poor of the Town where the Offence is committed, and the other Half to the Person suing for the same; and all such Plate, Purse or other Thing so made up, shall be forfeited to, and recovered with Costs of Suit, by any Person who will sue for the same, by Action of Debt or otherwise, against the Person in whose Hands the same may be deposited.

Penalty on Persons racing at Fairs, &c. for Gain.

Plate or Purse to be forfeited.

3. AND WHEREAS Wagers are many Times laid, and Races run, where a large Number of Persons are convened together for that Purpose, although direct Proof of such Wager is not to be come at until the Persons waging may have left the County, and perhaps the Colony, carrying away considerable Sums of Money from unwary Persons; for preventing of which for the Future, BE IT ENACTED *by the Authority aforesaid*, That it shall not be lawful for any Person or Persons to run any Horserace within this Colony, at any Time or Place where ten Persons or more shall have convened together, although no Wager shall be laid, or be aiding and assisting or any Way concerned in said Race, every such Person so offending shall be and are hereby subjected to a Fine of *Forty Shillings*; to be recovered by any Person who will sue for the same, with Costs of Suit; the same to be applied, when received, for and towards the Support of the Poor of the Town where the Offence was committed.

Penalty on Horseracing without wagering.

4. AND, in order to enforce the due Execution of this Law, BE IT FURTHER ENACTED *by the Authority aforesaid*, That in case the several Fines and Forfeitures laid and imposed by this Act shall remain in the Hands of the Persons forfeiting the same, and no Prosecution had or commenced for the same, for the Space of twenty Days, that it shall and may be lawful for the Overseers of the Poor, or any one of them, of the several Townships, for the Time being, to which they may respectively belong, and they are hereby required and enjoined to prosecute, sue for, and recover the same, in any Court of Record in this Colony where the same may be cognizable, with Costs of Suit; which Fines and Forfeitures shall be chargeable on, and recovered by the said Overseers of the Poor, and shall be by them applied for and towards the Support of the Poor of the Township where the same shall be forfeited and recovered. And any Overseer of the Poor now chosen, or hereafter to be chosen, refusing or neglecting to prosecute and sue for the Fines and Forfeitures aforesaid, done or perpetrated in the Township to which they severally belong, for the Space of ten Days after Knowledge or Information thereof, shall forfeit and pay for every such Neglect or Refusal the Sum of *Forty Shillings*; to be recovered by any Person suing for the same, with Costs of Suit. PROVIDED ALWAYS, That if any Overseer of the Poor, upon due Information, shall commence

Overseers of the Poor, required to recover Fines, &c.

Application.

Penalty on Overseers neglecting.

Overseers Indemnity.

mence

mence any such Suit, and upon Failure of Evidence shall be nonsuited, it shall be lawful for him to pay the Costs of such Miscarriage out of any of the publick Money in his Hands.

When and where Horseraces may be run.

5. BUT WHEREAS the Improvement of the Breed of Horses may be a Matter of Consequence, and by some thought in Part to depend on their publick Exercises: BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall be lawful for any three Magistrates of a County to give Leave, under their Hands in Writing, for the Appointment of any publick Race; provided they shall themselves attend at the Time, to see that no Wagers are laid, and that no Drunkenness or Disorders of any Kind are committed: PROVIDED ALSO, That no such publick Race shall ever be allowed within two Miles of any House appointed for the publick Worship of any Persuasion in this Province.

C H A P. CCCXLV.

*An ACT to amend and revive an Act, entitled, An Act for the Relief of poor distressed Prisoners for Debt.\**

Passed Dec. 12. 1761.

The Benefit of the recited Act was hereby extended to such who were actually in Prison on the fourth Day of *December 1761*, which Part is expired and supplied by Chap. CCCLXXXII. The 2d Section being perpetual is as follows, *to wit*,

A Debtor confined for less than 50 l. may bind himself a Servant.

To be free from Arrests, &c.

Sheriff to distribute the Money advanced by any Person, &c.

2. AND WHEREAS it often happens that Persons are confined in Gaol for small Debts, and the Publick are deprived of their Labour for a long Time, because the Body of the Prisoner is liable to future Arrests, during the Time such Prisoner hath agreed to serve any Person who advances the Money to discharge the Prisoner from his Confinement; for Remedy whereof for the Future, BE IT ENACTED *by the Authority aforesaid*, That whenever any Person is confined in Gaol for any Sums under *Fifty Pounds* in the Whole, and shall by Agreement indent himself to serve any Person in this Colony for such Time as two Justices for the County where the Prisoner is confined shall certify to be reasonable, the Body of such Person shall be free from Arrests in civil Actions, during the Time of such Service expressed in the Indenture; and such Indenture, with the Certificate of the Justices thereon, that the Time is reasonable in Respect to the Sum advanced, shall be sufficient to protect the Person of such Servant during such Servitude. And it shall and may be lawful for a Judge of any Court from whence such Process issues, whereon the Prisoner is confined, on the Master's producing such Indenture, to discharge such Servant from any Arrests in civil Actions, during the Time expressed in such Indenture. And the Sheriff of the County shall, on the Receipt of such Sums for which such Person is indented, give Notice by Advertisement of the Sum in his Hands, and therein notify to such Persons as may be Creditors to the Person so discharged, to meet at a Time not less than ten, or more than fourteen Days from the Time of the Receipt of such Sum or Sums, at a certain Place, to appear and evidence the Claims they

\* Chap. CCLXXV.

they or any of them may have on such Prisoner. And the Sheriff shall first pay the Costs, and then divide the Money received, proportionably among such Creditors as appear by themselves or Attorney for that Purpose.

CHAP. CCCXLVI. *An Act to continue the Support of Government till* Expired.  
*the twenty-first Day of May 1763.*

CHAP. CCCXLVII. *An Act for paying sundry incidental Charges.* Obsolete.

CHAP. CCCXLVIII. *An Act to empower the Church-Wardens and Vestry-* Private.  
*men of St. Peter's Church, in the City of Perth-Amboy, to raise by* Expired.  
*Lottery a Sum of Money for repairing the Church, Parsonage,*  
*Schoolhouse and Ferryhouse in said City.*

Limited to one Year.

CHAP. CCCXLIX. *An Act to enable the Owners and Possessors of three* Private.  
*several Tracts of Tide Meadow and Marsh lying and adjoining on*  
*the North Side of Cohanse Creek, alias Casarea River, in the*  
*County of Cumberland, in the Township of Hopewell, to keep out*  
*the Tide from overflowing the same.*

The last four Acts were passed the 12th Day of December 1761.

At a GENERAL ASSEMBLY held at  
Burlington from the Third to the Tenth Day of March  
1762, in the Second Year of the Reign of King George  
the Third, the following Laws were passed.

SESSION THE FOURTH.

CHAP. CCCL.

*An ACT to complete the New-Jersey Regiment to Six Hun-*  
*dred and Sixty-six effective Volunteers, Officers included.*

Passed March 10, 1762.

The Forces raised by this Act were to continue in the Service until the first Day of November 1762; for defraying the Expence of which, and other necessary Uses of the Colony, *Thirty Thousand Pounds* were ordered to be struck. The Act is chiefly obsolete, the greatest Part having had its full Effect, yet the 33d, 34th, 35th and 36th Sections being in Force, are as follow, *to wit,*

33. AND BE IT ENACTED by the Authority aforesaid, That the Bills of Credit to be made and issued by Virtue of this Act, or such Parts thereof as shall remain unsunk, shall be, continue and pass current until the first Day of November which will be in the Year of our Lord One Thousand Seven Hundred and Eighty, but shall be received by  
3 P the

Time of Cur-  
rency of the  
Bills.

the Treasurers either in Exchange for other Money, or in any publick Payments, for six Months thereafter; and shall be paid and received for the same Value expressed in and upon each Bill for Goods and Lands, or any other Things bought and sold, by all Persons whatsoever being in this Colony, according to their Rates.

Penalty for  
Refusal on  
Tender.

34. 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 Currency of the said Bills, shall, upon Tender made before two lawful Witnesses of all or any of 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 and Demands, according to their Value or Rates, he, she or they, so refusing to accept 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 for ever be barred from bringing his, her or their Actions, for recovering 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.

Penalty on  
demanding  
other Money.

35. 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 Chattels, 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 the 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 forfeit for every such Offence the Sum of *Twenty-five Pounds*; to be recovered by Action of Debt, in any Court of Record within this Province, with Costs of Suit; the one Half to such Person as shall sue for and prosecute the same to Effect, the other Half to be paid into the Treasury, and to be applied for the Support of Government.

Penalty on  
counterfeit-  
ing the Bills.

36. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever shall presume to counterfeit, or be aiding and assisting in counterfeiting or altering any of the 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 convicted, he, she or they shall incur the Pains and Penalties of Felony without Benefit of Clergy, and shall suffer Death accordingly.

C H A P. CCCLI.

An ACT for continuing the Bridge over Cedar Swamp Creek in the County of Cape-May, and for accommodating the same with a sufficient Causeway.

Passed March 10, 1762.

**W**HEREAS *Joseph Corson, Isaac Beaner, John Mackey, James Willets,* and fundry other Persons, by their humble Petition have prayed to be legally authorized to build by Subscription a Toll-Bridge and Causeway over *Cedar Swamp* Creek, and through the Marsh adjacent, at a Place called the *Fast Landing*, in the upper Precinct of the County of *Cape-May*; and all Objections against the same having been long since obviated and fully compromised; therefore, in full Confidence that the Legislature would be pleased to confirm and duly legitimate so necessary an Undertaking, have already adventured, by Consent of Parties, to build the said Bridge; and now crave that the same may not only be established by Law, but likewise that they may be also further empowered to make and complete a Causeway sufficient for rendering the said Bridge useful.

Preamble.

*SECT. I.* BE IT ENACTED by the Governor, Council and General Assembly of this Colony of New-Jersey, and it is hereby Enacted by the Authority of the same, That the said Bridge, so already built over the said *Cedar Swamp* Creek, at the Place called the *Fast Landing* as aforesaid, shall be and for-ever hereafter remain a Toll-Bridge; and that it shall and may be lawful for the said *Joseph Corson, Isaac Beaner, John Mackey, James Willets,* and their Associates, to make and complete by Subscription a good and sufficient Causeway through or over any Part of the Marsh next adjacent and most convenient to the said Bridge, so as to render the same beneficial and useful: And to that End also, it shall and may be lawful for the said *Joseph Corson, Isaac Beaner, John Mackey, James Willets,* and their Associates, to take the said Bridge and Causeway into their particular Care and Management; and to appoint (by Plurality of Voices in case of any Dissent) one or more Manager or Managers, or let the said Bridge and Causeway to farm, to be continued, made and kept in good Order and sufficient Repair; and to build one or more Gate or Gates where they shall think most convenient, upon or across the said Bridge or Causeway; and to demand and receive of all and every Person or Persons (not a Subscriber or Subscribers to the Expence of erecting the said Bridge and Causeway) who shall pass over the same, the following Rates; *That is to say,* For every Waggon or Ox-Cart, with the Team and Driver, *Six-pence*; For every Chair, Chaise or Horse-Cart, with the Passenger or Passengers, Horse or Horses, Mare or Mares, Gelding or Geldings thereunto belonging, *Four-pence*; For every Passenger with a Horse, Mare or Gelding, *Two-pence*; For every Passenger on Foot, *One Penny*; For all Cattle, Horses, Mares or Geldings, drove or led over, *One Penny* per Head; For all Sheep in like Manner drove or led over as aforesaid, *One Farthing* per Head.

Bridge over Cedar Swamp Creek to remain a Toll-Bridge.

May be let to farm.

Rates.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons, (not being a Subscriber or Subscribers to the

How to recover the Toll.

Expence

Expence of erecting the said Bridge and Causeway as aforesaid) shall refuse or neglect to pay at the Rates aforesaid for his, her or their Passage or Passages, in that Case it shall and may be lawful for the said Manager or Managers, Person or Persons farming the said Bridge or Causeway, to shut his or their Gate or Gates, and refuse Passage unto such Person or Persons, until he, she or they shall have first paid the Rates aforesaid: And if any Person or Persons, not being a Subscriber or Subscribers as aforesaid, shall pass without paying such Rates, then it shall and may be lawful for the Person or Persons, keeping the said Bridge and Causeway, to stop such Passenger or Passengers another Time, until he, she or they shall pay for his, her or their first Passage aforesaid, or otherwise to prosecute his or their Action of Debt against such Passenger in any Court where the same shall be cognizable.

Bridge and  
Causeway to  
be kept in  
good Repair.

Fine for De-  
linquency.

Bridge and  
Causeway a  
publick  
Highway.

How the  
Expence of  
the Bridge  
and Cause-  
way is to be  
paid.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Manager or Managers to be appointed as aforesaid, and who shall voluntarily take upon him or themselves that Office, or the Person or Persons to whom the said Bridge and Causeway shall be let to farm, shall be obliged to keep, make and maintain the same in good Order and sufficient Repair, for all Land Passengers aforesaid. And if such Manager or Managers, Farmer or Farmers, shall, at any Time after six Months from the Publication hereof, neglect to keep such Bridge and Causeway in good Repair, such Person or Persons so neglecting shall be liable to be presented by the Grand-Jury to the Quarter-Sessions which shall be holden in the said County, and if found guilty shall be fined at the Discretion of the Court, in a Sum not exceeding *Ten Pounds*, to be applied to the Use of the Poor of the upper Precinct of said County.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Bridge and Causeway shall hereafter be, and hereby is declared to be a publick Highway, for all and every of His Majesty's Subjects to pass over, who shall first pay the Rates aforesaid. And for that Purpose the said Manager or Managers, Farmer or Farmers, shall at all Times after the said Causeway shall be erected, give good Attendance at the said Bridge and Causeway, and shall set the Gate or Gates open, and peaceably, freely and quietly suffer every Person and Persons, with their Goods and Chattels, to pass unmolested over the said Bridge and Causeway, they having first paid the Toll aforesaid.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Expence of erecting the said Bridge and Causeway shall be borne and defrayed by the Subscribers aforesaid, who for that Purpose shall pay their several and respective Subscriptions to such Manager or Managers as by them shall be appointed as aforesaid, who, upon Receipt thereof, shall punctually apply the same to the Purposes aforesaid; but in case any of the said Subscribers shall neglect or refuse to pay his or their Subscription or Subscriptions to such Manager or Managers for the Space of thirty Days after the same shall be by him or them demanded, then, and in that Case, it shall and may be lawful for such Manager or Managers, in his or their own Name, to sue for and recover of all and every such delinquent Subscriber or Subscribers, such Sum and Sums of Money which he or they shall have subscribed; and  
upon

upon Recovery shall in like Manner apply the same towards defraying the Expence aforesaid. And, after the said Bridge and Causeway shall be fully completed and paid for by the said Subscribers, the same shall be thereafter from Time to Time kept and maintained in good Order and sufficient Repair, out of the Profits arising by the Toll thereof, if adequate to the Purpose; but if inadequate, the said Subscribers and such other Persons, who at any Time hereafter may think proper to associate themselves therewith, shall make good the Deficiency for so long Time as they shall see proper to continue the said Bridge and Causeway a publick Highway.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the said Manager or Managers, Farmer or Farmers of the said Bridge and Causeway, to retain out of the Rents, Issues or Profits thereof, so much Money as shall, from Time to Time, be sufficient to keep and maintain the said Bridge and Causeway in good Repair; and shall only account for the Surplusage then remaining to the said Subscribers, who shall annually meet on the third *Tuesday* in *March*, in each respective Year, at the Dwelling-house most contiguous to the said Bridge, if inclinable so to do; and then and there divide such Surplusage Money, if any, among themselves, in Proportion to their several and respective Subscriptions; or if, on the contrary, any Deficiency should then happen to appear, the same shall be by them supplied in the like Proportion; for which Purpose the said Manager or Managers, Farmer or Farmers, shall keep just and fair Accounts, and the same shall well and truly render unto the said Subscribers, or the major Part of them, when thereunto required. And in case the said Farmer or Farmers shall neglect or refuse to render such Accounts, and pay to the said Manager or Managers the Rent justly arising for the Use of the said Bridge and Causeway, when the same shall become due and payable according to the Tenor of the Contract by him or them made with the Manager or Managers aforesaid, then, and in that Case, it shall and may be lawful to and for such Manager or Managers, in his or their own Name, to sue such Farmer or Farmers to account, and shall recover of and from him or them, all such Sum and Sums of Money as shall be found justly due, owing and payable thereon. And in case the said Manager or Managers shall embezzle, squander, misapply or refuse to pay, or account for any Sum or Sums of Money belonging to the said Subscribers, any or either of them, then, and in such Case, it shall and may be lawful for the said Subscribers, or the major Part of them, to discard such Manager or Managers, and to appoint one or more Manager or Managers in Lieu thereof, from Time to Time, as Occasion shall require: Which said Manager or Managers so last appointed shall be and hereby is and are empowered, in his or their own Name, to sue such preceding delinquent Manager or Managers to account; and shall recover of and from him or them all such Sum and Sums of Money as shall be justly due, owing and payable thereon as aforesaid.

Farmer may retain to keep them in Repair, and account to the Subscribers for the Surplus.

Managers may sue the Farmer on Neglect to account.

Managers may be sued for Neglect.

7. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person shall subscribe and pay towards the Expence of building the said Bridge and Causeway the Sum of *Twenty Shillings* or upwards, then, and in such Case, it shall and may be lawful for such Person so subscribing and paying the same, with his Dwelling Household, and his

Subscribers of *Twenty Shillings* to pass Toll free.

and their Goods and Chattels, to pass and repass the said Bridge and Causeway Toll free.

Fees. 8. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the said Manager or Managers aforesaid to retain in his or their Hands *Five per Cent* as Commissions on all such Money as he or they are empowered to disburse by Virtue of the Directions of this Act.

Private. Expired. CHAP. CCCLII. *An Act to empower the Church-Wardens and Vestrymen of St. Mary's Church, in the City of Burlington, to raise by Lottery a Sum of Money for repairing the Church, Parsonage House and Burying Ground in the said City.*

Limited to eighteen Months.

Expired. CHAP. CCCLIII. *An Act to empower the Managers of the Bound Brook Bridge, in the County of Somerset, to raise by Lottery a Sum of Money for rebuilding and completing the said Bridge.*

Obsolete. CHAP. CCCLIV. *An Act for granting an additional Supply for the finishing the Secretary's Office at Burlington and Perth-Amboy.*

By this Act *One Hundred Pounds* more than the former Allowance was granted to finish each of those Buildings.

Private. CHAP. CCCLV. *An Act to enable the Owners and Possessors of the Meadows lying on a Branch of Newton Creek, in the County of Gloucester, commonly called the Back-creek, to erect and maintain a Bank, Dam and other Waterworks across the said Creek, in order to prevent the Tide from overflowing the same, and to keep the former Watercourse of the said Creek open and clear.*

Private. CHAP. CCCLVI. *An Act for naturalizing George Beck, Jacob Wigmore and Stephen Sarich.*

These Acts were passed the tenth Day of *March* 1762.

At a GENERAL ASSEMBLY held at Perth-Amboy from the Twenty-sixth to the Twenty-eighth Day of April 1762, in the Second Year of the Reign of King George the Third, the following Laws were passed.

SESSION THE FIFTH.

Obsolete. CHAP. CCCLVII. *An Act directing the Treasurers of this Colony to pay the Commander in Chief of all His Majesty's Forces in North-America the Sum of One Thousand Six Hundred and Two Pounds, for His Majesty's Service, to be repaid when His Majesty shall think proper; and for other Purposes therein mentioned.*

CHAP.

CHAP. CCCLVIII. *An Act for naturalizing Christian Syberberg, and others.* Private.

The other Persons naturalized by this Act are, Christopher Hufon, Hans Jacob Prettiker, Jacob Stucky, Henry Cook, Michael Maps, Charles Martin Roan, Henry Diffaffy, Henry Swink, Nicholas Phillips, Philip Marks, Leonard Fox, Caspar Grim, and John Rouse.

These Acts were passed *April 28, 1762.*

At a GENERAL ASSEMBLY held at Burlington from the Fourteenth to the Twenty-fifth Day of September 1762, in the Second Year of the Reign of King George the Third, the following Laws were passed.

SESSION THE SIXTH.

CHAP. CCCLIX.

*A supplementary ACT to the Act, entitled, An Act to preserve the Navigation of the Rivers and Creeks within the Colony of New-Jersey.*

Passed Sept. 25, 1762.

WHEREAS the Act, entitled, *An Act to preserve the Navigation of the Rivers and Creeks within the Colony of New-Jersey,* though beneficial in its Nature by making Provision for Freeing the Navigation of the said Rivers and Creeks from the Obstructions within the same, yet, not making the like Provision for cutting down and removing from the Banks of said Rivers and Creeks such Trunks and Limbs of Trees, and such like Obstructions that hang over and impede the Navigation of the same, renders it necessary to supply that Omision; for Remedy whereof,

Preamble.

*Sect. 1. BE IT ENACTED by the Governor, Council and General Assembly of the said Colony of New-Jersey, and it is hereby Enacted by the Authority of the same,* That it shall and may be lawful for any Person or Persons whomsoever to cut down and remove from the Banks of any River or Creek within this Colony all such Trunks and Limbs of Trees, and such like Obstructions, which shall hang over or anyways interrupt the Navigation of the same, so as such Obstructions be removed with as little Detriment to the Owners of the Lands where the same may happen as the Nature of the Case will admit, for the Benefit of the Navigation.

Obstructions hanging over navigable Waters may be removed.

CHAP.

## C H A P. CCCLX.

*An ACT to prevent Persons prosecuted in the Colony of New-York for Trespasses committed on Sandy-Hook being again prosecuted in New-Jersey on the same.*

Passed Sept. 25, 1762.

Preamble.

**W**HEREAS by a Law, passed in *New-York* this present Year, the Proprietor or Proprietors of *Sandy-Hook*, for Reasons therein set forth, are entitled for-ever hereafter to bring his or their Actions in any Court or Courts of Law in that Colony for any Trespass or Trespasses that shall be committed on any Part of *Sandy-Hook* by any Person or Persons whatsoever, Inhabitants or Residents of that Colony, with this Provision nevertheless, that said Law shall not be in Force till a Law be passed here, providing, that such Person or Persons who shall have been sued for the same Trespass in any Court of that Colony shall be exempt from Prosecution here on the same Trespasses ;

Residents of *New-York* exempt from double Prosecutions.

*Seçt. 1.* BE IT THEREFORE ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That every Person or Persons Inhabitants or Residents of the Colony of *New-York*, who shall be sued for any Trespass done at *Sandy-Hook*, in any of the Courts of that Colony, shall be exempt from Prosecution in the Courts of *New-Jersey* for such Trespasses as aforesaid.

Obsolete.

CHAP. CCCLXI. *An Act to provide for the Enlisting, Cloathing and Pay of Sixty-six effective Volunteers, Officers included, to be employed in His Majesty's Service from and after the first Day of November next ; and for other Purposes therein mentioned.*

Chapters CCCXV and CCCXXV were continued in Force by this Act until all Monies which the King might appropriate to this Colony for Services in the Year 1761 and 1762 were received and applied.

Supplied—  
repealed by  
Chap.  
DLXXXIX.

CHAP. CCCLXII. *A Supplement to the Act for regulating Roads and Bridges.*

Expired.

CHAP. CCCLXIII. *An Act to postpone the Drawing of the Province Lottery.*

Limited to one Year.

Private.

CHAP. CCCLXIV. *An Act to empower the Trustees of the College of New-Jersey to raise by a Lottery a Sum of Money for the Use of said College.*

Private.  
Disallowed  
July 20, 1764.

CHAP. CCCLXV *An Act for rendering void the Lottery lately made by Peter Gordon, for the Sale of certain Lands lying in the County of Middlesex ; and to relieve and secure the Trustees and Managers of the said Lottery against any Action that is or may be brought against them concerning the same.*

CHAP.

CHAP. CCCLXVI. *An Act to enable the Owners of Meadows and Marshes on the East Side of Great Mantua Creek, in the County of Gloucester, to drain the said Marshes, and to keep their Tide Bank in proper Repair.* Private.

CHAP. CCCLXVII. *An Act to enable the Owners of Meadows and Marshes lying on the westerly Side of Raccoon Creek, in the County of Gloucester, to keep out the Tide from overflowing the same.* Private.

CHAP. CCCLXVIII. *An Act to enable the Owners and Possessors of the Marsh and Swamp lying on a small Creek called Pumpessey or Walker's-Creek, in the Township of Chester in the County of Burlington, to erect and maintain a Bank, Dam and other Waterworks across the said Creek, in order to prevent the Tide from overflowing the same.* Private.

CHAP. CCCLXIX. *An Act for laying a Duty upon Negroes and Mulatto Slaves imported into this Province.*

This Act had a suspending Clause, and was not laid before the King by the Lords of Trade, for certain Reasons which were obviated in a future Law. The Duty it imposed was the trifling Sum of *Forty Shillings* in the Eastern, and *Six Pounds* in the Western Division. This Distinction is wisely avoided in Chap. CCCCXCIV, which succeeded one founded on the Ruins of this.

These Acts were passed the twenty-fifth Day of *September 1762.*

At a GENERAL ASSEMBLY held at Perth-Amboy from the Twenty-fifth Day of May to the Third Day of June 1763, in the Third Year of the Reign of King George the Third, the following Laws were passed.

SESSION THE SEVENTH.

WILLIAM FRANKLIN, Esquire, Governor.

C H A P. CCCLXX.

*An ACT to provide for the Pay of the New-Jersey Regiment for the Month of November 1762, and for other Purposes therein mentioned.*

Passed June 3, 1763.

Although this Act is partly expired, and other Parts obsolete, there is one Section of present Continuance, *to wit,*

6. AND WHEREAS there are several Persons within this Government, who have been heretofore raised for His Majesty's Service in the Regiments of this Colony, and have been therein (by being wounded and otherwise) totally disabled from procuring their own Subsistence by

3 R

Labour;

Relief to  
Townships  
for disabled  
Soldiers.

Labour; BE IT THEREFORE ENACTED by the Authority aforesaid, That James Neilson, Hendrick Fisher, Joseph Borden, John Lawrence, Rinear Vangeson, Uzal Ogden, Jacob Spicer, John Smyth, John Anderson, Jacob Ford, Charles Hoff, Ephraim Seely, Joseph Hull, Edward Keasby, and Samuel Harrison, Esquires, be, and they are hereby appointed Commissioners for granting such Relief to the Townships wherein any such disabled Persons are, as they or any two of them may in their Discretion judge necessary; for which Purpose it shall and may be lawful for the Treasurers of this Colony, or either of them, out of the Money that now is or hereafter may be in their Hands made current for His Majesty's Service in the late War, to pay to the said James Neilson, Hendrick Fisher, Joseph Borden, John Lawrence, Rinear Vangeson, Uzal Ogden, Jacob Spicer, John Smyth, John Anderson, Jacob Ford, Charles Hoff, Ephraim Seely, Joseph Hull, Edward Keasby, and Samuel Harrison, or to their Order, or to the Order of any two of them, any Sum or Sums of Money they may find necessary for the Purposes aforesaid; and the Receipt of them the said James Neilson, Hendrick Fisher, Joseph Borden, John Lawrence, Rinear Vangeson, Uzal Ogden, Jacob Spicer, John Smyth, John Anderson, Jacob Ford, Charles Hoff, Ephraim Seely, Joseph Hull, Edward Keasby, and Samuel Harrison, or any two of them, or Order from any two of them, with a Receipt thereon, when laid before the General Assembly, shall discharge them the said Treasurers, or either of them, their Heirs, Executors and Administrators of and from any Money they may pay in Virtue hereof.

Expired.

CHAP. CCCLXXI. An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the twenty-first Day of May 1763, and to end the twenty-first Day of May 1764; and to discharge the publick Debts and contingent Charges thereof; and for other Purposes therein mentioned.

Disallowed—  
repealed by  
Chap.  
CCCCXVI.

CHAP. CCCLXXII. An Act for submitting the Property of Lands which are held or claimed by any of His Majesty's Subjects as lying within this Colony, and are affected by the Controversy about the Boundary or Partition Line between this Colony and the Colony of New-York, to such a Method of Decision as His most gracious Majesty shall think proper by his Royal Commission or otherwise to appoint.

Obsolete.

CHAP. CCCLXXIII. An Act for subjecting the Estates of the General Proprietors of the Eastern Division of this Colony to the Indemnification of this Province from any Expence in running the Line between New-Jersey and New-York.\*

Expired.

CHAP. CCCLXXIV. An Act to raise a Fund for defraying Damages done by Dogs in the Province of New-Jersey.

This Act was limited to two Years, and by Chap. CCCCXV was amended and continued for five Years. A Law, nearly of the same Import, then passed for Somerset, Hunterdon, Burlington and Gloucester, Chap. DXXXIV; but that also is now expired.

Private.

CHAP. CCCLXXV An Act for naturalizing Jacob Albright, Daniel Dorn,

\* See a similar Law which superseded this, Chap. CCCXCVII.

Dorn, Nicholas Angle, Benedict Yare, Johannes Vos, Gabriel Hymer, Johannes Heyler, Cornelius Ferberg, Joseph Huppell, and John Snyder.

These Acts were passed the third Day of June 1763.

## At a GENERAL ASSEMBLY held at

Burlington from the Fifteenth Day of November to the Seventh Day of December 1763, in the Fourth Year of the Reign of King George the Third, the following Laws were passed.

### SESSION THE EIGHTH.

#### C H A P. CCCLXXVI.

*An ACT for making current Ten Thousand Pounds in Bills of Credit, to enable the Inhabitants of this Colony to protect and defend their Frontiers from any Invasions which may be made upon the same by the Enemy; and more particularly for making Provision for the Guard and Defence of the Frontiers of this Province along the River Delaware, in the County of Suffex, and other Places adjacent, by fitting up and repairing Block-Houses, and supplying the same with such a Number of Forces as shall be thought necessary for that Purpose; and also for directing the Manner of sinking the said Bills of Credit.*

Passed Dec. 7, 1763.

The greatest Part of this Law being obsolete, only the following Sections merit a Place in this Volume, *to wit*, the 4th, 5th, 6th, 7th, 8th, 31st and 36th.

4. AND BE IT 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 Term and Space of eighteen Years, to be computed from the Date of the said Bills, between Man and Man, but shall be received by the said Treasurers for twelve Months thereafter, and no longer; and shall be paid and received for the same Value expressed 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 Colony, 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, 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 Coin passing in this Colony had been offered and tendered for the same.

Time of Currency.

5. AND

Creditors refusing the Bills, to lose their Debts.

5. 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 Currency of the said Bills, 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 Value or Rates; he, she or they, so refusing to accept 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, their, and every of their Heirs, Executors and Administrators, shall for-ever be barred from bringing his, her or their Actions, for recovering 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.

Penalty on demanding other Money.

6. 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 Chattels, Lands or Tenements whatsoever, and deny and 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 forfeit for every such Offence the Sum of *Twenty-five Pounds*; to be recovered by Action of Debt, in any Court of Record within this Province, with Costs of Suit; the one Half to such Person as shall sue for and prosecute the same to Effect, the other Half to be paid into the Treasury, and to be applied for the Support of Government.

Punishment for counterfeiting the Bills.

7. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever shall presume to counterfeit, or be aiding and assisting in counterfeiting or altering any of the 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 alter, or cause to be altered, any Bill or Bills, knowing the same to be counterfeit or altered as aforesaid, and be thereof legally convicted; he, she or they, shall incur the Pains and Penalties of Felony without Benefit of Clergy, and shall suffer Death accordingly.

Ditto on counterfeiting in another Province.

8. AND, to the End the Intent of this Act 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 Trial thereof, sufficient Proof doth appear that the same was done in the

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 in 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 Trials 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.

31. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Officer or Soldier in the Service of this Colony, raised by this Act, shall be disabled by the Enemy from getting his Living, and not having wherewithal to maintain himself, he shall be maintained and supported at the publick Expence of the Colony. And the Two Hundred Men shall be recruited as often as Death, Desertion or Discharge of any Officer or Soldier, shall render it necessary, so that the said Complement of Two Hundred Men be kept complete and effective.

Disabled Soldiers how to be relieved.

36. AND BE IT ENACTED by the Authority aforesaid, That, over and above the said *Ten Thousand Pounds* for the Uses aforesaid, there shall be printed at the same Time the Sum of *Ten Thousand Pounds* more in the Proportions following, viz. Two Hundred and Fifty Bills, each of the Value of *Six Pounds*, or seventeen Ounces ten Penny-weight of Plate. Five Hundred Bills, each of the Value of *Three Pounds*, or eight Ounces fifteen Penny-weight of Plate. One Thousand Bills, each of the Value of *One Pound Ten Shillings*, or four Ounces seven Penny-weight and twelve Grains of Plate. Two Thousand Bills, each of the Value of *Fifteen Shillings*, or two Ounces three Penny-weight eighteen Grains of Plate. Three Thousand Bills, each of the Value of *Twelve Shillings*, or one Ounce fifteen Penny-weight of Plate. Three Thousand Bills, each of the Value of *Six Shillings*, or seventeen Penny-weight twelve Grains of Plate. Four Thousand Bills, each of the Value of *Three Shillings*, or eight Penny-weight and eighteen Grains of Plate. Five Thousand Bills, each of the Value of *One Shilling and Six-pence*, or four Penny-weight and nine Grains of Plate. Six Thousand Five Hundred Bills, each of the Value of *One Shilling*, or two Penny-weight and twenty-two Grains of Plate. To be signed by the aforesaid Signers, or any three of them, as aforesaid, and delivered to the said Treasurers in equal Moieties, for exchanging of defaced, ragged and torn Bills made current by the former Acts, or this present Act of General Assembly; and the said Treasurers, on Receipt thereof, are hereby commanded, from Time to Time, to sign such Part of said Bills as shall be necessary for Exchanging ragged and torn Bills; and as often as Application shall be made, at any convenient Time, to issue the same to any Person or Persons so applying, in Exchange for any Bills of Credit made current by this or former Acts of this Colony. And the said ragged Bills, so by the said Treasurers received in Exchange, shall be laid before the same Justices and Freeholders, and be cancelled and disposed of in the same Manner and Form, as is herein before directed concerning the Bills of Credit hereby made current.

*Ten Thousand Pounds* more to be printed, to exchange old and ragged Money.

C H A P. CCCLXXVII.

*An ACT to continue an Act, entitled, An Act for better settling and regulating the Militia of this Colony of New-Jersey; for the repelling Invasions, and suppressing Insurrections and Rebellions.*

Passed Dec. 7, 1763.

**T**HAT Part of this Act which relates to mustering the Militia, &c. was limited to the first Day of June 1765, but the following Section is not temporary, *to wit,*

Governor's Fees.

2. AND BE IT ENACTED, That the Fees of the Governor or Commander in Chief for the Time being, on granting the Commissions in Pursuance of the Act hereby continued, shall be as follow: For a Colonel's Commission *Twelve Shillings*; For a Lieutenant-Colonel's Commission *Ten Shillings*; For a Major's Commission *Eight Shillings*; For a Captain's Commission *Six Shillings*; For an Adjutant's Commission *Six Shillings*; For a Lieutenant's Commission *Five Shillings*; For an Ensign's Commission *Four Shillings*.

C H A P. CCCLXXVIII.

*An ACT for the better and more effectual ascertaining the Boundaries between the Counties of Salem and Cumberland.*

Passed Dec. 7, 1763.

Preamble.

**W**HEREAS the Lines of Partition between the Counties of *Salem* and *Cumberland* being unsettled, the Board of Justices and Freeholders of each County, pursuant to a late Act of Assembly, did choose and appoint Commissioners for that Purpose, which said Commissioners did meet, and, on running the said Lines, found them in nowise to answer the Expectation of either County; and the said Commissioners conceiving it not in their Power to settle the said Lines in such a Manner as to be conclusive to both Counties: Therefore, to prevent any Inconvenience that may happen for the Future,

Boundary Line between Salem and Cumberland.

*Sect. 1.* BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the Bounds between the Counties of *Salem* and *Cumberland* shall be as followeth, *Videlicet,* BEGINNING at the Middle of the Mouth of *Stow-creek*, and running up the Middle of the same opposite to the Mills that formerly belonged to *John Brick*, Esquire; then continuing still up the Middle of *Stow-creek* Branch opposite to the House of *Hugh Dunn*; then on a direct Line to said *Hugh Dunn's* House, leaving said *Dunn's* House in *Cumberland* County; and from said House on a straight Line North fifty-one Degrees fifteen Minutes, East ninety-four Chains, to the House of *Azel Peirson*, formerly *Nathan Shaw's*, leaving said *Peirson's* House in *Cumberland* County; from thence Northeast until it Intersects the Line of *Pilesgrove* Township or Precinct, in Distance three Hundred and five Chains; and thence along *Pilesgrove* Line as was marked by the said Commissioners, South forty-seven Degrees East, until it intersects the

the Middle of the Watercourse of Prince *Maurice's* River below the Mouth of *Muddyrun*; from thence up said River bounding on the Middle of the Watercourse thereof to the Foot of *Scotland Branch*; then up said Branch bounding on the Middle of the Watercourse to *Gloucester Line*; which said River, Lines and Creek as aforesaid, shall for-ever hereafter be taken, deemed and esteemed the Bounds of Partition between the aforesaid Counties of *Salem* and *Cumberland*; any Law or Usage to the contrary thereof notwithstanding.

C H A P. CCCLXXIX.

*An ACT to enable the Corporation of the City of New-Brunswick to build and repair the Courthouse and Gaol in the said City, and to raise Money on the Inhabitants of the said City for that Purpose.*

Passed Dec. 7, 1763.

**W**HEREAS the Mayor, Recorder, Aldermen and Common Council-men of the said City of *New-Brunswick*, and sundry others Freeholders and Inhabitants of the said City, have, by their Petition, set forth, That the Courthouse and Gaol in the said City of *New-Brunswick* is in such Decay as to render the said Gaol unfit for confining Prisoners; in consequence whereof the Courts of Justice and legal Proceedings have been obstructed and delayed, and praying a Law to enable the said Mayor, Recorder, Aldermen and Common Council-men of the said City of *New-Brunswick*, from Time to Time as Occasion shall require, to build and repair the said Courthouse and Gaol, and to raise Money on the Inhabitants of the said City for that Purpose: Therefore, that a decent and convenient Room for holding the Courts of Common-Pleas and General Quarter-Sessions of the Peace, and strong, commodious and proper Gaols may be built in the said City of *New-Brunswick*;

Preamble.

*Sec̄. 1.* 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, at any Time after the Publication of this Act, the Mayor, Recorder, Aldermen and Common Council-men of the said City of *New-Brunswick*, or any ten or more of them, being six of the North Ward or Precinct, and four of the South Ward or Precinct, whereof the Mayor or Recorder is always to be one, in Conjunction with all the four chosen Freeholders of the said City of *New-Brunswick*, being met and assembled at such Time and Place as the Mayor or Recorder shall notify and appoint, and six at least of the Common Council of the North Ward or Precinct, and four at least of the South Ward or Precinct, agreeing with all the said four chosen Freeholders as aforesaid, may make such Provision and Order for the Erecting and Building a Courthouse and Gaol in the said City of *New-Brunswick*, or fitting up and repairing the present Courthouse and Gaol in the said City, as to them shall seem meet; and may agree and fix upon such Sum and Sums of Money as may be necessary for the Purposes aforesaid; to be assessed and collected by the several Assessors and Collectors of the said City of *New-Brunswick* for the Time being, upon the Inhabitants of the said City, in such Manner and Form as Money is assessed and collected by an Act of

How the Corporation may build a new, or repair the old, Courthouse and Gaol.

How to raise Money.

of this Province, entitled, *An Act for the Relief of the Poor*,\* by an Order from the said Mayor, Recorder, Aldermen and Common Council-men, or any three or more of them, whereof the said Mayor or Recorder is always to be one; which Money, when so as aforesaid raised, shall be paid into the Hands of the Treasurer of the said Corporation or to such other Person as the said Mayor, Recorder, Aldermen and Common Council-men, or the major Part of them, shall appoint; and by Order under the Hand and Seal of the said Mayor or Recorder, with the Advice and Consent of at least three of the Commonalty of the said City, shall be drawn out and applied from Time to Time for the Purposes aforesaid.

C H A P. CCCLXXX.

*An ACT to suppress Fairs in the Town of Salem.*

Passed Dec. 7, 1763.

**W**HEREAS the holding of Fairs in the Town of Salem has, by Experience, been found inconvenient and unnecessary; Therefore,

*Sec't. 1.* BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That no Fair shall hereafter be held in the Town of Salem; any Law, Usage or Custom to the contrary in anywise notwithstanding.

C H A P. CCCLXXXI.

*An ACT for laying out a more direct Road from Little Timber Creek over Newton Creek, near the Mouth thereof, to Coopers Ferries, and for erecting a Bridge over the said Creek at the Place aforesaid.*

Passed Dec. 7, 1763.

**T**HE Road mentioned in this Act having long since been laid out, Causeways cast up, and the Bridge erected, only the 4th, 5th, 9th and 10th Sections are thought to be necessary for this Collection, which are as follow, *to wit*,

To be a Toll-Bridge.

4. AND BE IT FURTHER ENACTED, That the said Bridge, so to be erected as aforesaid, shall be and hereafter remain a Toll-Bridge;† and it shall and may be lawful for the said Isaac Cooper, John Buzby, James Whital, John Sparks, Joshua Lord and James Hinchman, or any four of them, or the Survivors or Survivor, to let the said Bridge and Causeway or Causeways to farm to be erected, cast up and made, and afterwards maintained and kept in good Repair by the Toll arising therefrom, and to erect a Gate upon or across the said Bridge or Causeway, and to demand and receive of all and every Person or Persons, not Subscriber or Subscribers to the Expence of said Bridge, who shall pass over the same, the following Rates, *Videlicet*, For every Waggon or Ox-cart with two Creatures and a Driver *Three-pence*, with four Creatures *Four-pence*;  
For

Rates.

\* Chap. XII. This Act was repealed by Chap. CCCVI.

† See Chap. CCCCLXVII for vesting a Fee in said Bridge in William Gerrard, and to empower him to build a House in the Bounds of the Road.

For every Coach *Four-pence*; For every other Carriage with two Horses *Three-pence*; For every Carriage with one Horse *Two-pence*; For every Passenger and Horse *Two-pence*; For every Passenger on Foot *One Penny*; For all Cattle and Horses drove or led *One Penny* per Head; for all Sheep or Swine *Four-pence* per Dozen.

5. AND BE IT FURTHER ENACTED, That if any Person, not being a Subscriber as aforesaid, shall refuse or neglect to pay the Rates as aforesaid, it shall and may be lawful for the Person Farming, or having the Care of said Bridge, to refuse Passage unto any such Person or Persons until he, she or they shall have paid the Rates aforesaid; and if any Person or Persons, not Subscribers as aforesaid, shall pass without paying such Rates, it shall be lawful for the Person tending the said Bridge to stop such Passenger or Passengers any other Time till said Rates be paid, or to prosecute his Action of Debt against such Passenger or Passengers before any Magistrate of the County of *Gloucester*.

Persons refusing to pay the Rates, how to be proceeded against.

9. AND BE IT FURTHER ENACTED, That it shall and may be lawful for *Isaac Cooper, John Buzby, James Whital, John Sparks, Joshua Lord* and *James Hinchman*, or any four of them, to let out the same Bridge and Road to be built, opened, made and completed, to any Person or Persons as they shall judge necessary, and take such Security for the Performance thereof as shall be sufficient for that Purpose; as also to oblige the Party or Parties, so taking or farming the said Bridge and Causeway, to rebuild, amend and hereafter to keep the same in good Repair; and, upon Failure thereof, shall be proceeded against in the Manner the Law directs in the Case of Overseers of the Roads neglecting their Duty.

Bridge may be let to farm

10. AND BE IT FURTHER ENACTED, That the said Road, when laid out and completed as aforesaid, shall be and is hereby declared to be a publick Road for all Persons to pass and repass (upon paying the Toll as above) without any Let, Hindrance or Molestation whatsoever. And if the Person or Persons Farming or having the Care of said Bridge and Road shall refuse or neglect to give due Attendance, or deny Passage to any Person or Persons, (having first paid the Rates as aforesaid) he, she or they so offending, shall forfeit and pay the Sum of *Twenty Shillings* to each and every of the Parties so aggrieved, to be recovered in Manner aforesaid.

Road and Bridge declared publick.

CHAP. CCCLXXXII. *An Act for the Relief of poor distressed Prisoners for Debt.*

Expired—  
supplied by  
Chap.  
CCCCXIV.

This Law extended to such who were actually in Prison and close confined in Gaol on the first Day of *October 1763*, and thence until discharged by Virtue thereof; and also to those who should be confined between that Day and the first Day of *July 1764*, and in Conjunction with three fourths of their Creditors in Value petitioned for Enlargement.

CHAP. CCCLXXXIII. *An Act for erecting a new and convenient Courthouse and Gaol in the County of Cape-May.*

Obsolete—  
supplied by  
Chap. DCIV.

In Pursuance of this Act a Courthouse and Gaol were built in the middle Precinct, near *Daniel Hand's*; but, the Gaol having lately took

Fire and burnt down, the Law referred to in the Margin provides for erecting others, and remedying some Defects in this Act.

Supplied and repealed by Chap. CCCLXXII. CHAP. CCCLXXXIV. *An Act for regulating Constables and Vendues; and for better regulating Taverns. †*

Repealed by Chap. DVIII, supplied by Chap. DXL. CHAP. CCCLXXXV. *A supplementary Act to the Act, entitled, An Act to regulate the Size of Traps to be hereafter set in this Colony.*

Limited to seven Years. Chap. CCCCXVI was made to amend and explain this, but that also is repealed by Chap. DVIII.

Expired. CHAP. CCCLXXXVI. *An Act to prohibit the selling of Guns, Gunpowder, or other Warlike Stores, to the Indians.*

Limited to one Year.

Obsolete. CHAP. CCCLXXXVII. *An Act for building and maintaining a Draw-bridge over Croffwicks Creek, on the Road leading from Bordentown to Trenton.*

This Bridge was built by voluntary Contributions, as the Act directed; but, being found very beneficial to the Publick, the rebuilding and future Maintenance of it is provided for by Chap. DCII at the publick Expence.

Obsolete. CHAP. CCCLXXXVIII. *An Act for defraying incidental Charges, and other Purposes therein mentioned.*

Private. CHAP. CCCLXXXIX. *An Act to enable the Owners and Possessors of certain Meadows lying in the Township of New-Windsor, and adjoining to Maidenhead, to keep open a certain Ditch or Watercourse which passeth through the Land now claimed by James Clark.*

Private. CHAP. CCCXC. *An Act to set aside a Partition of Lands in the County of Hunterdon, in the Province of New-Jersey, lately made by Virtue of a Writ of Partition, between the Sons of George Leslie, late of the City of Perth-Amboy, deceased; and to vacate the Judgment entered thereupon; and also to confirm another Partition or Division of the said Lands lately made among the Sons of the said George Leslie as herein after mentioned.*

Private. CHAP. CCCXCI. *An Act to enable the Owners and Proprietors of the Meadows lying on the two Runs called and known by the Names of Sandy-Run and Shippataukin-Run or the Eight-Mile-Run in Maidenhead, in the County of Hunterdon, to clear, widen and enlarge the said Runs, or such Parts thereof, and cut such Ditches as may be necessary effectually to drain and carry the Waters off the same.*

Private. CHAP. CCCXCII. *An Act to enable the Owners and Possessors of the Bog Meadows lying on each Side of Black River, in the Township of Roxbury, in the County of Morris, to drain the same.*

Private. CHAP. CCCXCIII. *An Act to enable the Owners and Possessors of the Meadows*

† See a Supplement to this Act, Chap. CCCCXXIII, now repealed by Chap. CCCCLXXII.

Meadows on the Head of Woodbury Creek to clear out the same.

CHAP. CCCXCIV. *An Act appointing Commissioners for finally settling and determining the several Rights, Titles and Claims to the Common Lands of the Township of Bergen, and for making a Partition thereof in just and equitable Proportions among those who shall be adjudged by the said Commissioners to be entitled to the same.* Private.

CHAP. CCCXCV. *An Act for naturalizing Johannes Kank, John Dellar, George Kessler and George Himns.* Private.

These Acts were passed the 7th Day of December 1763.

## At a GENERAL ASSEMBLY held at

Perth-Amboy from the Fourteenth to the Twenty-third Day of February 1764, in the Fourth Year of the Reign of King George the Third, the following Laws were passed.

SESSIONS THE NINTH AND TENTH.

C H A P. CCCXCVI.

*An ACT for submitting the Property of Lands which are held or claimed by any of His Majesty's Subjects as lying within this Colony, and are affected by the Controversy about the Boundary or Partition Line between this Colony and the Colony of New-York, to such a Method of Decision as His most gracious Majesty shall think proper by his Royal Commission or otherwise to appoint.*

Passed Feb. 23, 1764.

**W**HEREAS the Boundary or Partition Line between this Colony and the neighbouring Colony of *New-York*, has not hitherto been duly ascertained; and, by Reason of the unsettled State of the Limits of the two Colonies, not only the Extent of their respective Jurisdictions remain uncertain, and the due and regular Administration of Government in both Colonies is by that Means greatly impeded; but also frequent and dangerous Riots have been occasioned, and are still likely to arise between the Borderers, as well concerning the Extent of the respective Jurisdictions, as the Property of the Soil, to the great Disturbance of the publick Peace, and the manifest Discouragement of His Majesty's good Subjects in the Settlement and Improvement of that Part of the Country: AND WHEREAS the Governor, the Council and General Assembly of the Province of *New-York*, did, at their Session held in *December*, in the Year of our Lord One Thousand Seven Hundred and Sixty-two, pass a Law, entitled, *An Act for submitting the Property of the Lands which are held or claimed by Grant under the Great Seal* Preamble.

*Seal of this Colony, and are affected by the Controversy about the Boundary or Partition Line between this Colony and the Colony of New-Jersey, to such a Method of Decision as His most gracious Majesty shall think proper by his Royal Commission or otherwise to appoint; and for defraying the Expences to accrue on the Part of this Colony on the final Settlement of the said Line: Wherein full and adequate Provisions are made on the Part of that Province for the Purpose of settling and adjusting the said Partition Line, and putting an End to a Controversy dangerous to the Peace of both Colonies: AND WHEREAS the Property of all the Lands within this Colony are held or claimed by some or other of His Majesty's Subjects, in consequence of divers Grants and mesn Conveyances from and under his Royal Highness James Duke of York, (afterwards King James the Second) the original Proprietor thereof: To the Intent, therefore, that the salutary Work so well begun on the Part of the Colony of New-York might have a happy issue, the Legislature of this Colony did, at their Session in June last, pass a Law, entitled, An Act for submitting the Property of Lands which are held or claimed by any of His Majesty's Subjects as lying within this Colony, and are affected by the Controversy about the Boundary or Partition Line between this Colony and the Colony of New-York, to such a Method of Decision as His most gracious Majesty shall think proper by his Royal Commission or otherwise to appoint; but there arising some Difficulties at the Plantation Office about one of the Agents therein appointed, and another of them being since deceased, it is thought most expedient to annul the said Law, and by a new one to appoint other Agents; which said Law, and every Part thereof, is hereby declared null and void to all Intents and Purposes: But that the said Controversy, as far as it concerns the Property of the Lands held and claimed by any of His Majesty's Subjects, as lying and being within this Colony, may, together with the Boundary or Partition Line between the two Colonies, be finally settled and determined;*

Property of  
Lands in  
New-Jersey,  
affected by  
the Line, sub-  
mitted to the  
Determination  
of the  
King's Com-  
mission.

*Sect. I. BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That all and singular the Messuages, Lands, Tenements and Hereditaments, and all Right, Title, Interest and Property, in and to the same, which are held or claimed by any of His Majesty's Subjects, as lying and being within this Colony, and are, can, shall or may be in anywise affected by the said Controversy, concerning the Boundary or Partition Line between this Colony and the Colony of New-York, are hereby fully and absolutely, to all Intents, Constructions and Purposes in the Law whatsoever, submitted and made subject to the same Method of Decision as His most gracious Majesty shall think proper by his Royal Commission or otherwise to institute and appoint, for the final Settlement and Determination of the Boundary or Partition Line between the said two Colonies: And that all and every Determination and Determinations, to be made by any Person or Persons whatsoever, by Authority derived from His most gracious Majesty, by his Royal Commission or otherwise, that shall in anywise concern the said Line, or the Controversy that has hitherto subsisted relating to the same, and whereby the Right, Title, Interest and Property of the said Messuages, Lands, Tenements and Hereditaments so held and claimed as aforesaid, as lying and being within this Colony, or any Part or Parcel thereof, shall be intended to be bound and determined, shall fully, completely, and*

and absolutely bind, and for-ever determine the Right, Title, Interest and Property of the said Messuages, Lands, Tenements and Hereditaments, to all Intents, Constructions and Purposes in the Law whatsoever; any Law, Usage or Custom to the contrary thereof in anywise notwithstanding.

2. AND, to the End that sufficient Provision may be made on the Part of this Colony, for Payment of the one equal Half Part of the joint Expence to accrue on the final Settlement of the said Controversy and the boundary Line between the said Colonies; and also for paying of the particular Expences that shall or may accrue on the Part of this Colony in prosecuting the said Controversy to a final Settlement; BE IT ENACTED by the Authority aforesaid, That John Stevens, James Parker, Henry Cuyler, junior, William Donaldson and Walter Rutherford, Esquires, or the Majority of them, or the Majority of the Survivors of them, are hereby nominated and appointed Agents, to manage the said Controversy, on the Part and Behalf of this Colony; and also, that the said Agents, or the major Part of them, and the major Part of the Survivors of them, shall and are hereby authorized to pay, lay out and expend, from Time to Time, from and out of the publick Monies in the Treasury of this Colony, all such Sum and Sums of Money as shall from Time to Time be necessary to defray, as well the one Half of the said joint Expence, as the particular Expences aforesaid; which Sum and Sums of Money shall, from Time to Time, upon Application of the said Agents, or the major Part of them, or the major Part of the Survivors of them, as Occasion shall require, be drawn out of the said Treasury by Warrant or Warrants of His said Excellency, or the Commander in Chief of this Colony for the Time being, by and with the Advice of His Majesty's Council, in Favour of the said Agents, or the major Part of them, and the major Part of the Survivors of them; and also, that the said Agents, and the Survivors of them, shall, from Time to Time account upon Oath, for and concerning the Execution of the Trust hereby reposed in them, to his said Excellency, or the Commander in Chief for the Time being, His Majesty's Council, or the General Assembly of this Colony, when by them, or any of them, they shall be thereunto required.

Agents appointed to manage the Controversy.

Expence may be drawn out of the Treasury.

C H A P. CCCXCVII.

*An ACT for subjecting the Estates of the General Proprietors of the Eastern Division of this Colony to the Indemnification of this Province from any Expence in running the Line between New-Jersey and New-York.*

Passed Feb. 23, 1764.

WHEREAS by an Act of the General Assembly of the Province of New-Jersey, passed in the fourth Year of His present Majesty King George the Third, entitled, *An Act for submitting the Property of Lands which are held or claimed by any of His Majesty's Subjects, as lying within this Colony, and are affected by the Controversy about the Boundary or Partition Line between this Colony and the Colony of New-York, to such a Method of Decision as His most gracious Majesty shall think proper, by*

Preamble.

his Royal Commission or otherwise to appoint; wherein, among other Things, it is Enacted, That *John Stevens, James Parker, Henry Cuyler, junior, William Donaldson and Walter Rutherford*, Esquires, or the Majority of them, or the Majority of the Survivors of them, are nominated and appointed Agents, to manage the said Controversy, on the Part and Behalf of this Colony; and also, that the said Agents, or the Majority of them, and the major Part of the Survivors of them, are thereby authorized to pay, lay out and expend, from Time to Time, from and out of the publick Monies in the Treasury of this Colony, all such Sum and Sums of Money as shall from Time to Time be necessary, to defray, as well the one Half of the said joint Expence, as the particular Expences thereof; which Sum and Sums of Money shall, from Time to Time, upon Application of the said Agents, or the major Part of them, as Occasion shall require, be drawn out of the said Treasury, by Warrant or Warrants of His Excellency, or the Commander in Chief of this Colony for the Time being: But the Legislature having received Assurances from the General Proprietors of the Eastern Division, that the Province should be indemnified of all Demands for the Purposes aforesaid;

Eastern General Proprietors bound to indemnify the Province.

*SECT. I.* BE IT THEREFORE ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That all and singular the Lands, Tenements, Hereditaments, and other Estates of the said *John Stevens, James Parker, Henry Cuyler, junior, William Donaldson and Walter Rutherford*, Esquires, and all others who are of the General Proprietors of the Eastern Division of *New-Jersey*, and of each and every of them, jointly and severally, be subjected and made liable to indemnify and save Harmless this Colony of *New-Jersey* of and from any Money being demanded or drawn out of the Treasury of this Province by Virtue of any Power granted in the before recited Act of General Assembly.

Expired.

CHAP. CCCXCVIII. *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the twenty-first Day of May 1764, and to end the twenty-first Day of May 1765; and to discharge the publick Debts and contingent Charges thereof.*

Private.

CHAP. CCCXCIX. *An Act to naturalize Joseph Behringer, John Snoffer, George Windemude, Gasper Shepperd, Walton Vokes, John Henry Snoffer, Martin Swort Welder, Adam Cuncle, Andrew Wagener, John Philip Weiker, and John Morkel.*

Private.

CHAP. CCCC. *An Act to enable the Owners and Possessors of certain salt Meadows and Marsh, lying in the Township of Woodbridge and Piscataway, to make and keep open the necessary Drains, build and repair Bridges and Gates, for the Uses therein mentioned.*

C H A P.

C H A P. CCCC I.

*An ACT for raising a Number of Men, in the usual Proportion, not exceeding Six Hundred, Officers included, for the ensuing Campaign, and making Provision for the same.\**

Passed Feb. 23, 1764.

**T**O effect the principal End designed by this Act *Twenty-five Thousand Pounds* were emitted; which Money is to pass current until the Year 1783: Hence, although the greatest Part of the Law is obsolete, the 33d, 34th, 35th, 36th and 37th Sections are proper to be inserted here, *to wit,*

33. AND BE IT ENACTED *by the Authority aforesaid,* That the Bills of Credit to be made and issued by Virtue of this Act, or such Parts thereof as shall remain unsunk, shall be, continue and pass current, until the Year of our Lord One Thousand Seven Hundred and Eighty-three, but shall be received by the Treasurers either in Exchange for other Money, or in any publick Payment, until the End of said Year; and shall be paid and received for the same Value expressed in and upon each Bill for Goods and Lands, or any other Things bought and sold, by all Persons whatsoever, being in this Colony, according to their Rates.

Time of  
Currency.

34. 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 Currency of the said Bills, shall, upon Tender made before two lawful Witnesses of all or any of 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 and Demands, according to their Value or Rates; he, she or they, so refusing to accept 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, their, and every of their Heirs, Executors and Administrators, shall for-ever be barred from bringing his, her or their Actions for recovering 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.

Creditors re-  
fusing the  
Bills, to lose  
their Debts.

35. 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 Chattels, 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 Species whatsoever,

Penalty on  
demanding  
other Money.

\* This Act passed upon a Prorogation of the Assembly for an Hour, in order to originate it afresh in the House of Representatives, which occasioned the ninth and tenth Sessions to be mentioned and printed together.

whatsoever, and not in the 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 forfeit for every such Offence the Sum of *Twenty-five Pounds*; to be recovered by Action of Debt, in any Court of Record within this Province, with Costs of Suit; the one Half to such Person as shall sue for and prosecute the same to Effect, the other Half to be paid into the Treasury, and to be applied for the Support of Government.

Punishment  
for counter-  
feiting the  
Bills.

36. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever shall presume to counterfeit, or be aiding and assisting in counterfeiting or altering any of the 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 convicted; he, she or they, shall incur the Pains and Penalties of Felony without Benefit of Clergy, and shall suffer Death accordingly.

Counterfeit-  
ing in another  
Province.

37. AND, to the End the Intent of this Act 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 Trial 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 convicted thereof shall suffer in such and in 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 Trials 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.

## At a GENERAL ASSEMBLY held at

Burlington from the Twenty-first Day of May to the Twentieth Day of June 1765, in the Fifth Year of the Reign of King George the Third, the following Laws were passed.

SESSION THE ELEVENTH.

C H A P. CCCCII.

*An ACT for collecting and securing the Books of Mortgages formerly kept by the Loan-Officers in the several Counties of this Province.*

Passed June 20, 1765.

Preamble.

WHEREAS the several Loan-Office Books in this Colony are not deposited in Places so proper as their Importance to many Titles in this Province requires ;

*Señ.*

*Seçt. 1.* BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the Clerks of the Inferior Courts of Common Pleas of each County shall forthwith collect the Loan-Office Books of the County, for which they respectively are Clerks, and them safely keep among the Records of the County in their Hands, for the Use of any Person or Persons who may have Occasion to examine the same; and, for searching and giving Exemplifications or Copies thereof, to take such Fees as are allowed to other Clerks or Keepers of Records for like Services; and the Person or Persons, in whose Custody the said Loan-Office Books now are, are hereby required and enjoined, on Demand and Tender of a Receipt therefor, to deliver the same to the Clerk of the County to which they respectively belong.

County Clerks to collect the Loan-Office Books.

C H A P. CCCCIII.

*An ACT to alter so much of the Road leading from Elizabeth-Town, to the Point commonly called Elizabeth-Town-Point, as goes through the Tract called the Point Tract, and laying out a straight Road through the same.*

Passed June 20, 1765.

**W**HEREAS *John Stevens*, Esquire, in Behalf of himself and others, the Proprietors of the Tract of Land commonly called the *Point Tract*, hath by his Petition set forth, That the six Rod Road through this Colony to *Elizabeth-Town Point* passes through the Tract aforesaid; that a considerable Bend or Elbow is made in the said Road from its Entrance into the Tract aforesaid, whereby the Length of the said Road is unnecessarily encreased and inconvenient, as well to the Inhabitants of this Colony as the Proprietors of the said Tract; that the said Proprietors of said Tract are desirous to make the said Road straight, and have erected a good and substantial Bridge on the proposed straight Road; and therefore praying a Law for altering so much of the said six Rod Road as passes through the Tract aforesaid, and laying a straight Road of six Rods wide, from the North Side of the Point House over the Bridge aforesaid, to the Place where the Road from *Elizabeth-Town* enters the Tract aforesaid, which being conceived reasonable and of Advantage, as well to the Inhabitants who are bound to repair and amend the same, as to those who use and travel upon the said Road;

Preamble.

*Seçt. 1.* BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That it shall and may be lawful for the said *John Stevens*, and the Proprietors of the said Tract, and they are hereby empowered to shut up the Road as it now goes through the Tract aforesaid, which said Road is hereby vacated, and to open and lay out a straight and direct Road of six Rods wide, from the North Side of the Point House, over the Bridge aforesaid, to the Place where the Road from *Elizabeth-Town* enters the Tract aforesaid; which Road so laid out is hereby declared to be a publick Highway to all Constructions and Purposes whatsoever, and shall be repaired and amended from Time to Time, in the same Manner and

Old Road to be vacated, and a new one opened.

Form, as that Part of the Road hereby vacated has heretofore been and other publick Roads now are, by the Laws of this Province, repaired and amended.

G H A P. CCCCIV.

*An ACT for preventing Frauds by Mortgages which shall be made and executed after the First Day of January One Thousand Seven Hundred and Sixty-six.*

Passed June 20, 1765.

Preamble.

**W**HEREAS Frauds and Abuses have been, and more may be committed, as well by Persons mortgaging their Lands, Tenements and Real Estate, and afterwards selling the same to other Persons who were ignorant of such Mortgages, as by Persons mortgaging the same Lands or Tenements several Times, without giving Notice to the latter Mortgagees of the former Mortgage or Mortgages, whereby Persons have been and may be defrauded of great Sums of Money; For preventing those Evils for the Future,

County Clerks to provide proper Books,

In which to enter Abstracts of Mortgages.

Fees.

Mortgages to be first proved.

Priority of Mortgages determined.

*Sect. 1. BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That, immediately from and after the Publication hereof, each and every of the Clerks of the several Counties within this Province shall provide a fit and proper Book, bound and lettered, for the registering of all Mortgages of Lands, Tenements and Real Estate, lying within their respective Counties, which shall be hereafter made and executed; in which Register shall be entered an Abstract by them taken from the Mortgage Deed, containing the Description and Boundaries of the Lands mortgaged, the Names of the Mortgagors and Mortgagees, and the Dates of the respective Mortgages, the principal Money expressed in the Mortgage Deed, and the Time and Times when payable; and the said Clerk shall also enter and endorse on the Mortgage, the Time when the same was brought to him to register and record, and when he recorded it; to which Register all Persons whatsoever, at proper Seasons, may have Recourse and Search; and for which the said Clerks shall have and receive the Sum of *Three Shillings* for each Abstract of the Mortgage or Mortgages so entered, and *Nine-pence* for every Search.*

2. PROVIDED ALWAYS, That, before any such Mortgage or Mortgages shall be so entered in any such Register, the same shall be either acknowledged by the Party or Parties that executed the same, or proved by one or more of the Witnesses thereto, upon Oath or Affirmation, either before one of His Majesty's Council of this Province, or one of the Justices of the Supreme Court, or one of the Judges of the Court of Common Pleas.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid, That if any Person or Persons whatsoever shall, after the first Day of January One Thousand Seven Hundred and Sixty-six, mortgage any Lands, Tenements or Real Estate whatsoever within this Colony, to two or more Persons at different Times, and any Doubt or Dispute shall arise about the*

the Priority of such Mortgages; that then, and in such Case, the Mortgage as aforesaid first brought to the Clerk's Office, and entered on the Register in Manner before directed, shall be deemed and taken, and is hereby declared and shall be adjudged by all Courts of Law and Equity within this Province, to entitle the Mortgage Deed from which the said Abstract is made to all the Advantages of Priority, and the Money thereby secured shall be esteemed the first in Order of Payment; any Law, Usage or Custom to the contrary notwithstanding. And every Clerk, or his Deputy, upon receiving any such Mortgage Deed, shall immediately enter the Abstract of the same in the Register, or endorse the Time of his receiving it, in Presence of the Person bringing it; and, if desired, give him or her a Receipt, expressing the same, for which the Person requesting it shall pay *Six-pence*.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if two Mortgages as aforesaid, executed by the same Mortgagor or Mortgagors, shall come to the Hands or be tendered to any of the Clerks or their Deputies at one and the same Time, the said Clerks or their Deputies shall first record and enter the Abstract of such Mortgage Deed, whose true Date and Execution appears to be prior: And if two such Mortgage Deeds as aforesaid, executed by the said Mortgagor or Mortgagors, shall in one and the same Day come to the Hands of any of the Clerks, or their Deputies, in order to be recorded, the Mortgage Deed, whose true Date and Execution is prior, shall have the Preference, and the Money thereby secured shall be esteemed the first in Order of Payment, notwithstanding the same may be last recorded or registered.

Several Mortgages tendered at one Time, their Priority.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That whenever any Mortgage or Mortgages, so entered as aforesaid, shall be redeemed, paid off and discharged, the Clerks of the respective Counties, or their Deputies, on Application to them made, by the Mortgagor or Persons redeeming, paying off and discharging such Mortgages, or by the Mortgagors producing a Receipt upon the Mortgage, or the said Mortgage cancelled, to the respective Clerks of the respective Counties, signed by the Mortgagee or Mortgagees, his, her or their Executors, Administrators or Assigns, shall, and they are hereby required to enter in a Margin to be left for that Purpose, opposite to the said Abstract, in the aforesaid Register of Mortgages, a Minute of the said Discharge or Discharges; which Minute, so entered as aforesaid, shall be deemed and taken to be, and is hereby declared to be a full, perfect and absolute Bar and Discharge of the said Entry and Mortgage, to all Intents, Constructions and Purposes whatsoever; for which Entry the respective Clerks shall have and receive the Sum of *One Shilling*, and no more: All which Charges and Expences, accruing by this Act, shall be paid by the Mortgagor or Mortgagors. And in case any Clerk of the Peace in this Colony shall give an unlawful Preference, or not duly perform his Part of the Trust enjoined him by this Act, he shall be liable to all Damages accrued thereby; to be recovered in any Court of Record where the same may be cognizable, with Costs of Suit, by the Person or Persons aggrieved.

Mortgages paid off.

Entry to be made in the Record.

Fees.

Penalty on Clerks.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the

Clerks to  
read this  
Act.

the Clerks of the Peace for the respective Cities and Counties of this Province shall publickly read this Act in the respective Courts of Sessions of the Peace, in open Court, at three succeeding Sessions of the Peace after the Publication of this Act, in each respective City and County in this Colony.

Continuance.

7. PROVIDED ALWAYS, That this Act shall be and continue in Force for the Space of five Years, and from thence to the End of the next Session of General Assembly, and no longer.

This Act is continued and made perpetual by Chap. DXXX.

C H A P. CCCC.V.

*A supplementary ACT to the Act, entitled, An Act for restraining the burning of the Woods, Marshes and Meadows.\**

Passed June 20, 1765.

Preamble.

**W**HEREAS the above recited Act hath not fully answered the good Purposes thereby intended;

Penalty on  
offending.

*SECT. I.* 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 if any Person or Persons whomsoever, from and after the first Day of February next, on Presentment or Indictment, shall be found guilty of offending against the above recited Act, he, she or they shall be fined *Twenty Pounds*; or, if unable to pay the said Fine and Costs incurred thereby, shall be liable to Imprisonment at the Discretion of the Court held for that County where the Offence shall be committed. And, for the better Discovery of such Offenders, the Justices of the several Courts of Quarter-Sessions of the Peace within this Colony shall, and they are hereby required to give the Offences committed against this and the above recited Act in Charge to their Grand-Juries at the several Sessions of the Peace, which shall be held in the said Counties; at which Time this and the above recited Act shall be publickly read, and every of the said Grand-Juries shall, and they are hereby required, diligently to inquire and true Presentment make of all Offences committed against this and the above recited Act.

Justices to  
charge Grand  
Juries with  
this and the  
above Act.

Application  
of the Fine.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the above Fine shall be applied one Half thereof to the Informer, and the other Half to the Overseers of the Highways, in the Township where the Offence was committed, to be by them applied to the Repairs of the Highways in the said Township, and to be accounted for by them to their Successors in Office, to whom any Balance remaining in their Hands is to be paid.

Salt and fresh  
Marshes and  
Meadows.

3. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That nothing in this Act contained shall be construed to prohibit the Owners of salt and fresh Marshes and Meadows, and their Tenants, from burning such Marshes and Meadows in the usual Manner

\* Chap. CLXVII.

Manner the same has been heretofore burnt in the several Counties of this Colony.

C H A P. CCCCVI.

*An ACT to suppress Fairs in the Town of Greenwich.*

Passed June 20, 1765.

**W**HEREAS the holding of Fairs in the Town of *Greenwich* has been found inconvenient and unnecessary; Therefore,

*Sect. 1.* BE IT ENACTED by the Governor, Council and General Assembly of this Colony of New-Jersey, and it is hereby Enacted by the Authority of the same, That no Fair shall hereafter be held in the Town of *Greenwich*, in the County of *Cumberland*; any Law, Usage or Custom to the contrary in anywise notwithstanding.

C H A P. CCCCVII.

*An ACT for appointing Commissioners to view the Ground, and report to the next Session of General Assembly the Practicability of laying out straight Roads through certain Parts of the Province of New-Jersey, and for establishing a Fund to defray the Expence of the same.*

Passed June 20, 1765.

**W**HEREAS the Shortening and Improvement of Roads will greatly facilitate the Conveyance of Letters by the Post, be of great Importance to His Majesty's Service, and to the commercial Interest and general Convenience of the Inhabitants of this Province: AND WHEREAS it hath been made appear to us, the House of Representatives, from Surveys and other Evidences, that the high Roads leading through this Province from *Burlington* to *Amboy Ferry*, from *Trenton* to *Elizabeth-Town*, from *Brunswick* to *Amboy*, and from *Amboy* to *Elizabeth-Town* aforesaid, may be considerably shortened; Preamble:

*Sect. 1.* BE IT THEREFORE ENACTED by the Governor, Council and General Assembly of this Colony, and it is hereby Enacted by the Authority of the same, That *John Stevens*, *James Parker*, *John Wetherill*, *Daniel Ellis* and *John Edwards*, Esquires, be and are hereby appointed Commissioners to view the Grounds, make a straight and perfect Survey thereof, as near as may be, from the City of *Burlington* to the Ferry House opposite to the City of *Perth-Amboy*, through the Towns of *Borden-Town* and *Cranberry*; for which Purpose, and more effectually to enable the said Commissioners, or any three of them, to execute the Service and Trust in them reposed by this Act, it shall and may be lawful for the said Commissioners, or any three of them, to call to their Assistance, if they shall think necessary, one Surveyor and two Chain-carriers, who are hereby empowered and directed to enter upon and pass any Lands through which the straight Lines from and to the Places aforesaid may run, or they may have Occasion to travel over. Commissioners appointed.

Other Com-  
missioners.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That *John Berrien, Daniel Coxe, Azariah Dunham, Abraham Clark, junior, and Ephraim Terrill, Esquires*, be and are hereby appointed Commissioners to view the Grounds, make a straight and perfect Survey from *Borden-Town to Kingston*, and from *Trenton* as near as may be through *Princeton, Kingston, New-Brunswick, Elizabeth-Town* and *Newark to Second-River*; also from *New-Brunswick to Perth-Amboy*, and from *Perth-Amboy to Elizabeth-Town*; for which Purpose, and more effectually to enable the said Commissioners, or any three of them, to execute the Service and Trust in them reposed by this Act, it shall and may be lawful for the said last mentioned Commissioners, or any three of them, to call to their Assistance, if they shall think it necessary, one Surveyor and two Chain-carriers, who are hereby empowered and directed to enter upon and pass any Lands through which the straight Lines from and to the Places last aforesaid may run, or they may have Occasion to travel over.

Duty of the  
Commission-  
ers.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the acting Commissioners shall carefully view the Nature of the Country through which they pass, the Fitness of the Soil for Roads, and the Streams over which Bridges may be erected to make the Roads commodious: And that the said Commissioners shall, at the next Session of the General Assembly, return under their Hands true and perfect Maps and Surveys of the Lines to and from the Places aforesaid, or with such Alterations of the straight Lines as they may judge will make the Roads more practicable, with an Estimate of the Expence of the Whole and several Parts thereof, and also of the Damage it may occasion to any Person through whose Lands they may pass.

Lottery for a  
Sum not ex-  
ceeding  
£ 500.

4. AND WHEREAS it is necessary that a Fund should be established for defraying the Expence of running and making the said intended Roads; BE IT ENACTED *by the Authority aforesaid*, That, from and after the Publication of this Act, it shall and may be lawful to and for the said Commissioners, or the major Part of them, as soon as conveniently may be, to draw a Lottery for raising such Sum or Sums of Money as they, or the major Part of them, shall judge necessary for the Purpose aforesaid, not exceeding the Sum of *Five Hundred Pounds* Proclamation Money of this Colony.

Donations.  
Managers ac-  
countable.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That to enable the Commissioners, or the major Part of them, to carry this Law more immediately into Execution, and to defray the Expences attending the same, it shall and may be lawful to and for the said Commissioners, or any of them, to ask and receive from any Person or Persons Gifts or Donations, of which they are to keep particular Accounts, and apply the same accordingly: And the Managers and Commissioners shall be under Oath for the due and impartial Performance of their Duties; and at the next Session of General Assembly, after drawing the said Lottery is finished, shall render and lay before the House of Assembly, to whom they are hereby made accountable, a just and particular State of the Lottery, with all Expences attending the Drawing of the same; and also an Account of the Donations received, and the

the several Disbursements and Sums of Money laid out and expended, for the Uses and Purposes in this Act mentioned.

C H A P. CCCCVIII.

*An ACT to indemnify the Treasurers of this Province, or either of them, for the Sum of Two Hundred Pounds, to be lent for the Relief of the Inhabitants of the County of Sussex.*

Passed June 20, 1765.

**W**HEREAS it is represented to the General Assembly, by the Board of Justices and Freeholders of the County of *Sussex*, That the Inhabitants of said County are reduced to great Distress, for Want of Bread-corn; and that the said Justices and Freeholders were incapable of administering to the Relief of the Sufferers, for Want of Money to enable them to purchase Grain for their present Exigencies;

Preamble.

*Sec. 1.* 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 Treasurers of this Colony, or either of them, to pay to *Abraham Van Campen, John Hacket, Jacob Starn, Richard Shackleton, Samuel Lundy, Richard Bowlby, Hendrick Kuykendahl and Henry Winter*, or any three of them, any Sum not exceeding *Two Hundred Pounds*, out of the publick Monies now in the Hands of the said Treasurers unappropriated; and the Receipt of them the said *Abraham Van Campen, John Hacket, Jacob Starn, Richard Shackleton, Samuel Lundy, Richard Bowlby, Hendrick Kuykendahl and Henry Winter*, or of any three of them, or Order from them or any three of them, with a Receipt, when laid before the General Assembly, shall be sufficient Vouchers for the said Treasurers, or either of them, their or either of their Heirs, Executors or Administrators, or any of them, for paying the Sum aforesaid.

Treasurers to pay a Sum not exceeding £ 200.

2. AND BE IT ENACTED by the Authority aforesaid, That the said *Abraham Van Campen, John Hacket, Jacob Starn, Richard Shackleton, Samuel Lundy, Richard Bowlby, Hendrick Kuykendahl and Henry Winter*, upon the Receipt of said Money, shall dispose of the same to the best Advantage in purchasing Bread-corn for the Inhabitants of said County, or distribute the said Money to such Persons and in such Proportions as they, or the Majority of them, shall think fit.

How the Money is to be disposed of.

3. AND BE IT ENACTED by the Authority aforesaid, That if the said *Abraham Van Campen, John Hacket, Jacob Starn, Richard Shackleton, Samuel Lundy, Richard Bowlby, Hendrick Kuykendahl and Henry Winter*, or either of them, should, by any unforeseen Accident, meet with any Losses or Damages by any Person or Persons proving deficient or insolvent for any Grain or Money, so had by them; that then, and in such Case, it shall and may be lawful for them, or any three of them, to apply to the Board of Justices and Freeholders of the said County, for the Time being, who are hereby authorized and enjoined to levy the same on the Inhabitants of said County by Tax; to be assessed and collected in the same

Losses.

same Proportions, Method and Form as is prescribed and directed by the Sinking Fund Acts; and the Assessors, Collectors and other Officers, shall be subject to the same Pains and Penalties as is prescribed in the above recited Acts.

On Neglect  
to repay the  
Money, a  
Suit may be  
brought.

4. AND BE IT ENACTED *by the Authority aforesaid*, That if the said *Abraham Van Campen, John Hacket, Jacob Starn, Richard Shakleton, Samuel Lundy, Richard Bowlby, Hendrick Kuykendahl and Henry Winter*, shall neglect or refuse to repay the said Sum of *Two Hundred Pounds*, to either of the Treasurers of this Colony, within two Years after the Publication of this Act, or upon any Loss sustained as aforesaid, by them or either of them, the Board of Justices and Freeholders of the said County, for the Time being, shall neglect or refuse to order the same to be assessed and levied as aforesaid; then, and in such Case, it shall and may be lawful for, and the said Treasurers, or either of them, are hereby required, authorized and empowered to deliver a Copy of such Order and Receipt as aforesaid to the Attorney-General of this Colony for the Time being, who is hereby authorized, empowered and directed to sue for and recover the same from the Parties aforesaid, any or either of them, for the Use of this Colony.

C H A P. CCCCIX.

*An ACT for laying out a Road from Newark, in the County of Essex, to the publick Road leading from Bergen Point to Paulus-Hook, on Hudson's River, in the County of Bergen; and for the erecting and establishing Ferries across the Rivers Passaick and Hackinsack.*

Passed June 20, 1765.

Preamble.

WHEREAS sundry of the Inhabitants of the Counties of *Essex and Morris*, by their Petition, presented to the Governor, Council and General Assembly of this Colony, do set forth, That the laying out of a publick Road from the Town of *Newark* to the publick Road leading from *Bergen Point* to *Paulus-Hook* on *Hudson's River*, opposite to the City of *New-York*, and erecting Ferries over the Rivers *Passaick* and *Hackinsack*, would be greatly beneficial to the Publick in general; and that the long Causeways to be made in said Road, and other Matters to be done to make the Road passable, and to accommodate Travellers, will be very expensive, and cannot well be effected unless assisted by the voluntary Contribution of others;

A Road four  
Rods wide  
laid out.

SECT. I. BE IT THEREFORE ENACTED *by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same*, That a Road of four Rods wide, from the lower End of the Great Neck belonging to the Town of *Newark*, beginning at the Upland of *Abner Ward*, on the Road by the Meadow Edge, at the Southwest Corner of the Meadow of *Joseph Rogers*; and from thence running along the Line of said *Joseph Rogers*, South sixty-eight Degrees and thirty Minutes, East thirty-five Chains, to *Passaick River*, at low Water Mark, extending four Rods northeasterly in Breadth from said Line; then beginning on the East Side of *Passaick River* at low Water Mark, at and  
on

on the South Side of a small Creek opposite to said Road, on the West Side of said River; and from thence to run and continue four Rods in Breadth from the southerly Side of the Mouth of said small Creek, on a Course South sixty-three Degrees and fifteen Minutes, East sixty-six Chains, to *Hackinsack* River, at low Water Mark; then beginning on the East Side of *Hackinsack* River at low Water Mark, on a Course South sixty-three Degrees and thirty Minutes East from the said Road on the West Side of *Hackinsack* River, near a Creek called *Poff's* Creek; and from thence continuing the Breadth of four Rods on a South forty-six Degrees, East Course thirty-six Chains, to the Upland of *Jacobus* and *Peter Vanderhoof*; and from thence the same Breadth of four Rods South seventy Degrees, East four and a half Chains, until it comes within two Rods of a Partition Fence of said *Vanderhoof's*; and from thence the same Breadth of four Rods, extending two Rods to the Northward of said Partition Fence, so as the Partition Fence as it now stands be in the Middle of said Road South fifty-three Degrees, East thirty-three Chains; thence continuing the same Breadth South forty-eight Degrees East, keeping the same Breadth on each Side of the Partition Fence twenty-three Chains and fifty Links, to the publick Road leading from *Bergen Point* to *Paulus-Hook*.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That *David Ogden, Daniel Pierston, Joseph Riggs, junior, Nehemiah Baldwin, Esquires, Joseph Hedden, junior, Caleb Camp, Uzal Ward, Joseph Rogers, junior, and Thomas Brown of Bergen,* be and hereby are appointed Trustees of the said Road, and of the Ferries to be erected over *Passaick* and *Hackinsack* Rivers, at the Places where said Road comes to said Rivers; and they and their Successors are hereby constituted and appointed a Body Politick and Corporate in Fact and in Name, to all Intents and Purposes for-ever, by the Name of *The Trustees of the Road and Ferries from Newark to the Road leading from Bergen Point to Paulus-Hook*; and by that Name to sue and be sued in all Courts of Law and Equity; and shall and may for-ever hereafter have a Common Seal to serve and use for all Matters, Causes and Things whatsoever, of them and their Successors, relating to said Corporation or Body Politick, and the same to alter or make new at their Will and Pleasure.

Trustees appointed.

Made a Body Politick.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Trustees and their Successors, elected and chosen as is herein after directed, or the major Part of them, be and are hereby authorized and empowered, the better to enable them to defray the Expence of the making said Road, erecting said Ferries and necessary Buildings, and procuring all other Matters and Things necessary and convenient for the accommodating of Travellers, to receive such Sum and Sums of Money and other Donations as any Person or Persons shall and may from Time to Time voluntarily contribute and give towards making and erecting said Causeways and Ferries for the Advantage of Travellers; provided the said Sums of Money or other Donations, for the Purposes aforesaid, do not exceed the Sum of *Five Thousand Pounds* in the Whole.

Trustees may receive Donations.

4. AND BE IT FURTHER ENACTED by the Authority aforesaid, That upon the Death, Absence or Refusal of any or either of the said Trustees, that it shall and may be lawful for the others of the said Trustees,

How the Trustees are to be chosen.

or the Majority of them, to elect and choose other Person and Persons in the Room and Stead of him or them so dying, absenting or refusing to act in Conformity to this Act.

To build Ferry-houfe, make Causeways, &c.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Trustees for the Time being, be and hereby are empowered, enjoined and required, out of Monies and other Donations to them given or granted, agreeable to this Act, to build Ferry-houfes, make sufficient Causeways, and from Time to Time keep in good and sufficient Repairs said Road, and keep good and proper Boats fit for the safely transporting Travellers, Horses, Carriages and Cattle, and able and sufficient Attendants for said Ferries; and shall and may, from Time to Time, and for-ever hereafter, hold and enjoy said Houses and Ferries, and receive the Rents of said Houses and Rates of said Ferries, to be from Time to Time by them applied for the Purposes aforesaid; and shall and may appoint under them a Clerk, Treasurer, Managers and such other Person or Persons as they shall think proper and convenient for the better Management and carrying on the several Matters and Things to be done and performed in Virtue of this Act, and remove such Person or Persons from their several and respective Offices at Pleasure, and appoint others in their Room and Stead: All which several Officers shall, when and as often as called thereunto by said Trustees, or the major Part of them, render a true and just Account of all their Transactions to said Trustees and Body Politick, and be accountable to them for all Monies by them received for the Use of said Corporation; and said Clerk, for the Time being, shall keep a Book or Books for said Corporation, wherein shall be entered the several Acts, Matters or Things done and performed, pursuant to the Directions of this Act, and shall take an Oath before one of the Magistrates of said County of *Essex* or *Bergen*, for the true and faithful Discharge of his said Office of Clerkship for said Corporation or Body Politick.

May appoint Officers.

Who are to render an Account.

Clerk to keep a Book, &c.

Trustees to account.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Trustees and their Successors shall, on every second *Wednesday* in *May* yearly and every Year, or oftener if summoned thereunto by any three of the Justices of the Peace for said County of *Essex*, render a true and just Account of all the Monies by them received and paid for the several Purposes aforesaid in Virtue of this Act, producing proper Vouchers for their several Payments to the Justices of the Peace for the County of *Essex*, or any three of them, in Conjunction with the Majority of the Freeholders elected and chosen for said County, pursuant to an Act of the Legislature of this Colony, entitled, *An Act for raising of Money for building and repairing of Gaols and Courthouses within each respective County of this Province*;\* who are hereby authorized to settle and adjust said Accounts, and use all legal Methods and Processes to compel the same.

Owners of the Soil may keep said Ferries when they please.

7. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That, notwithstanding any Thing contained in this Act, it shall be lawful for the Proprietor or Proprietors of the Soil, at any and each of the Places where Ferries are to be erected on this Road, their Heirs or Assigns, to have and enjoy the Privilege of erecting and providing such Buildings

\* Chap. XXXVII.

ings and Necessaries as are requisite for the Accommodation of Travellers at and in their Passage over the same, and receive the Rents, Issues and Profits arising therefrom; provided they give sufficient Security to said Trustees, that they will erect and provide, in a reasonable Time as abovesaid, and at all Times hereafter will attend, ply and keep said Ferries in such Manner as is usual, or as they ought to be kept, plied and attended, and repair and maintain the Causeways over their respective Lands next to and adjoining said Ferries; or if, at any Time hereafter, the said Proprietors or Proprietor, or either of them, their Heirs or Assigns, shall request or demand in Writing the sole Management and Keeping said Ferry or Ferries, then they shall enter into Bond as abovesaid, and repay the Trustees the full Amount of all such Costs and Charges, as they shall then have been at on the said Proprietor's Land, in erecting such respective Ferry or Ferries, and maintaining said Causeways, after deducting the Monies, Rents and Profits arisen out of, from or by Means of said Ferry or Ferries: And, for the ascertaining such Charge and Profit, the said Trustees shall cause separate and exact Accounts to be kept of the Costs in erecting each respective Ferry, and maintaining the said Causeways, and of the Profits arising therefrom, until such Demand be made; and the Money so received, together with the Interest that may arise thereon, shall from Time to Time be applied by the said Trustees, for the repairing and amending the said Road, and be accounted for by the said Trustees in like Manner as is herein before directed. PROVIDED NEVERTHELESS That no Ferriage be taken from His Excellency the Governor of this Colony for the Time being, for himself, his Retinue, Horses or Carriages, on passing the Ferries hereby established.

Governor and his Retinue to pay no Ferriage.

CHAP. CCCCX. *An Act to regulate the Method of taking Fish in the River Delaware; and to prevent Obstructions in the Navigation thereof; and for other Purposes therein mentioned.* Expired.

Limited to five Years.—This Act, and a Supplement thereto, Chap. CCCCLXXX, were revived and continued for five Years longer by Chap. DLIX, which was passed in 1771, with a Proviso that nothing in the said Act should have any Force until an Act or Acts, similar to the said Acts so revived, should be passed by the Legislature of the Colony of Pennsylvania: And as no Law then existed, or hath since passed in that Province of like Import, it is thought unnecessary to insert them in this Collection, especially as the Time of their Continuance is near expiring, even if there was a Probability of their receiving Force from a similar Law or Laws to be passed in Pennsylvania.

CHAP. CCCCXI. *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the Twenty-first Day of May 1765, and to end the Twenty-first Day of May 1766; and to discharge the publick Debts and contingent Charges thereof.* Expired.

CHAP. CCCCXII. *An Act to provide for the Pay of the New-Jersey Regiment, from the first Day of November 1764, to the twentieth Day of December following; and for other Purposes therein mentioned.* Obsolete.

CHAP.

Obsolete. CHAP. CCCCXIII. *An Act to enable the Treasurers of this Colony, or either of them, to receive and pay certain Sums of Money therein mentioned, and to give a proper Discharge for the Sum received.*

In receiving the Monies granted by Parliament to the Colonies for their Vigilance, and to reimburse their extraordinary Liberality and Expence in Support of the War, the Agents for *Pennsylvania* received *One Thousand Seven Hundred and Fifty-seven Pounds Three Shillings Sterling*, belonging to this Province, which Sum this Act was to obtain and apply, as well as to rectify an Error committed by *Drummond* and Company to their own Wrong in remitting the Money which was received by them for this Province.

Repealed by Chap. CCCCXLVII. CHAP. CCCCXIV. *An Act for the Relief of Insolvent Debtors.*

This Act was limited to ten Years, but was repealed at the Session next after its passing, chiefly on Account of the Indemnity given to the future acquired Estate as well as the Body of the Debtor, and of the Frauds practised under it by dishonest People to avoid Payment of their just Debts. The Clause giving Power to Assignees was excepted in the repealing Law, in order to enable them to finish their Offices, which it is presumed before this Time is done.

Expired. CHAP. CCCCXV. *An Act to revive and amend an Act, entitled, An Act to raise a Fund for defraying Damages done by Dogs in the Province of New-Jersey.\**

This Act was limited to five Years; after the Expiration of which a Law of the like Import passed for the Counties of *Hunterdon, Burlington* and *Gloucester*, Chap. DXXXIV, but that also is now expired.

Repealed by Chap. DVIII. supplied by Chap. DXL. CHAP. CCCCXVI. *An Act to explain and amend an Act, entitled, A supplementary Act to the Act, entitled, An Act to regulate the Size of Traps, &c.† and to prohibit the Watching with a Gun in the Night Time; and other Purposes therein mentioned.*

Limited to the Continuance of Chap. CCCLXXXV.

Expired. CHAP. CCCCXVII. *An Act to repair the Publick Roads in the Township of Chesterfield, in the County of Burlington, by a Tax on the Inhabitants of the same.*

Limited to two Years.

Repealed by Chap. DXXXVIII. CHAP. CCCCXVIII. *An Act appointing Commissioners to take Care of and let the Barracks, erected in this Colony of New-Jersey, at such Times as the same shall not be needed for the Use of Soldiers; and to sell such Articles therein contained as are perishable, and have been purchased at the Expence of the said Colony.*

Repealed by Chap. DLXXXIX. CHAP. CCCCXIX. *A Supplement to an Act passed in the first Year of King George the Third, entitled, An Act for building and maintaining a Bridge over Coopers Creek; and rebuilding and maintaining other Bridges on the Great Roads from Burlington County to Coopers Ferries; and for keeping the new Road from Burlington to the said Ferries in Repair.‡*

This

\* Chap. CCCLXXIV.

† Chap. CCCLXXXV.

‡ Chap. CCCXIX.

This Act authorized the Commissioners named in the recited Act, "at their Discretion, to lay out that Part of the Road from the End of the Causeway adjoining the Bridge over *Coopers* Creek to *Coopers* Ferries in two Branches," which has been accordingly done, and put the same, with the Road from *Coopers* Ferries to *Mount-Holly*, under the Care of the said Commissioners and their Successors; but the Repeal of this Act leaves the Power of the Commissioners in the same State it stood on the Act recited.

CHAP. CCCCXX. *An Act for granting a Bounty upon the raising of Flax and Hemp, and planting of Mulberry Trees in this Colony for raising of raw Silk.* Expired.

The Bounty on Flax and Hemp was limited to two Years and three Months, from the first Day of *March* 1766; and, on Mulberry Trees to seven Years, from the first Day of *October* 1765; and, so far as relates to Flax and Hemp, the Act was continued by Chap. CCCCLXXIX, which also is now expired.

CHAP. CCCCXXI. *A supplementary Act to the Act, entitled, 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.\** Expired—re-  
vived by Chap. DLXV.

This Act only respected the Waste of Timber, and lengthened the Time of suing for the Penalty to eighteen Months.

CHAP. CCCCXXII. *An Act to amend and revive an Act, entitled, An Act for the better settling and regulating the Militia of this Colony of New-Jersey; for the repelling Invasions; and suppressing Insurrections and Rebellions.†* Expired—  
supplied by Chap. CCCCLVIII.

Limited to the first Day of *June* 1766.

CHAP. CCCCXXIII. *A supplementary Act to an Act, entitled, An Act for regulating Constables and Vendues, and for better regulating Taverns.‡* Supplied and  
repealed by Chap. CCCCLXXII.

CHAP. CCCCXXIV. *An Act for building a Stone Bridge over Assanpink near Robert Lettis Hooper's Mills.* Supplied and  
repealed by Chap. DLXXXIX.

Pursuant to this Act a good Stone Bridge was built, and the future Support of it is provided for by the 43d Section of the Act referred to.

CHAP. CCCCXXV. *An Act to constitute and make Crosswicks Creek a good and lawful Fence, from the Place known by the Name of Watson's Ferry, down to the Mouth of the same.* Expired.  
*Private.*

CHAP. CCCCXXVI. *An Act to enable the Owners and Possessors of the Marsh and Swamp lying on a small Creek called Newport, between the Townships of Stow-creek and Greenwich, in the County of Cumberland, to erect and maintain a Bank, Dam and other Waterworks across the said Creek, in order to prevent the Tide from overflowing the same.* Private.

\* Chap. XXXVIII.

‡ Chap. CC.

‡ Chap. CCCCLXXXIV. CHAP.

- Private. CHAP. CCCCXXVII. *An Act to enable the Owners and Possessors of the Meadow and Swamp lying on Little Mantua Creek, in the County of Gloucester, to keep up and maintain the Dam, Bank and other Waterworks across the said Creek, and to keep the Watercourse thereof open and clear.*
- Private. CHAP. CCCCXXVIII. *An Act for building and maintaining a Draw-bridge over Raccoon Creek, in the County of Gloucester, near the Mouth of said Creek.*
- Private. CHAP. CCCCXXIX. *An Act to enable the Owners and Possessors of the Meadows lying on Newton Creek near the Head thereof, in the County of Gloucester, to repair and maintain a Bank and other Waterworks heretofore erected and made across the said Creek, and to keep the former Watercourse of the said Creek open and clear.*
- Private. CHAP. CCCCXXX. *An Act to prevent Waste from being committed upon the Common Land allotted to the Patent of Scacaucus in the Corporation of Bergen.*
- Private. CHAP. CCCCXXXI. *An Act to enable the Proprietors and Owners of the Meadows on Affiskunk or Birch Creek to deepen and widen the said Creek from an old Mill-Dam formerly owned by Job Lippincott to the Forks, and from thence up the South, on Maticopenny Branch, as far as the lower Part of the Tract of Land formerly Barker's, and up the North or Petticoat Branch as far as the Head or upper Part of Black's Place, occupied by Benjamin Gibbs.*
- Private. CHAP. CCCCXXXII. *An Act to enable the Reverend Mr. Colin Campbell, the present Rector of St. Mary's Church in Burlington, with the Church Wardens and Vestrymen of said Church, or the major Part of them, to sell Two Hundred and Six Acres of Land in Somerset County, devised to the Ministry of said Church; and to enable Trustees to put the same to Interest until a convenient Glebe can be purchased near the said Church; and other Purposes therein mentioned.*
- Private. CHAP. CCCCXXXIII. *An Act to enable the Honourable Charles Read, Esquire, to erect a Dam over Battow Creek; and also to enable John Estell to erect a Dam over Ation River.*
- Private. CHAP. CCCCXXXIV. *A supplementary Act to several former Acts of this Province for enabling the Owners, Proprietors and Possessors of the Meadows on Burlington Creek (including Christopher Wetherill's, Joseph Noble's and such Part of Daniel Smith's as formerly belonged to his Father Daniel Smith, deceased, and extending from thence to the lower Sluice Bank) called and known by the Name of the Lower Sluice Company, to support and maintain the Bank, Sluices and Floodgates already made, erect and make such new ones as may be necessary for draining the said Meadows.*
- Private. CHAP. CCCCXXXV. *An Act to naturalize John Houze, Peter Hendrick Striepers, John Herbergs, John William Pollmann and Peter Kurtz.*

CHAP. CCCCXXXVI. *An Act for regulating the Practice of the Law, and other Purposes therein mentioned.* Disallowed, Dec. 9, 1770.

This Act had a suspending Clause, and was never printed.

These Acts were passed the 20th Day of June, 1765.

At a GENERAL ASSEMBLY held at Perth-Amboy from the Eleventh to the Twenty-eighth Day of June 1766, in the Sixth Year of the Reign of King George the Third, the following Laws were passed.

SESSION THE TWELFTH.\*

C H A P. CCCCXXXVII.

*An ACT for the Building of a Courthouse and Gaol in the County of Middlesex.*

Passed June 28, 1766.

WHEREAS Doubts have arisen whether the Justices and Freeholders of the County of *Middlesex* were, by an Act passed in the Twelfth and Thirteenth of *Anne*, entitled, *An Act for building and repairing of Courthouses*, † &c. empowered to erect and build a Courthouse in the City of *Perth-Amboy*: AND WHEREAS a Petition from fundry Freeholders, Inhabitants of said County, hath been presented, setting forth, That the Courthouse of the said County was lately by Accident burnt down; and that two good and sufficient Lots are provided by the Inhabitants of the North Ward of the City aforesaid, for the Use of the County aforesaid, for erecting and building of Courthouses and Gaols, &c. and praying a Law for building and continuing the Courthouse and Goal for the County aforesaid, in the North Ward of the City aforesaid;

Preamble.

*Sect. 1.* BE IT THEREFORE ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That it shall and may be lawful for three Justices of the Peace of the said County, whereof one to be of the *Quorum*, and they are hereby directed and required to notify the Justices and Freeholders of the said County to assemble and meet together at the City of *Perth-Amboy*, as soon as conveniently may be, after the Publication of this Act; and the said Justices and Freeholders, or the major Part of them so met, are hereby empowered and ordered to take good and sufficient Deed or Deeds for such Lots of Ground as are allotted by the Inhabitants of the North Ward of the City aforesaid; which said Lots of Land shall be conveyed in Fee Simple by the Owner or Owners of said Lots, to them the said Justices and Freeholders, and their Successors for-ever, in Trust, for the Use of the County aforesaid: And the said Justices and Freeholders

Justices and Freeholders to be called together.

and take Deeds for certain Lots of Land.

\* This Session is called the Thirteenth in the Votes, but at what is there said to be the Twelfth no Law passed, and was therefore only a Convention.

† Chap. XXXVII.

Created a Corporation.

Freeholders are hereby constituted and appointed a Body Politick and Corporate in Succession for the Purposes aforesaid; and shall and may hereafter prosecute and maintain all and every such Action and Actions as shall be found necessary for defending and maintaining the said Lots of Land, with the Buildings that shall be hereafter erected thereon, for the Use of the County aforesaid for-ever.

Justices and Freeholders to appoint Managers for building the Courthouse and Gaol.

2. AND BE IT ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the Freeholders of the County aforesaid, or the major Part of them, and they are hereby directed and required, in Conjunction with any three Justices of said County, one always of the *Quorum*, so met at the City aforesaid, to appoint two or more fit and discreet Persons as Managers, to erect, build, uphold, enlarge, rebuild and keep in good Repair, one good and sufficient Courthouse, built of Stone or Brick, with one large Room in the Middle or Centre, for holding the Courts of the said County and Province in general; also two sufficient and fit Rooms, one in each End of the said Courthouse, for the Jury or Juries of said County and Province. Also a good and convenient Building separate from said Courthouse, with Rooms necessary and sufficient for the Confining of Prisoners for Debt, or otherwise; and also for the Residence of the Gaolkeeper and Family. And in case of the Death, Removal, Neglect or Refusal, of either, any or all of the said Managers; then, and in such Case, the Freeholders aforesaid, or the major Part of them, are from Time to Time to appoint, in Conjunction with any three Justices of the Peace as aforesaid, one or more Manager or Managers, in the Room of such Manager or Managers so dying, removing, neglecting or refusing; which said Managers, appointed as aforesaid, are hereby authorized and empowered to draw Warrants on the Collector of the County aforesaid for the Payment of the Work and Materials needful in building, upholding and repairing the Courthouse and Gaol aforesaid, not exceeding such Sum or Sums appointed by the Justices and Freeholders aforesaid, or the Majority of them, for that Purpose; which Warrants the Collector of said County is hereby required to answer and pay.

Managers may draw for Money.

Justices and Freeholders may raise Money for said building.

3. AND BE IT ENACTED *by the Authority aforesaid*, That such Sum or Sums of Money as the said Freeholders, or the Majority of them, in Conjunction with any three Justices of the Peace, and their Successors, shall from Time to Time esteem necessary for the Purposes aforesaid, shall be raised according to the Directions of an Act of General Assembly of this Colony, entitled, *An Act to empower the Justices and Freeholders chosen in each County, 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, and to restrain the unnecessary Meetings of said Freeholders* :\* And that the said Manager or Managers shall from Time to Time account to and with the said Justices and Freeholders, when and as often as they the said Manager or Managers, by the said Freeholders, or the major Part of them, in Conjunction with three Justices, one being of the *Quorum*, shall be thereunto required: And that the said Manager or Managers shall receive and take for their Trouble and Service, the Sum of *Ten-pence* in the *Pound*, for all Monies expended by them in erecting the Buildings aforesaid.

Managers to account.

Fees.

4. AND

\* Chap. CLXXXV.

4. AND WHEREAS the North Ward of the City of *Perth-Amboy* have, at their sole Expence, purchased the Lots aforesaid, for the Use of the said County; and, the said City being a considerable Part of the said County; BE IT ENACTED by the Authority aforesaid, and it is hereby Enacted by the Authority of the same, That the Mayor, Recorder and Aldermen of the said City shall and are hereby empowered to hold their Courts in the said Courthouse, provided the same shall not interfere with the Supreme Courts, or Courts of Common Pleas and General Sessions of the Peace of said County; and to commit Prisoners for Debt, or otherwise, to the Gaol of the said County so erected, built, upheld or repaired; any Thing herein contained to the contrary notwithstanding.

*Amboy Corporation may use said Court-house and Gaol.*

5. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Sum of *Two Hundred Pounds*, out of the publick Monies, shall be applied as an Addition towards the building the House for holding the Courts, and making the Rooms directed to be built for the Ends or Wings for Jury Rooms proper and commodious for the Council and Assembly to meet and assemble in; and that the said *Two Hundred Pounds* hereby given, shall be properly laid out for the Purposes aforesaid, at the Discretion and under the Management of *Thomas Bartow* and *John Smyth*, Esquires, or either of them, who are hereby constituted and appointed Managers to appropriate the said *Two Hundred Pounds* hereby given to the Purposes aforesaid, with full Power and Authority to draw the same out of the Treasury in the Eastern Division, by Order under their Hands; and a Receipt from them, or by their Order, shall be sufficient to indemnify the Treasurer for the Payment of the said Money. Provided nothing in this Act shall be construed or understood to empower the said *Thomas Bartow* and *John Smyth*, Esquires, or either of them, to draw out of the Treasury the said *Two Hundred Pounds*, or apply any Part thereof for the Purposes aforesaid, unless the Plan of the Courthouse hereafter to be built shall answer and be large enough for all the aforesaid Purposes intended by it.

*Two Hundred Pounds given out of the Treasury towards the Court-house, to accommodate the Council and Assembly.*

6. This Section authorized the building the Courthouse where the Markethouse stands, if approved by *Thomas Bartow*, *John Smyth*, and *Stephen Skinner*, Esquires, so as to leave Room for a Market underneath.

C H A P. CCCCXXXVIII.

An ACT empowering the Justices and Freeholders of the County of Burlington, to purchase a Lot of Ground, to build a new Gaol and other necessary Buildings thereon.

Passed June 28, 1766.

WHEREAS the Board of Justices and Freeholders of the County of *Burlington* have, by their Petition, set forth, That the Gaol of said County, in the City of *Burlington*, is inconveniently situated, and insufficient to answer the Purposes intended by it; and praying a Law to enable them, the said Justices and Freeholders, to purchase a more

Preamble.

4 A

convenient

convenient Lot or Lots of Ground for erecting and building a new Gaol and other publick Buildings thereon ;

Justices and Freeholders of Burlington to take Deeds for Land to build on.

*Sect. 1.* BE IT THEREFORE ENACTED *by the Governor, Council and General Assembly, 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 said County, one whereof to be of the *Quorum*, and they are hereby directed and required to notify the Justices and chosen Freeholders of said County to assemble and meet together at the City of *Burlington*, as soon as conveniently may be after the Publication of this Act; and the said Freeholders, or the major Part of them, in Conjunction with three Justices of the Peace, *Quorum unus*, so met, are hereby empowered and ordered to purchase and take a good and sufficient Deed or Deeds for any Lot or Lots of Land in the City, and within the Island of *Burlington*, convenient for the Purposes aforesaid; which said Lot or Lots of Land, so purchased, shall be conveyed in Fee Simple by the Owner or Owners thereof to them the said Justices and Freeholders, or the major Part of them, and their Successors for-ever, in Trust, for the Use of the County aforesaid: And the said Justices and Freeholders are hereby constituted and declared a Body Politick and Corporate in Succession, and shall and may hereafter prosecute, maintain and defend all and every such Action and Actions as shall be found necessary for defending and maintaining the said Lot or Lots of Land, with the Buildings that shall be hereafter erected thereon, for the Use of the County aforesaid, for-ever.

Created a Corporation.

Justices and Freeholders to appoint Managers.

2. AND BE IT ENACTED *by the Authority aforesaid,* That it shall and may be lawful for the Freeholders of the County aforesaid, or the major Part of them, in Conjunction with all or any three of the Justices of said County, *Quorum unus*, so met at the City aforesaid, to appoint two fit and discreet Persons as Managers, to purchase Materials, build, maintain, uphold and keep in Repair, a good and sufficient Gaol for the confining of Prisoners and Felons, and the Residence of a Gaolkeeper and Family, and other necessary Buildings for the Use of said County: And in case of the Death, Removal, Neglect or Refusal, of either or all of the said Managers, then, and in such Case, the Justices and Freeholders as aforesaid are, from Time to Time, to appoint one or more Manager or Managers in the Room of such Manager or Managers so dying, removing, neglecting or refusing; which said Managers, appointed as aforesaid, are hereby authorized and empowered to draw Warrants on the Collector of the County aforesaid for the Payment of the Work and Materials needful in building, upholding and repairing the Gaol and other necessary Buildings aforesaid, not exceeding such Sum or Sums of Money appointed by the Justices and Freeholders aforesaid for that Purpose; which Warrants the Collector of said County is hereby required to answer and pay.

Managers may draw for Money.

Justices and Freeholders may raise Money for said Buildings.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid,* That such Sum or Sums of Money, as the said Justices and Freeholders, and their Successors, shall esteem necessary for the Purposes aforesaid, shall from Time to Time be raised and accounted for according to the Directions of an Act of General Assembly of this Colony, entitled, *An Act to empower the Justices and Freeholders chosen in each County, or the major Part*

*Part of them, in Conjunction with three Justices of the Peace, to direct the Method of assessing the Inhabitants of each County, and to restrain the unnecessary Meetings of the said Freeholders,\* and other Acts therein referred to. And every Person or Persons who by this Act is enjoined 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, to be recovered in like Manner, as by the said recited Acts are inflicted and directed.*

C H A P. CCCCXXXIX.

*An ACT for the more effectually preventing the Counterfeiting the Bills of Credit of the neighbouring Governments, or uttering the same in this Colony, knowing them to be so counterfeit.*

Passed June 28, 1766.

**W**HEREAS many evil-minded Persons have of late made a Practice of coming into this Colony, and counterfeiting the Bills of Credit of the neighbouring Governments, and uttering the same, knowing them to be counterfeit, there being no Law of this Colony to punish such Offenders capitally; Therefore,

Preamble.

*SECT. I. BE IT ENACTED by the Governor, Council and General Assembly of this Colony of New-Jersey, and it is hereby Enacted and Declared by and with the Authority of the same, That, from and after the Publication hereof, if any Person or Persons whatsoever shall, within this Colony, presume to counterfeit, or be aiding and assisting in counterfeiting or altering any of the Bills of Credit made current by any Acts of the Legislature of the neighbouring Governments, 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 in this Colony, any Bill or Bills of Credit of the neighbouring Governments, knowing the same to be counterfeit or altered as aforesaid, he, she or they, so offending, shall incur the Pains and Penalties of Felony without Benefit of Clergy, and shall suffer Death accordingly; any Law, Usage or Custom to the contrary notwithstanding.*

Counterfeiting Bills of another Colony made Felony.

C H A P. CCCCXL.

*An ACT explaining the Right of voting at Town-Meetings, and the Elections of Township Officers.*

Passed June 28, 1766.

**F**OR the better ascertaining what Persons shall have a Right to vote at Town-meetings, and the Elections of the Township and Precinct Officers, at the Town-meetings to be hereafter held in each respective Township and Precinct within this Colony;

Preamble.

*SECT. I. BE IT ENACTED by the Governor, Council and General Assembly of this Colony of New-Jersey, and it is hereby Enacted by the Authority*

\* Chap. CLXXXV.

thority

Freeholders,  
Tenants and  
Residents on-  
ly to vote.

*thority of the same*, That, from and after the Publication of this Act, no Person or Persons, except in Towns-corporate, shall have the Privilege to give his or their Voice or Vote at any Town-meeting for electing any Town or Precinct Officer or Officers, or other Business to be done or transacted at any of the said Town-meetings, unless the Person offering such Vote is a Freeholder, a Tenant for Years, or Householder and Resident, in such Township or Precinct; and all Powers given to the Inhabitants of this Colony at their said Meetings by any Act or Acts of the General Assembly of this Colony shall be understood to extend only to the Freeholders, Tenants for Years, or Householders, being Residents in such Township or Precinct, and no others; any Law, Custom or Usage to the contrary thereof in anywise notwithstanding.

C H A P. CCCCXLI.

*An ACT for laying out and establishing a Road from Bergen-Point, along up Newark Bay, and from thence to Paulus-Hook on Hudson's River.\**

Passed June 28, 1766.

Preamble.

**W**HEREAS it is found by Experience, That a publick Road to run from the southwestermost Point of *Bergen County*, along or near the Bank of *Newark-Bay*, and from thence to and over *Paulus-Hook* on *Hudson's River*, is necessary for the Use of the Publick in general;

Commission-  
ers to lay out  
the Road.

*Sect. I.* BE IT THEREFORE ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That *Ephraim Terril, Jonathan Hampton, John Halstead, Matthias Williamson* and *John Blanchard*, Esquires, or any three of them, be and are hereby authorized and empowered to lay out a Road of four Rods broad, in the most convenient and suitable Place from the southwestermost Point of *Bergen* aforesaid, along up *Newark-Bay*, as far as they, or any three of them, shall think convenient and proper; and from thence to and over *Paulus-Hook*, to low Water Mark on *Hudson's River*, in such Directions as shall by said Commissioners, or any three of them, be thought most convenient and proper; which Road, so to be laid out, shall be recorded in the publick Records of the Highways for the County of *Bergen*; and shall remain and continue a publick Road for-ever, not subject to any Alteration by any of the Surveyors of the Counties of this Province: And the said Road, so to be laid out, shall be made, maintained and repaired, and subject to the same Regulations as all other publick Roads in this Province; excepting that Part of said Road up *Newark-Bay*, until it intersects the Road now laid out by the Surveyors of Highways, which shall be kept in Repair by the Owner or Owners of the Ferry at *Bergen-Point*; and that Part lying between the Uplands of *Abasimus*, and the Uplands of *Paulus-Hook*, which Part of said Road shall, from Time to Time, and ever hereafter, be cleared and maintained, and kept in good and sufficient Repairs, by the Owner or Owners of the Ferry at *Paulus-Hook*; and any Person or Persons stopping, lessening, narrowing or encroaching on said Road, shall be liable to the same Penalties as Persons stopping, lessening,

to be record-  
ed and be a  
publick Road.

Road how to  
be repaired.

\* See Chap. DCXXVI for establishing the Road laid out by Virtue of this Law.

lessening, narrowing or encroaching on any other publick Road or Highway in this Province are liable to by the Laws now in Force for that Purpose; which Penalties shall be applied to the repairing of the said Road; any Law, Usage or Custom to the contrary notwithstanding.

C H A P. CCCCXLII.

*A supplementary ACT to an Act, entitled, An Act for laying out a Road from Newark, in the County of Essex, to the publick Road leading from Bergen Point to Paulus-Hook, on Hudson's River, in the County of Bergen; and for the erecting and establishing Ferries across the Rivers Passaick and Hackinsack.*

Passed June 28, 1766.

**W**HEREAS the above-recited Act hath, on Experience, been found beneficial to the Publick, though not fully sufficient to answer all the good Purposes intended by said Act ;

Preamble.

*Sect. 1.* BE IT THEREFORE ENACTED by the Governor, Council and General Assembly of this Colony, and it is hereby Enacted by the Authority of the same, That unless the Proprietors or Proprietor of the Land next to and adjoining said Ferries over said Rivers *Passaick* and *Hackinsack*, their Heirs or Assigns, do or shall within twelve Months after the Publication of this Act, request and Demand in Writing, of the Trustees mentioned in said Act, the sole Management and Keeping said Ferries or Ferry, from his, her or their respective Land in said Road laid out by said Act, and do and shall give his, her or their Bond or Obligation, with one substantial Freeholder at the least, to be paid to the said Trustees and their Successors, in double the Sum appearing by the Books kept by the Clerk of said Corporation to have been laid out and expended on said Roads, Ferries and Buildings demanded as aforesaid, with Condition, that he, she or they demanding said Ferries as aforesaid, their Heirs and Assigns, shall and will for-ever thereafter attend, ply and keep said Ferries or Ferry going, from his, her or their Lands next to and adjoining said Ferries or Ferry, in such Manner that all Travellers may be well served as to themselves, their Horses and Carriages, with proper Boats and Scows, and a sufficient Number of able Men, and shall and will for-ever thereafter, maintain and keep in good and sufficient Repairs, the Causeways or Causeway, Ferry-stairs and Ferry-house or Houses, on his, her or their Lands respectively, next to and adjoining said Ferries, or either of them; unless the said Proprietors or Proprietor shall and do at the Time of said Demand, and before the Taking the said Ferries, or either of them, for his, her or their Use, and be entitled to receive the Rents and Profits thereof, repay to the said Trustees, or their Successors, the full Amount of all such Costs and Charges, with the Interest thereof, from the Time the same have been paid and expended, which had at and before that Time been laid out, paid or disbursed on the respective Lands of the said Proprietors or Proprietor making the Demand as aforesaid, in erecting of Ferry-houses, making of Causeways, Bridges, Ferry-stairs, and repairing the same, and for providing Scows and Boats for said Ferries or Ferry, after deducting the Rents and Profits arising out of, from or by Means of the same

Owners of the Lands may demand the Ferries, on giving Security, and repaying the Trustees within one Year, or are precluded.

Ferries or Ferry demanded as aforesaid ; that then in all or any of said Cases of Failure or Neglect, the said Proprietors or Proprietor respectively, shall for-ever thereafter be precluded and barred of any future Right, Claim or Pretence whatsoever to the Taking, Management or Holding of said Ferries or Ferry, or to the receiving of the Rents or Profits thereof ; but the same, with the Appurtenances and Privileges belonging to the said Ferries or Ferry, shall be absolute in said Trustees and their Successors for-ever.

Penalty on the Owners of the Lands having the Ferries, neglecting them.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if the said Proprietors of the Lands next to and adjoining said Ferries, their Heirs and Assigns, or either of them, should request and demand the sole Management of said Ferries, or any of them, within the Time limited by this Act, and have the Possession thereof delivered to them, and should at any Time or Times thereafter delay, neglect or refuse keeping and maintaining the Causeways, Houses, Ferry-stairs on his, her or their respective Lands, in good and sufficient Repairs, or shall neglect keeping of good and proper Boats and Scows for Travellers, Horses and Carriages, at his, her or their respective Ferries or Ferry on said Road, or neglect the plying and attending the same Ferries or Ferry, with a sufficient Number of able Men for said Boats and Scows ; that then, and in such Case, and upon either of said Neglects, Delays or Refusal, on Proof thereof before one Justice of the Peace of the County in which the Ferry or Ferries shall lie, upon the Oath of one or more credible Witnesses, the said Proprietor or Proprietors so neglecting, delaying or refusing, shall forfeit and pay the Sum of *Five Pounds* ; to be levied upon his Goods and Chattels, and paid, one Half to the Party complaining, the other Half to the Trustees in the before recited Act mentioned, by them to be applied to the repairing and amending the Ferry-house or Houses, Boats and Causeways, remaining in their Management and Direction.

Application.

Trustees receiving more Money than sufficient to keep the Causeways in Repair, may lay it out in Horses, &c.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in case any, or so many of the Proprietors of the Lands next to and adjoining said Ferries, should demand and receive to themselves the said Ferries on their respective Lands, and repay to said Trustees the several Sums by them laid out and expended thereon as aforesaid ; and the Monies so received by said Trustees, should amount to a greater Sum than will be sufficient to maintain and repair the Causeways, Houses, Road and Ferries, still remaining under the Care and Management of said Trustees ; it shall and may be lawful to and for said Trustees, and they are hereby authorized and empowered, from Time to Time, as Occasion may require, to lay out said Surplus Monies, if any there be, in purchasing and procuring of Horses and Carriages for the Accommodating and Benefit of Travellers, or such other publick Use as the said Trustees, or the Majority of them, may think fit, the said Trustees accounting for the same, and the Hire and Profits thereon in like Manner as in said above-mentioned Act is directed.

T. Brown and G. Newkirk's Claim.

4. AND WHEREAS a Dispute is now subsisting between Captain *Thomas Brown* and *Garrat Newkirk*, touching the Title to the Meadows on the East Side of *Hackinsack* River, where the Ferry-stairs is now fixed ; IT IS HEREBY ENACTED AND PROVIDED, That either of the said Parties

Parties in whom the Title shall hereafter appear, shall have the full Term of twelve Months from and after the Determination of the said Title by Law, or otherwise, to request and demand the sole Management of the said Ferry, upon giving the Securities required by this Act; any Thing herein to the contrary notwithstanding.

C H A P. CCCCXLIII.

*An ACT to extend certain Acts of Parliament of Great-Britain, passed in the twelfth Year of Her late Majesty Queen Anne, and the fourth Year of His late Majesty King George the First, for the preserving all such Ships and Goods thereof, which shall happen to be forced on Shore or stranded.*

Passed June 28, 1766.

**W**HEREAS Doubts have arisen whether the Acts of Parliament of Great-Britain, passed in the twelfth Year of Her late Majesty Queen Anne, entitled, *An Act for preserving all such Ships and Goods thereof which shall happen to be forced on Shore or stranded upon the Coasts of this Kingdom, or any other of Her Majesty's Dominions*; and also the Act, entitled, *An Act for enforcing and making perpetual the before-recited Act; and for inflicting the Punishment of Death on such as shall wilfully burn or destroy Ships*; do extend to this Colony: And as it is necessary the same should be extended; therefore,

Preamble.

*SECT. I. BE IT ENACTED by the Governor, Council and General Assembly of this Colony of New-Jersey, and it is hereby Enacted and Declared by the Authority of the same, That, from and after the Publication hereof, the Act of Parliament passed in the twelfth Year of the Reign of Her late Majesty Queen Anne, entitled, An Act for the preserving all such Ships and Goods thereof, which shall happen to be forced on Shore or stranded upon the Coasts of this Kingdom, or any other of Her Majesty's Dominions; and also the Act passed in the fourth Year of the Reign of His late Majesty King George the first, entitled, An Act for enforcing and making perpetual the aforesaid recited Act, and for inflicting the Punishment of Death on such as shall wilfully burn or destroy Ships; are, and each of them is hereby extended to this Colony of New-Jersey, with every Clause, Article and Matter therein contained, to all Intents and Purposes whatsoever; any Law, Usage or Custom to the contrary notwithstanding.*

Acts of Parliament extended.

*2. AND BE IT ENACTED by the Authority aforesaid, That this Act, with the Acts of Parliament by this Act extended, shall be publickly read in the Counties of Monmouth, Burlington, Gloucester, Salem, Cumberland and Cape-May, at four succeeding Courts of General Quarter-Sessions in each of the said Counties, immediately before the charging of the Grand-Jury.*

Acts to be publickly read in six Counties.

*See these Acts in an Appendix. —*

C H A P.

## C H A P. CCCCXLIV.

*An ACT to lay out a Road on the southerly Side of Cohanse Creek, in the County of Cumberland, and to establish a Ferry across the said Creek, from the Town of Greenwich to the said Road.*

Passed June 28, 1766.

Preamble.

**W**HEREAS the Inhabitants of the Township of *Greenwich* and *Fairfield*, by their humble Petition have set forth, That they labour under great Inconveniencies for Want of a Ferry being established from said Town of *Greenwich* over *Cohanse* Creek, to a Point of salt Marsh belonging to *Mark Reeves*, and Road laid out from thence along the Side of the said Creek, to the fast Land of the said *Reeves*; and praying a Law to establish a Ferry and Road as aforesaid; Therefore,

A Ferry to be erected from *Greenwich* to *Mark Reeves's* Land.

*Sect. I.* 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, from and after the Publication hereof, there shall be a publick Ferry kept at the Place aforesaid, and a Road bounded as followeth: BEGINNING at the said Point of Marsh opposite the said *Greenwich* Town Wharf; thence along the Edge of the Creek, as near as conveniently may be, to the fast Land of the said *Mark Reeves*; thence continued to *Fairfield* Road; the first six Rods of said Road, so laid out from the Point of Marsh aforesaid, shall be six Rods wide for a Landing, the other Part only three Rods wide to said *Fairfield* Road.

The chosen Freeholders of *Greenwich* and *Fairfield* appointed Commissioners.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the present chosen Freeholders of the said Townships of *Greenwich* and *Fairfield*, are hereby appointed Commissioners to erect such Wharfs as shall be necessary for said Ferry, and causeway the said Road so as to make it good and sufficient for Horses and Carriages to pass and repass; and they and their Successors in Office, shall keep said Wharfs and Road at all Times hereafter in good and sufficient Repair, and may dig Mud, Loam and Sand in any Part of said Road for that Purpose; and, on Neglect or Failure of keeping said Road and Wharfs in Repair as aforesaid, they and each of them shall be subject to the same Pains and Penalties as Overseers of the Highways for neglect of Duty.

Cost of the Wharfs and Causeways to be raised by Tax.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the necessary Cost and Expence of erecting, making, and hereafter repairing and keeping up said Wharfs and Causeway, shall be levied and raised on the Inhabitants of said Township, by the Assessors and Collector of the Provincial Taxes, for the same Fees, and under the same Penalties as in and by the Acts for levying Provincial Taxes is directed; which said Assessors and Collectors shall assess and collect the same, agreeable to the Order or Orders of said Commissioner or Commissioners for the Time being, or any three of them, in Manner aforesaid; and any Person or Persons neglecting or refusing to render a just and true Account of their rateable Estate, or to pay such Assessment, shall be proceeded against as in the Case of Provincial Taxes.

4. AND

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Commissioners and their Successors shall have the Care of said Ferry, and may from Time to Time rent the same to such Person or Persons, and for such Time or Term as they, or any three of them, may think proper; and receive, and, if necessary, in their own Names sue for and recover the Issues and Profits arising therefrom; which Issues and Profits shall be applied towards keeping up, mending and repairing said Wharfs and Road; and the Overplus, if any be, to be from Time to Time paid into the Hands of the Town Collector or Collectors of the Townships of *Fairfield* and *Greenwich*, to be by them applied for and towards the repairing or improving the publick Roads of the said Townships, and for no other Use or Purpose whatsoever.

Commissioners may rent out the Ferry.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the following Rates shall be given for being carried over said Ferry, and no more, *to wit*, For a single Person, *Two-pence*; For a Man and Horse, *Four-pence*; For a Horse and Chair and their Riders, *One Shilling*; For a Waggon and two Horses and their Riders, *One Shilling* and *Six-pence*; For a loaded Waggon and two Horses, *Two Shillings* and *Six-pence*; Cattle per Head, *Four-pence*; Sheep and Swine per Head, *One Penny*: And that if any Person or Persons shall ferry or carry over any Persons, Goods or Merchandize for Hire, at the Ferry aforesaid, without Leave first had and obtained of the Owner or Person who may rent said Ferry, he or they so offending shall forfeit the Sum of *Ten Shillings* for every such Offence to the Person aggrieved; to be recovered by Action of Debt, in any Court of Record where the same may be cognizable, with Cost of Suit.

Rates of Ferriage.

6. AND BE IT ENACTED *by the Authority aforesaid*, That the said *Mark Reeves*, and his Successors in Interest in the Plantation whereon he now dwells, shall be exempt from any Cost or Expence in erecting, making and for-ever hereafter from keeping up and repairing said Wharfs and Road, and shall have Liberty to hang two Gates thereon, where he or they shall think fit, between the said Wharf and the Line of *John Sheppard*; and any Person or Persons opening and leaving said Gate or Gates open, they being in good Repair, between the tenth Day of *April* and the tenth Day of *August*, shall forfeit the Sum of *Fifteen Shillings* for every such Offence, with all Damages occasioned thereby; and any Person or Persons coming to and leaving his or their Horses, Cattle, or other Creatures at the said Landing, and suffering his or their Horses, Cattle or any other Creature, to trespass on the Marsh of said *Mark Reeves*, or his said Successors, shall forfeit and pay the Sum of *One Shilling* over and above the Damage sustained thereby, recoverable by the Owners of said Marsh, in Manner aforesaid.

*Mark Reeves, &c.* exempted from Cost, and may hang Gates, &c.

7. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Commissioners, for the Time being, shall account to and produce Vouchers for all Monies by them received and paid away by Virtue of this Act to their Successors in Office, in the Presence of any one Justice of the said County; and shall pay into the Hands of the succeeding Commissioners the Money remaining in their Hands on such Settlement; and, if they or any of them shall neglect or refuse so to account and pay the Balance, he or they so offending shall forfeit and

Commissioners to account to their Successors in Office.

pay the Sum of *Five Pounds* for such Neglect or Refusal; and their said Successors in Office shall sue for and recover such Monies and Penalties in Manner aforesaid; and that the said Commissioners, and their Successors in Office, shall and may take and retain in their Hands such Sum or Sums of Money, for their Trouble in performing the Services required by this Act, as any two or more Persons, or the Majority of them, appointed by the Inhabitants of the said Township at their annual Town-meetings, shall adjudge therefor.

C H A P. CCCCXLV.

*An ACT for the Improvement of the Navigation of the Southwest Branch of Ancocus Creek.*

Passed June 28, 1766.

Preamble.

**W**HEREAS the Owners of the Sawmills and Forges on the Streams of the Southwest or *Belly-Bridge* Branch of *Ancocus*, for the Transportation of their Produce, by their Petition, set forth the Advantages of having the same kept open, and the Navigation thereof improved; and, for effecting the same, do pray, that certain Rates therein mentioned should be paid on the Produce carried down the said Creek; and the Petition appearing reasonable, and the Rates only to be paid by Persons who receive Benefit from the Navigation of said Creek; Therefore,

The Owners of Sawmills and Forges to choose a Committee to inspect the Branch, and order the Improvement of the Navigation.

*Sect. 1.* BE IT 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, it shall and may be lawful to and for the Owners of such Sawmills and Forges as now are or hereafter shall be erected on any of the Waters emptying into the Southwest or *Belly-Bridge* Branch of *Ancocus* Creek, and who transport Rafts of Boards or other Lumber, Iron or other Merchandize, down the said Branch, from any Place thereon above *Belly-Bridge*, to meet together at the House or Mill now belonging to *David Oliphant*, Esquire, on the third *Saturday* in *July*, yearly, and, by Plurality of Voices of the Owners so met, to elect and choose a Committee of four Persons, who, or the major Part of them, are hereby directed to nominate a Treasurer and Collector, and allow them Wages for their respective Services; and at a convenient Time to traverse the Banks, and view the Southwest or *Belly-Bridge* Branch of *Ancocus*, and make such Orders and Regulations respecting the clearing and improving the Navigation of the same, or any Part thereof, as they shall esteem necessary; and alter and amend the same from Time to Time as they shall find it convenient, and enter on the Banks with Oxen or Horses to draw out Logs and other Rubbish, and hire and set to work Day-Labourers, or agree with any Persons for a Sum in Gross for particular Services; and any two of them may draw Orders on their Treasurer for Payment of such Sums as shall be expended by the Order of the said Committee, or major Part of them. Provided that in the electing said Committee no more than one Voice or Vote be allowed to any one Sawmill, Forge or other Waterwork.

2. AND,

2. AND, in order to raise a Fund for the Executing the good Purposes aforesaid, there shall be paid to the Collector appointed as aforesaid, or secured to be paid to him, before the Removal of any Raft, or the Lading any Boat, Scow or Battoe which shall be put into the Water, or navigate on any Part of the said Southwest Branch of *Ancocus*, any where between *Belly-Bridge* and the Mills now in Possession of *David Oliphant*, Esquire, or *Joseph Hewlings*, the Rates following: For each Raft of Rails, the Sum of *Six-pence*; For each Raft of Boards, Plank or any other Lumber of any Kind, the Sum of *One Shilling*; and for every Load of Iron or other Goods, Cord-Wood excepted, put on Board any Scow, Boat or Battoe to go down the said Branch, the Sum of *Two Shillings*; which Rates shall be paid by the Person putting in such Raft, or having the Care of, or working such Scow, Boat or Battoe: And in case any Person shall presume to pass down the said Branch with any Raft, Scow, Boat or Battoe, before the Rates hereby granted are paid or secured, or attempt to evade the good Purposes of this Act, the Collector, or any Person or Persons, may stop and detain the Person going off on such Raft or Boat, and they shall forfeit and pay the Sum of *Two Shillings* for each Raft or Boat attempted to be so removed, over and above the Rate herein before granted; and there shall be paid to the Collector for every Raft laying above two Weeks in the said Branch the Sum of *Two Shillings*, unless the Want of Water, Ice, or some extraordinary Reason, occasions the laying thereof; and the same may be removed on Shore or laid on the Bank by any Person whose Raft shall be interrupted in passing by such Raft or Rafts. And, in order that the Navigation of said Branch should be opened as soon as may be, the Committee chosen by Virtue of this Act, or the major Part of them, are hereby authorized and empowered to borrow Money, and in their Names, as a Committee, to mortgage the Revenue granted by this Act, for the Repayment of the same, with its Interest, and apply the Monies arising from the Rates hereby given to the discharging the same, as shall be agreed on between the said Committee and the Mortgagee.

A Fund to be raised from the rating of Rafts or Boats, navigated in the said Branch.

Rates.

Penalty for attempting to evade this Act.

Money may be borrowed.

3. AND BE IT ENACTED by the Authority aforesaid, That whenever there shall be an unusual Quantity of Water drawn, or a Dam shall break at any Mill, Forge or Waterwork, the Persons having the Care of such Mill, Forge or Waterwork, shall immediately send Notice thereof to the Mill, Forge or Waterwork next below, on the same Stream; who, on receiving the said Notice, shall inform the Persons residing at, or having Care of the Works next below him, and so from one to the other until the Information shall arrive to the lowest Work erected on the Stream: And if the said Water be let off with Intent to raise the Waters of the Creek, to facilitate the Navigation, the Persons having Care of the Mills or Waterworks below the Pond so let off, shall, on Notice thereof, let the Water of such Pond pass through their Gates, in a Time and Manner most suitable to answer the good Purposes intended by this Act, so that no Person be obliged to fall the Head of Water his Pond held at the Time he received Notice of the Drawing off the Ponds above, more than the Work of his own Mill or Waterwork would have done in that Time; and if the Notice be not given of the Letting off such Water or Breach of such Dam, or if the Water let off for Transportation should be kept back, and not suffered to pass, the

Notice to be given when an unusual Quantity of Water to be drawn, or a Dam breaks.

Penalty for Neglect.

the Person offending shall forfeit and pay the Sum of *Five Pounds*, and Damages thereby occasioned to the Party aggrieved.

Treasurer and Collector to account to the Committee.

4. AND BE IT ENACTED *by the Authority aforesaid*, That the Treasurer and Collector appointed by Virtue of this Act, and each of them, shall account yearly to the Committee, on the third *Saturday* in *July*, and pay the Money in their Hands agreeable to the Order of the Committee; and the Accounts shall be at that Day laid by the Committee before such of the Owners of Sawmills and Forges on the Southwest Branch of *Ancocus*, or others who shall have paid any of the Taxes hereby levied, as shall then attend, for their Approbation.

Rates and Penalties how recoverable.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Rates and Penalties in this or two former Acts of the Legislature of this Colony, respecting the Navigation of Creeks or Rivers, shall, so far as respects the Southwest or *Belly-Bridge* Branch of *Ancocus*, or any of the Streams thereof, be recoverable by any one of the Committee chosen by Virtue of this Act, or the Treasurer or Collector chosen or appointed by them, or any other Person receiving Damage by a Breach of this or any other Act relative to the Navigation of Creeks or Rivers, by Action of Debt, before any one Justice of the Peace of the County of *Burlington*, or in any other Court of Record where the same may be cognizable, whose Judgment shall be final in the Premises: And the Penalties recovered by Virtue of this Act shall be paid to the Treasurer herein before appointed, to be applied by the Committee above-mentioned, for the Improvement of the Navigation of the Creek aforesaid.

Expired.

CHAP. CCCCXLVI. *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the twenty-first Day of May 1766, and to end the twenty-first Day of May 1767; and to discharge the publick Debts and contingent Charges thereof.*

Obsolete.

CHAP. CCCCXLVII. *An Act to repeal an Act, entitled, An Act for the Relief of Insolvent Debtors.†*

This Act repeals the recited Law, "except what relates to the Power "and Duty of Assignees already appointed and qualified in Pursuance "and by Virtue of the said Act."

Expired—amended and revived by Chap. DXX.

CHAP. CCCCXLVIII. *An Act to amend and further continue an Act, entitled, An Act for better settling and regulating the Militia of this Colony of New-Jersey; for the repelling Invasions, and suppressing Insurrections and Rebellions.\**

Limited to the first Day of *July* 1768.

Disallowed May 13, 1767.

CHAP. CCCCXLIX. *An Act appointing Commissioners for supplying the several Barracks erected in the Colony with Furniture and other Necessaries for accommodating the King's Troops in or marching through this Colony; and for defraying other incidental Charges.*

Supplied and repealed by Chap. DLXXXIX.

CHAP. CCCCL. *An Act to empower the Justices and Freeholders of the Counties of Essex and Bergen, to build a Bridge over Passaick River, near the Dutch Church at Acquackanonck.*

This

† Chap. CCCCXIV.

\* Chap. CC.

This Bridge was built pursuant to the Law ; the Repairs of it is now regulated by the Act referred to.

CHAP. CCCCLI. *An Act to repair the publick Roads in the Township of Hanover, in the County of Morris, by a Tax on the Inhabitants of the same.* Expired.

Limited to two Years from the second *Tuesday* in *March* 1767.

CHAP. CCCCLII. *An Act to prohibit the setting Nets, Seines or other Devices, in the Rivers Raritan and South River, to obstruct the Fish going up in the proper Seasons of the Year ; and to preserve the Fry and young Brood of Fish from being destroyed in said Rivers.* Expired—  
supplied by  
Chap. D.

Limited to three Years.

CHAP. CCCCLIII. *An Act for building and maintaining a Bridge over the North Branch of Great Timber Creek, in the County of Gloucester, at Abraham Roe's Landing.* Private.

CHAP. CCCCLIV. *An Act to enable the Owners and Possessors of a certain Body of Meadow and Marsh lying on the westerly Side of Raccoon Creek, in the County of Gloucester, to keep up and maintain the Banks and other Waterworks around the same ; and to constitute all ten Feet Ditches therein lawful Fences.* Private.

CHAP. CCCCLV. *An Act to enable the Owners and Possessors of the Meadows and Swamps lying on a small Branch of Alloways Creek, in the County of Salem, to keep up and maintain the Dams, Banks and other Waterworks on the said Meadow, and to keep the Watercourse thereof open and clear.* Private.

CHAP. CCCCLVI. *An Act to enable the Owners and Possessors of the Marsh and Swamp lying on the South Branch of Stow Creek, to maintain the Bank, Dam and other Waterworks across the said Creek, to prevent the Tide from overflowing the same.* Private.

CHAP. CCCCLVII. *An Act to enable the Owners and Possessors of the Meadows and Marshes bounding on Delaware River, between Long-Point and Kilko's-Hook, in Lower-Penn's-Neck, in the County of Salem, to stop out the Tide from overflowing the same.* Private.

CHAP. CCCCLVIII. *An Act to naturalize Jacob Hertel, and John Jacob Faish.*

At a GENERAL ASSEMBLY held at Burlington from the Ninth to the Twenty-fourth Day of June 1767, in the Seventh Year of the Reign of King George the Third, the following Laws were passed.

SESSION THE THIRTEENTH.

shall be and is hereby divided off from the said Town of *Shrewsbury*, and annexed unto the Town of *Freehold*, and for-ever hereafter shall be accounted Part thereof.

Addition to  
*Upperfreehold.*

4. AND BE IT FURTHER ENACTED by the Authority aforesaid, That all that Part of the Town of *Shrewsbury*, BEGINNING where *Burlington* old Path crosseth the before-mentioned North Branch of *Tom's* River; thence running South eighteen Degrees East to the Line of *Dover* aforesaid; thence South fifty-six Degrees West along said Line of *Dover* to the before-mentioned Line called *Keith's* Line; thence along the said Line to the Line of *Upperfreehold*; thence along the Line of *Upperfreehold* to where it began; shall be, and is hereby divided off from the said Town of *Shrewsbury*, and annexed unto the Town of *Upperfreehold*, and for-ever hereafter shall be accounted Part thereof.

5. PROVIDED ALWAYS, That this Act, or any Thing herein before contained, shall not be in Force, or take Effect, until and after the first Day of *March* next.

Expired.

CHAP. CCCCLXI. An Act for the Support of Government of His Majesty's Colony of *New-Jersey*, to commence the *Twenty-first* Day of *May* 1767, and to end the *Twenty-first* Day of *May* 1768; and to discharge the publick Debts and contingent Charges thereof.

Obsolete.

CHAP. CCCCLXII. An Act appointing Commissioners for supplying the several Barracks erected in the Colony of *New-Jersey* with Furniture and other Necessaries for accommodating the King's Troops in, or marching through the same; for supplying Deficiencies, and defraying other incidental Charges.

Expired—  
supplied by  
Chap.  
CCCCXCIV.

CHAP. CCCCLXIII. An Act for laying a Duty on the Purchasers of Slaves imported into this Province.

Limited to two Years.

Obsolete—  
supplied by  
Chap.  
DCXXIII.

CHAP. CCCCLXIV. An Act to restrain the bringing Certioraries; and to alter the Mode of determining Appeals in small Causes.

Expired—  
supplied for  
*Deptford* by  
Chap. DLVI.

CHAP. CCCCLXV. An Act to empower the Inhabitants of the Townships of *Greenwich*, *Debtford* and *Woolwich*, in the County of *Gloucester*, to repair their publick Highways by Hire, and raise Money for that Purpose.

Limited to three Years from the second *Tuesday* in *March* 1768.

Private.

CHAP. CCCCLXVI. An Act to prevent the Pasturing the *Elizabeth-Town* Great Meadows in Common.

Private.

CHAP. CCCCLXVII. An Act for investing a Fee in the Toll-Bridge lately erected over *Newton Creek*, in *William Gerrard*, his Heirs and Assigns; and to empower the said *William Gerrard* to build a House within the Bounds of the Road, for the more convenient receiving the Toll of said Bridge.

CHAP.

CHAP. CCCCLXVIII. *An Act for the Relief of James Brooks, Esquire, late Sheriff of Middlesex, with Respect to certain Escapes.* Private.

CHAP. CCCCLXIX. *An Act for barring the Estate Tail in certain Lands and Tenements in the Province of New-Jersey, lately belonging to Anthony Sharp, the elder, deceased; and also for vesting the same in Isaac Sharp and Joseph Sharp, his Grandsons, their Heirs and Assigns, pursuant to an Agreement made with the Tenant in Tail.* Private.

This Act had a suspending Clause, and has not yet been confirmed, which has occasioned the suffering of Common Recoveries for some of the principal Tracts mentioned in it.

CHAP. CCCCLXX. *An Act to revive an Act, entitled, An Act to prevent Waste from being committed upon the Common Land allotted to the Patent of Seacaucus, in the Corporation of Bergen.\** Private.

These Acts were passed the 24th Day of June 1767.

At a GENERAL ASSEMBLY held at Perth-Amboy from the Twelfth Day of April to the Tenth Day of May 1768, in the Eighth Year of the Reign of King George the Third, the following Laws were passed

SESSION THE FOURTEENTH.

C H A P. CCCCLXXI.

*An ACT to compel the several Officers of Cities, Townships and Precincts in this Colony, to deliver to their Successors in Office the Laws put into their Hands for the Use of the said Cities, Townships and Precincts.*

Passed May 10, 1768.

**W**HEREAS Delays and Omissions often happen by Reason of the Officers elected in the respective Cities, Townships and Precincts in this Colony, neglecting to deliver over to their Successors in Office the several Laws which come to their Hands for the Use of the Cities, Townships and Precincts for which they are elected: Preamble.

*Sect. I. THEREFORE BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That each and every of the Officers elected for the Cities, Townships or Precincts within this Colony, shall, at all Times hereafter, upon another being elected in their Room and Place, or in case of their or either of their dying in such Office, then the Heirs, Executors or Administrators of the Officer so dying shall, within ten Days after the Election*

Town Officers to deliver the Laws to their Successors.

4 E  
\* Chap. CCCCLXXX.

of

Oath or Affirmation of Office.

to the Overseers of the Poor of the Township or Precinct for which he was so chosen or appointed, to be disposed of and accounted for in like Manner as other Money raised for the Use of the Poor is directed, and to be recovered by said Overseers with Cost of Suit, by Action of Debt, in any Court where cognizable, and shall discharge the Party paying the same from serving the Office of Constable for one Year, and no longer. And such Constable shall take the following Oath, or Affirmation if a Quaker, Videlicet, *I A B, as one of the Constables for the County of C, will well and truly execute that Office for one Year next ensuing this Time, and until another is qualified in my Room; and in particular I will faithfully use my Endeavour to do my Duty as it is enjoined by an Act, entitled, An Act for regulating Taverns, Ordinaries, Innkeepers and Retailers of strong Liquors, without any Connivance at or Favour whatsoever to those who shall offend against it; which Oath or Affirmation a Justice shall read to him, and the Constable repeat.*

Not obliged to serve more than one Year in fifteen, unless, &c.

7. AND BE IT FURTHER ENACTED, That such Constable shall not be obliged to continue in the said Office longer than till the first Day of *January* then next ensuing, and thereafter to the End of the first Court of General Quarter-Sessions of the Peace that shall be held in and for the County after the said first Day of *January*, on or before which Time the Court shall appoint his Successor; or if it be in Cities, Boroughs or Towns-corporate, then to the usual Time of appointing and qualifying the Constables of such City, Borough or Town-corporate; nor shall any Constable be obliged to serve in the said Office again within less than fifteen Years after his being discharged from the said Office, unless there should happen not to be Freeholders enough to succeed regularly.

Constables desiring it, may serve three Years.

8. AND BE IT ENACTED by the Authority aforesaid, That when any Person has served as Constable in any County of this Colony, for one Year as aforesaid, and shall be willing to continue in his said Office, such Person shall be permitted to serve as a Constable in the said County the Year immediately ensuing the End of such his Service, and so from Year to Year not exceeding three Years, in the Discretion of the Justices at their Court of Quarter-Sessions; which said Court may, if they think necessary, take a Recognizance from the Person so desiring to serve, to our Sovereign Lord the King, his Heirs and Successors, with one sufficient Surety, the Principal in the Sum of *Forty Pounds*, and the Surety in the Sum of *Twenty Pounds*, conditioned for the due Performance of his Office.

May employ Executioners.

9. AND BE IT FURTHER ENACTED, That in all Cases where corporal Punishment shall be adjudged to be inflicted on any Person or Persons whatsoever, by Virtue of any legal Process or Authority that renders or shall make it the Duty of a Constable to execute, or see the said Punishment executed, such Constable shall and may have full Power to employ an Executioner, and order him to perform that Service; and for the Payment thereof any one Justice of the Peace of the said County shall draw an Order on the Collector of the said County, who, out of the Monies in his Hands, the Property of the said County, and not raised for Provincial Service, shall discharge the same, which shall be

be allowed him in his Accounts. Provided not more than *Ten Shillings* be allowed for one corporal Punishment.

10. PROVIDED ALWAYS, That every such Constable appointed or chosen as aforesaid shall, with the Consent of the Court of Quarter-Sessions, or of two Justices of the City, County or Town-corporate, where he is chosen or appointed, have Liberty of appointing a Deputy in his Room, on giving sufficient Surety to the Satisfaction of the said Court or Justices, that he will be answerable for such Deputy's Conduct.

May with  
Consent ap-  
point a De-  
puty.

11. AND BE IT ENACTED, That every Constable's Fee for serving any Warrant shall be *Two Shillings*, and for serving every Execution *Two Shillings* and *Six-pence*, any Thing in any former Law to the contrary in anywise notwithstanding.

Fees.

12. AND BE IT FURTHER ENACTED, That upon the Death of any Constable, or Refusal of any Person to take on him the said Office in any Township or Precinct within this Colony, it shall and may be lawful for any two Magistrates of the County, one being of the *Quorum*, to meet together as often as Occasion may require, and appoint others qualified according to the Directions of this Act; which Person or Persons so appointed shall take upon him or them the said Office, and be subject to the like Pains and Penalties as if he or they had been chosen or appointed by the Court of Quarter-Sessions.

On Death, &c.  
Office how to  
be supplied.

13. AND WHEREAS several Patent Towns in this Colony by their Patents are allowed to elect but one Constable, and by the Increase of Inhabitants two or more are become necessary; Therefore, BE IT FURTHER ENACTED *by the Authority aforesaid*, That, from and after the Publication of this Act, it shall and may be lawful for any Patent Town within this Colony to have one or more Constables, as the Court of Quarter-Sessions of the County may think necessary to appoint, exclusive of the one chosen by Virtue of such Patent. PROVIDED ALWAYS, That nothing in this Act contained is intended to prevent or hinder the Inhabitants of the several Cities and Boroughs within this Colony from electing or appointing such Persons Constables, and in such Manner as heretofore they have usually done, or by their Charters are empowered to do; nor to prevent the Justices of the County of *Cape-May* from granting License to Shopkeepers to keep Tavern, any Thing herein before contained to the contrary notwithstanding.

Patent Towns  
may have  
Constables  
appointed by  
the Court :

And may al-  
so choose as  
they have u-  
sually done.

Shopkeepers  
may be li-  
censed in  
*Cape-May*.

14. AND BE IT ENACTED *by the Authority aforesaid*, That the Act, entitled, *An Act for regulating Constables and Vendues, and for better regulating Taverns* ;\* and the Act, entitled, *A supplementary Act to an Act, entitled, An Act for regulating Constables and Vendues, and for better regulating Taverns* ;† and every Article, Clause and Thing therein contained, shall be and hereby are repealed, made void and of none Effect.

Repeal of for-  
mer Acts.

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C H A P.

\* Chap. CCCLXXXIV.

† Chap. CCCCXXIII.

## C H A P. CCCCLXXIII.

*An ACT for the septennial Election of Representatives to serve in the General Assembly of the Colony of New-Jersey.*

Passed May 10, 1768.

Preamble.

**W**HEREAS it is necessary and expedient that the Representatives elected to serve in General Assembly should not continue longer than the Term of seven Years; therefore, We, the House of Representatives, do pray that it may be Enacted;

A General Assembly to be holden, and a new one chosen, once in seven Years.

*Sect. 1.* AND 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 a General Assembly shall be holden once in seven Years at least, and that within one Year at farthest from and after the Dissolution of this present Assembly, and so from Time to Time for-ever hereafter from and after the Dissolution of every other Assembly, legal Writs under the Great Seal of this Colony shall be issued by Direction of the Governor or Commander in Chief for the Time being, for the calling and holding another new Assembly.

No Assembly to continue longer.

*2.* AND BE IT FURTHER ENACTED *by the Authority aforesaid,* That, from and after the Dissolution of this present Assembly, no General Assembly whatsoever that shall at any Time hereafter be called, assembled or held, shall have Continuance for a longer Duration or Time than seven Years at farthest, to be accounted from the Day on which by the Writs of Summons the said Assembly shall be convened or appointed to meet.

Suspending Clause.

*3.* AND BE IT ENACTED *by the Authority aforesaid,* That this Act shall not be in Force or take any Effect until His Majesty's Royal Approbation be thereunto had and declared.

Although this Act has never had the Royal Assent, it is here inserted on the Probability that so reasonable a Law will be regarded.

## C H A P. CCCCLXXIV.

*An ACT for choosing Representatives in the Counties of Morris, Cumberland and Suffex; and directing the Morris County Taxes to be paid into the Eastern Treasury of this Colony.*

Passed May 10, 1768.

Preamble.

**W**HEREAS the Counties of *Morris, Cumberland and Suffex* are now become very populous, and it being highly reasonable that they should have the Liberty of choosing Representatives to serve in the General Assembly of this Colony, in the same Manner as the other Counties thereof do;

*Sect. 1.* THEREFORE BE IT ENACTED *by the Governor, Council and General Assembly of this Colony, and it is hereby Enacted by the Authority of*

of the same, That, from and after the Time of the Dissolution of this present General Assembly, when and as often as any General Assembly of this Colony shall be called, there shall be legal Writs under the Great Seal of this Colony issued to the Sheriffs of the said Counties directed, severally commanding them, that they cause to be chosen two Representatives for each of the said Counties of *Morris, Cumberland and Sussex*, to serve in General Assembly, who shall be chosen by the Majority of Voices or Votes of the Freeholders of each County, every Freeholder having One Hundred Acres of Land in his own Right, or be worth *Fifty Pounds Sterling, Money of Great-Britain*, 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 *Five Hundred Pounds Sterling, Money of Great-Britain*, in Real and Personal Estate, and likewise inhabiting and usually resident himself and his Family, if any he hath, the Day of the Date of the Writ of Summons, and hath been so three Months before in some City, Town or County of this Colony, as by Law is directed for the other Counties in this Colony; which Representatives so to be chosen, shall and may fit, vote and act as Members of the General Assembly aforesaid, and be entitled to the same Rights, Privileges and Immunities as the other Representatives of the several Counties in this Colony are entitled to.

*Morris, Cumberland and Sussex, each to choose two Representatives.*

2. AND WHEREAS the Courthouse and principal settled and improved Parts of *Morris County* are situate in the Eastern Division; BE IT FURTHER ENACTED by the Authority aforesaid, That whenever a Provincial Tax shall be raised in this Colony, and so in all Provincial Taxes hereafter to be raised, such Part and Parts thereof as shall be levied in the said County of *Morris* shall be paid by the Collector of the said County to the Treasurer of the Eastern Division of this Colony; any Usage or Custom to the contrary thereof in anywise notwithstanding.

*Morris Taxes to be paid into the Eastern Treasury.*

3. PROVIDED ALWAYS, That this Act, or any Thing herein contained, shall not be in Force or take Effect until the Approbation of His Majesty shall be thereunto declared and published.

*Suspending Clause.*

This Act was confirmed by the King in Council at *St. James's* the ninth Day of *Dec. 1770*, and the Confirmation published in *New-Jersey* soon after.

C H A P. CCCCLXXV.

An ACT to regulate the Trial of Slaves for Murder and other Crimes, and to repeal so much of an Act, entitled, An Act to regulate Slaves, as relates to their Trial for Murder and other capital Offences.

Passed May 10, 1768.

WHEREAS the present Mode of trying Negro and Mulatto Slaves for Murder and other capital Crimes, by three or more Justices and five of the principal Freeholders of the County, hath, on Experience, been found inconvenient; Therefore,

*Preamble.*

*Sett.*

How Slaves  
to be tried  
for certain  
Offences

*Seçt. 1.* BE IT 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, every Negro, Indian or Mulatto Slave, who shall murder or conspire or attempt the Death of any of His Majesty's leige People in this Colony, or shall commit any Rape on any of the said Subjects, or shall wilfully burn any Dwelling-house, Barn, Stable, Outhouse, Stack or Stacks of Corn or Hay, or shall wilfully mutilate, maim or dismember any of the Subjects as aforesaid, not being Slaves, or shall murder any Negro, Indian or Mulatto Slave, and be thereof convicted by Confession or Verdict in the Supreme Court, Court of Oyer and Terminer and General Gaol Delivery, or Court of General Quarter-Sessions of the Peace, of the County wherein the Fact shall be committed, shall suffer Death without Benefit of Clergy; and that every Negro, Indian or Mulatto Slave, who shall in either of the said Courts be convicted of Man-Slaughter, or of stealing any Sum or Sums of Money above the Value of *Five Pounds* from any Person or Persons whatsoever, or shall commit any other Felony or Burglary, and be thereof legally convicted in either of the said Courts, shall suffer Death, or such other Pains and Penalties as the Justices of the said Supreme Court, Court of Oyer and Terminer and General Gaol Delivery, or Court of General Quarter-Sessions of the Peace, shall think proper to inflict; any Law, Usage or Custom to the contrary in anywise notwithstanding.

How Sentence to be  
executed.

2. AND BE IT ENACTED *by the Authority aforesaid,* That the Justices of the said Courts, who, by Virtue of this Act, shall try such Offender or Offenders, shall, upon Conviction by Warrant under the Hand and Seal of them, or any three of them, to the Sheriff of the County directed, command him to execute the Sentence or Judgment of the said Court, or cause the same to be executed, at such Time and Place as they shall direct.

Fees for Execution, &c.  
how to be  
paid.

3. AND BE IT ENACTED *by the Authority aforesaid,* That there shall be paid to the Sheriff the Sum of *Five Pounds* for executing any Negro, Indian or Mulatto Slave, found guilty in either of the Courts aforesaid, and condemned to Death by the Justices of the said Courts, or either of them, and such other Fees as by Law are given to Sheriffs and other Officers for their Services in criminal Cases, to be paid by the County Collector by Order from the Justices and Freeholders of the County where the Offence is committed, and to be assessed, levied and raised by Order of any three Justices, one being of the *Quorum*, equally on the Owners of Slaves in Manner following, *to wit,* The Constable of every Town and District within this Province shall deliver a List of all the Negro, Indian and Mulatto 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 incapable of performing their Master or Mistress's Service, unto the Justices at one of their Courts of General Quarter-Sessions of the Peace in every County yearly and every Year, who shall order the Clerk of the Peace to file the same; and when any Negro, Indian and Mulatto Slave shall be executed or punished for any Crime or Crimes, 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 said Sheriff, shall meet together

together and call for the aforefaid Lift from the Clerk of the Peace, and according to the faid Lift they fhall affefs the Value of the faid Cofts of the Profecution equally on the Heads contained in the faid Lift, and fhall appoint a Collector to collect and receive the fame; and when fo collected and received, the fame to pay to the faid Sheriff for his Fees and Services, and the Fees and Services of the Profecution or Profecutions aforefaid; and, upon a Refusal or Delay of Payment, the faid Collector fhall deliver a Lift of the Perfon or Perfons fo refufing or delaying to any Justice of the Peace of the faid County, who fhall make out Warrants to the Conftables of the feveral Towns and Diftricts to diftrain for the fame; and the faid Diftreffs to fell at a publick Outcry, and pay the faid Affeffment to the faid Collector, and *Eighteen-pence* to himfelf for the Charges of fuch Diftreffs, and return the Overplus, if any be, to the Owner; and the faid Collector fhall pay the faid Money fo collected to the faid Sheriff, and take his Receipt for the fame, which he fhall deliver to the Juftices at their next Seflions of the Peace, to be filed by the Clerk of the faid Court.

4. AND BE IT ENACTED *by the Authority aforefaid*, That the fourth, fifth, fixth and feventh Sections of the Act, entitled, *An Act to regulate Slaves*,\* fhall be and hereby are repealed and made void and of no Effect, any Thing in the faid Act to the contrary in anywife notwithstanding.

C H A P. CCCCLXXVI.

*An ACT to regulate the Fishery within that Part of the Eastern Divifion of this Colony, from the Mouth of Raritan River northward.*

Passed May 10, 1768.

**W**HEREAS it is found that the Fishing with Nets with small Meshes, and the ftopping and fweeping of fmall Rivers and Creeks where Fish refort to fpawn and breed, is very detrimental to the Breeding and Growth of Fish in the Eastern Divifion of this Colony; for Prevention whereof,

*Sec<sup>t</sup>. 1.* BE IT ENACTED *by the Governor, Council and General Affembly of this Colony now met and convened, and it is hereby Enacted by the Authority of the fame*, That, from and after the Publication of this Act, all and every Perfon and Perfons whatsoever, who fhall faften, fix, fet or ftop any Net or Nets, or other Device or Devices acrofs or in any of the fmall Rivers or Creeks or Ponds within that Part of the Eastern Divifion of this Colony, from the Mouth of *Raritan* River northward, to catch Fish, or obftruct or hinder them from going up or down the fame, or fhall at any Time after one Year, from the Publication of this Act, fweep with, draw or fet any Net or Nets to catch Fish in any River, Sound, Bay or Pond within the faid Eastern Divifion, the Meshes of which Net fhall be lefs than three Inches long when extended, fhall forfeit the Net, Seine or fuch other Device fo to be made Ufe of contrary to the true Intent and Meaning of this Act, and fhall pay the Sum of *Forty Skillings* for every fuch Offence; to be recovered by

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Action

\* Chap. XXXIX.

Preamble.

Penalty on  
ufing Nets,  
with Meshes  
lefs than three  
Inches long,  
in the Eastern  
Divifion.

Application. Action of Debt before any of His Majesty's Justices of the Peace of this Colony, or in any Court where the same may be cognizable, with Costs of Suit, by any Person who will sue for the same; to be applied the one Half thereof to the Use of the Poor of said Town, Division or Precinct where the same shall be recovered, and the other Half thereof, together with the Net or such other Device as may be made Use of as aforesaid, to the Person or Persons who shall sue for the same.

Contraband  
Nets may be  
seized.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for any Person or Persons to take and seize any such Net or Nets, Seine or Seines, so set or used contrary to the Intent and Meaning of this Act, from any Place where found set, or from any Person or Persons using the same, and within three Days to carry the same Net or Nets to any Justice of the Peace of the Town, Division or Precinct where the same shall be taken; which said Justice shall keep or order the same to be safely kept for the Space of twenty Days; and, at the Expiration of that Time, if the Owner or Claimer doth not appear and fully prove by sufficient Evidence to the Satisfaction of the said Justice, that the said Net or Nets was or were not set or used contrary to the true Intent and Meaning of this Law, then the said Justice shall give Judgment that the said Net or Nets, Seine or Seines, shall be delivered to the Person or Persons who shall have seized or taken the same as his or their Property; but if the said Claimer or Claimers shall within the said twenty Days make it appear to the Satisfaction of the said Justice, that the said Net or Nets was or were not set or used contrary to the true Intent and Meaning of this Act, the said Justice shall give Judgment for the Claimer or Claimers, and order the said Net or Nets to be delivered to him or them again, with such Costs and Damages as he shall think reasonable.

Not to restrain  
fishing above  
Passaick Falls.

3. PROVIDED ALWAYS, That nothing in this Act contained shall extend to prevent Fishing with Nets or any other Devices they shall think fit above the Great Falls of *Passaick* River.

C H A P. CCCCLXXVII.

*An ACT to empower the Inhabitants of the Townships of Bridgewater and Bedminster, in the County of Somerset, to repair their publick Highways by Hire, and to raise Money for that Purpose.*

Passed May 10, 1768.

Preamble.

WHEREAS the Inhabitants of the Townships of *Bridgewater* and *Bedminster* have, by Petition, set forth, That they apprehend the present Mode of repairing the Highways is very unequal, and more expensive than if repaired by hired Labourers, and prayed a Law to enable the said Townships to raise Money and apply it to that Purpose; Therefore,

Roads to be  
repaired by  
Hire.

SECT. I. BE IT ENACTED *by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same*, That all publick Roads or Highways, now laid out or hereafter to be laid out within

within the said Townships, shall be repaired, amended, cleared out and kept in good Order by Hire; for which Purpose a Rate and Assessment shall be made from Time to Time upon the Goods and Chattels, Lands and Tenements of the Inhabitants of the said Townships respectively, as Occasion may require, on the *Pound Value* as in Provincial Taxes: And all single Men who work for themselves, and all Housekeepers whose Tax, on their rateable Estates, doth not amount to *One Shilling*, shall be assessed at the Discretion of the Assessor, not under *Six-pence* nor above *Five Shillings*; and the Inhabitants of said Townships, at their respective Town-meetings on the second *Tuesday of March*, or at any other Time when summoned by one of the Judges or two Magistrates of the County, shall direct so much Money to be raised in Manner aforesaid as always to have Money in Bank for the repairing the Highways within their respective Townships, and shall make an Order in Writing, signed by their Clerk, directed to the Assessor of such Townships, setting forth the Sum to be raised, and a limited Time within which he shall assess the Inhabitants and deliver a Duplicate to the Collector.

Money to be raised.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Overseers of the Highways in the said Townships, chosen by Virtue of an Act, entitled, *An Act for regulating Roads and Bridges*,\* shall, within ten Days after they are so chosen, repair to a Magistrate of the County, and take an Oath or Affirmation for the faithful Performance of their Offices; and, when so qualified, shall have Power to hire Labourers to repair the Highways whenever it shall become necessary within their several Districts; and if any of the said Overseers, for the Time being, shall neglect or refuse to qualify themselves as aforesaid, or to do and perform the several Duties enjoined them by this Act, he or they so neglecting or refusing shall suffer the same Pains and Penalties as is directed in the before recited Act for a Breach of Duty; and the said Overseers shall settle their Accounts before any one Justice of the said County, and the two chosen Freeholders of the respective Towns where the Money shall be raised; and the said Accounts, being signed by any two of them, shall be a sufficient Settlement of the same; and they shall retain *Four Shillings* per Day for every Day they have necessarily spent in the Discharge of their Office; and shall pay the Money remaining, if any be in their Hands, to their Successor; and, on Neglect or Refusal to pay such Remainder as aforesaid, their Successors shall sue for and recover the same by Action of Debt, in any Court of Record where the same may be cognizable, with Cost of Suit.

Overseers to be qualified,

and account,

Fees.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Assessors and Collectors, chosen by Virtue of former Laws, shall assess and collect all Monies ordered to be raised pursuant to the Directions of this Act; and said Collectors, within thirty Days after receiving the Duplicates or Assessments, shall collect and pay the Money therein assessed to the Overseers of the Highways of their respective Townships, to be applied to the Purposes aforesaid; and the said Assessors and Collectors shall proceed against all Delinquents who may neglect or refuse to give a true Account of their rateable Estates, or pay their Taxes in the Manner as is directed by the sinking Fund Acts; and shall also receive

Assessors and Collectors to do their Duty.

\* Chap. CCCXXXIV, now repealed by Chap. DLXXXIX.

ceive the same Rewards for the Performance, and suffer the same Pains and Penalties for the Neglect of the Duties herein required as by said Acts are directed.

Inhabitants neglecting to order Money, how to be supplied.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if the Inhabitants at any of their Town-meetings in said Townships, upon Application made by the Overseers of the Highways, shall neglect or refuse to order Money to be raised sufficient to keep the Highways within their respective Townships in good Repair, in such Case the Overseers shall apply to two Magistrates of the County, and the two chosen Freeholders of such Townships, who are hereby commanded to appoint a Time to meet and inspect said Overseers Accounts; and, upon such Inspection, if they find there is not Money in the Overseers Hands sufficient for the Purposes aforesaid, they, or any three of them, shall make an Order commanding the Assessor to assess such Sum or Sums of Money as they, the said Magistrates and Freeholders, or any three of them, may think necessary, on the Inhabitants of the Township so neglecting or refusing; which Order shall be as effectual to all Intents and Purposes as though it had been made by the Town-meeting.

Limitation.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That this Act shall take Effect on the first Day of *March*, which will be in the Year One Thousand Seven Hundred Sixty and Nine, and continue in Force for three Years, and from thence to the End of the next Session of General Assembly, and no longer.

Revived and continued so far as respects the Township of *Bedminster*, by Chap. DCIII.

C H A P. CCCCLXXVIII.

*An ACT appointing Commissioners to sell a Quantity of Gun-Powder and Lead, and a Number of Fire Arms, belonging to this Colony, for the Use of the same.*

Passed May 10, 1768.

Preamble.

WHEREAS it appears that a Quantity of Gun-Powder and Lead was left in the Care of *John Roscrant*, Esquire, in the County of *Suffex*, and a Number of Fire Arms in the Care of *David Gano*, at *New-Brunswick*, for the Use of this Colony;

Commissioners appointed to sell Powder and Arms.

SECT. I. THEREFORE BE IT ENACTED *by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same*, That it shall and may be lawful for *Hendrick Fisher* and *Abraham Van Neste*, Esquires, or the Survivor of them, to demand of the said *John Roscrant*, Esquire, the Powder and Lead in his Possession, and also the Fire Arms in the Possession of *David Gano*, who are hereby respectively enjoined to deliver the same to the said *Hendrick Fisher* and *Abraham Van Neste*, Esquires, or their Order; and, upon Receipt of such Gun-Powder, Lead and Fire Arms, the said *Hendrick Fisher* and *Abraham Van Neste*, Esquires, or the Survivor of them, are hereby required to make Sale of the same for the best Advantage, and return an exact Account

Account of the Sales and Expences attending the same to the next Sessions of General Assembly.

CHAP. CCCCLXXIX. *An Act to continue an Act, entitled, An Act for granting a Bounty upon the raising of Flax and Hemp, and planting of Mulberry Trees in this Colony, for raising of raw Silk,\* so far as relates to Flax and Hemp.* Expired.

Limited to the first Day of October 1772.

CHAP. CCCCLXXX. *A supplementary Act to an Act, entitled, An Act to regulate the Method of taking Fish in the River Delaware, and to prevent Obstructions in the Navigation thereof, and for other Purposes therein mentioned.* Expired.

This Act is not published here for the Reasons given at Chap. CCCCX.

CHAP. CCCCLXXXI. *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the Twenty-first Day of May 1768, and to end the Twenty-first Day of May 1769; and to discharge the publick Debts and contingent Charges thereof.* Expired.

CHAP. CCCCLXXXII. *An Act for the Relief of Insolvent Debtors.*

Expired—  
supplied by  
Chap. DVI.

This Act extended to Debtors “in actual Confinement in any Gaol in this Colony on the twelfth Day of April 1768,” to be relieved on their own Petition; and only discharged the Person, any future acquired Estate being liable to Seizure for Payment.

CHAP. CCCCLXXXIII. *An Act to enable Creditors more easily to recover their Debts from Joint Partners within the Colony of New-Jersey.* Expired—  
supplied by  
Chap.  
DXLIII.

Limited to three Years.

CHAP. CCCCLXXXIV. *An Act appointing Commissioners for supplying the several Barracks, erected in the Colony of New-Jersey, with Furniture and other Necessaries for accommodating the King's Troops in or marching through the same; for supplying Deficiencies, and defraying other Incidental Charges.* Obsolete.

CHAP. CCCCLXXXV. *An Act to erect and establish Courts in the several Counties in this Colony for the Trial of small Causes.* Supplied and  
repealed by  
Chap.  
DCXXXIII.

This Act gave Jurisdiction to any Justice, “in Actions of Debt and other Demands for and under the real Value of Six Pounds,” except in certain Cafes.

CHAP. CCCCLXXXVI. *An Act to repair the publick Roads in the South Ward of the Corporation of the City of Perth-Amboy, in the County of Middlesex, by a Tax on the Inhabitants of the same.* Expired.

Limited to two Years from the second Day of March 1769.

CHAP. CCCCLXXXVII. *An Act to build a Bridge over South River, in the County of Middlesex.* Obsolete.

<sup>4</sup> H  
\* Chap. CCCCXX.

This

This Act not only directs the building a Bridge over *South River*, but the laying out of a fix Rod Road from the End of *David Williamson's Lane*, on as direct a Line as the Ground would admit, to the said Bridge; both which are done, and the Survey of the Road is recorded.

Expired—  
supplied by  
Chap. DCV.

CHAP. CCCCLXXXVIII. *An Act to repair and amend the publick Roads and Streets in the Northern Ward of the City of Perth-Amboy, and to repair the Town Wharf in the said City, by a Tax on the Inhabitants of the said Northern Ward.*

Limited to five Years.

Expired.

CHAP. CCCCLXXXIX. *An Act to empower the Inhabitants of the Township of Pequannock, in the County of Morris, to repair their publick Highways by Hire, and raise Money for that Purpose.*

Limited to two Years from the second Tuesday in March 1769.

Obsolete.

CHAP. CCCCXC. *An Act for more effectually compelling the Assessors within the several Cities, Townships and Precincts of this Colony, to return complete and exact Duplicates of their respective Assessments.*

Private.

CHAP. CCCCXCI. *An Act to enable the Owners and Possessors of the Lower Meadows on Woodbury Creek, in the County of Gloucester, henceforth to be called the Lower Meadow Company of Woodbury, to keep up and maintain the Dam, Banks and other Waterworks already made, and erect and make such new ones as may be necessary for the more effectual draining and watering said Meadows.*

Private.

CHAP. CCCCXCII. *An Act to naturalize John Louterman, John Snook, Frederick Hayn, William Stodder, Philip Bemer, John Haas, Johannes Mayer and Peter Colpher.*

Private.

CHAP. CCCCXCIII. *An Act to naturalize Nicholas Ott.*

These Acts were passed the 10th Day of May 1768.

At a GENERAL ASSEMBLY held at Burlington from the Tenth Day of October to the Sixth Day of December 1769, in the Tenth Year of the Reign of King George the Third, being the Twenty-first Assembly of New-Jersey, the following Laws were passed.

SESSION THE FIRST.

CHAP.

C H A P. CCCCXCIV.

*An ACT for laying a Duty on the Purchasers of Slaves imported into this Colony.*

Passed Nov. 16, 1769.

**W**HEREAS Duties on the Importation of Negroes in several of the neighbouring Colonies hath, on Experience, been found beneficial in the Introduction of sober, industrious Foreigners, to settle under His Majesty's Allegiance, and the promoting a Spirit of Industry among the Inhabitants in general: IN ORDER THEREFORE to promote the same good Designs in this Government, and that such as choose to purchase Slaves may contribute some equitable Proportion of the publick Burdens ;

Preamble.

*Sec<sup>t</sup>. 1.* 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 every Person hereafter purchasing a Negro, Indian or Mulatto Slave, if such Slave has not resided in this Colony at least for the Space of one whole Year before such Purchase, or such Slave for which the Duty by this or any former Act imposed hath not been paid, shall, besides the Price paid for the said Slave, moreover pay to the County Collector, chosen for the County in which such Purchase shall be made, the Sum of *Fifteen Pounds*, Proclamation Money; and, on Refusal or Neglect of paying the same ten whole Days after the said Purchase or Purchases shall be made, it shall and may be lawful for the said County Collector, by himself or Deputy, to apply to a Justice of the Peace for the said County, who, on such Information, shall immediately grant a Precept in the usual Manner, for the Apprehension of the Person or Persons complained against; and the same being so apprehended and brought before him, shall proceed to hear the Parties, and give Judgment, and award Execution for the said Duty, in Manner and Form as by Law is appointed in Cases of *Six Pounds* and under.

Duty payable on purchasing a Slave purchased.

Suable for before a Justice.

2. AND BE IT ENACTED by the Authority aforesaid, That the respective County Collectors of this Province shall keep fair and true Accounts in Writing of all Duties collected in Virtue of this Act, and once in twelve Months, or oftener if required by the Provincial Treasurer of the Division in which he lives, pay into his Hands all the said Duties so by him collected as aforesaid, except as herein after is directed, first deducting out of the same for his own Use *Five per Cent*; and shall further be allowed in the final Adjustments of his Accounts all reasonable Charges by him expended in the Recovery of the Duties laid by this Act; which said Fines, so paid into the Treasury, shall be applied to the Support of Government, as by Law shall be hereafter directed. PROVIDED ALWAYS, That each of the said County Collectors, before he enters upon the Execution of his Office, in Reference to this Act, shall be sworn or affirmed before some Justice of the Peace for the true and faithful Execution of his Office as appointed by this Act.

County Collectors to account and pay the Duties to the Treasurers.

Application of the Monies. Collectors to be qualified.

3. AND BE IT ENACTED by the Authority aforesaid, That if any of the Overseers of the Poor in this Colony shall give Information unto the

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When Overseers of the Poor give Information, the Duties to be at the Disposal of the Justices and Freeholders.

the County Collector of the Purchase of such Negro, Indian or Mulatto Slave, and the Duty hereby imposed be collected in consequence of such Information, then, and in such Case, the said Duty so collected shall be and remain in the Hands of such County Collector, and subjected to the Disposal of the Justices and Freeholders of the said County towards the defraying of the publick Expences of the City, Town, Precinct or District wherein the Overseer of the Poor, who shall give such Information, may reside.

Slaves how to be manumitted.

4. AND BE IT ENACTED *by the Authority aforesaid*, That, from and after the Publication of this Act, if any Master or Mistress shall by Last Will or otherwise discharge, manumit or set free any Negro, Indian or Mulatto Slave, he or she, his or her Heirs, Executors or Administrators, shall, at the next Court of General Quarter-Sessions of the Peace in the County where such Master or Mistress shall or may have resided, enter into a Bond with one or more sufficient Sureties, unto our Sovereign Lord the King, his Heirs and Successors, in the Sum of *Two Hundred Pounds*, conditioned to secure and indemnify the City, Town, Precinct or District where such Negro, Indian or Mulatto Slave may reside, from any Charge or Incumbrance they may bring upon the same, in case such Negro, Indian or Mulatto Slave shall, by Sickness or otherwise, be rendered incapable to support and maintain him or herself; which said Bond shall be filed, and remain with the Clerk of the Peace of the said County; on Failure whereof such Manumission shall be utterly void and of none Effect, any Thing contained in this Act to the contrary notwithstanding.

Owner of Slaves to maintain them if able;

if not, the Township.

5. AND BE IT ENACTED *by the Authority aforesaid*, That every Master or Mistress of any Negro, Indian or Mulatto Slave, not manumitted according to the Directions of this Act, his or her Heirs, Executors or Administrators, shall be obliged and compelled at all Times to support and maintain his, her or their Slave or Slaves. PROVIDED NEVERTHELESS, That if any Master or Mistress shall become insolvent, and so incapable of providing for and maintaining his or her Slave or Slaves, who shall by Sickness or otherwise be rendered incapable of supporting and maintaining him, her or themselves, in such Case the Slave or Slaves, so rendered incapable of maintaining themselves, shall be deemed and esteemed of the Poor of this Colony, and be entitled to the same Relief as white Servants in such Case by the Laws of this Colony now are.

Section of a former Law repealed.

6. AND BE IT ENACTED *by the Authority aforesaid*, That the fourteenth, being the last Section of the Act, entitled, *An Act for regulating of Slaves*,\* passed in the thirteenth and fourteenth Years of Her late Majesty Queen *Anne*, is hereby repealed.

Purchasers of Slaves along the Coast, deemed in the Province.

7. AND BE IT ENACTED *by the Authority aforesaid*, That any Purchase of any Slave as aforesaid, made upon the Water or Waters along the Sea Coast of this Province, or those between this Province and the Provinces of *New-York*, *Pennsylvania*, and the Lower Counties of *Delaware*, shall be deemed a Purchase made within the County opposite to such Water.

8. PRO-

\* Chap. XXXIX.

8. PROVIDED ALWAYS, That this Act shall be in Force for the Space Limitation. of ten Years, and from thence to the End of the next Session of General Assembly, and no longer.

C H A P. CCCCXCV.

*An ACT to settle the Quotas of the several Counties in this Colony for the levying Taxes.*

Passed Dec. 6, 1769.

**W**HEREAS in the last War against *France* there was struck in Preamble. this Colony for the Use of the Crown the Sum of *Three Hundred Forty-seven Thousand Five Hundred Pounds*, Proclamation Money, in Bills of Credit, on which Account there now remains a Debt of *One Hundred and Ninety Thousand Pounds*, to be sunk by Taxes to be raised in this Colony, at the respective Periods directed by Law for sinking the same: AND WHEREAS since the last Settlement of the Quotas of the several Counties in this Colony, by the Act passed in the twenty-sixth Year of the Reign of His late Majesty King *George* the Second, entitled, *An Act for levying a Fund at different Periods, by Provincial Taxes, for sinking the Sum of Fifteen Thousand Three Hundred and Two Pounds and Four-pence, now outstanding in Bills of Credit made current for His Majesty's Service in the late War*, the Circumstances of this Colony are much altered by the great Improvements made therein, by its Increase and Population, and the Erection of one new County, whereby it has become necessary that a new Settlement be made of the Proportions each County shall raise in future Taxes for supplying the Treasury of this Colony with the said Sum of *One Hundred and Ninety Thousand Pounds* ;

*Sect. I. BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the said Sum of One Hundred and Ninety Thousand Pounds shall be fully levied and paid into the Treasury of this Colony, agreeable to the Directions of the several Acts by which the same was granted, so that the last Payment thereof be made on or before the twenty-first Day of November, in the Year of our Lord One Thousand Seven Hundred and Eighty-three, the Payments thereof to be made in Money as it now passes in the Western Division of this Colony, in the Proportions and at the Periods following, That is to say,*

The Sum of *Twelve Thousand Five Hundred Pounds*, the first Payment thereof to be levied and paid into the Treasury of this Colony on or before the twenty-first Day of *November*, which will be in the Year of our Lord One Thousand Seven Hundred and Seventy ; and the further Sum of *Twelve Thousand Five Hundred Pounds* on or before the twenty-first Day of *November*, which will be in the Year of our Lord One Thousand Seven Hundred and Seventy-one ; and the further Sum of *Twelve Thousand Five Hundred Pounds* on or before the twenty-first Day of *November*, which will be in the Year of our Lord One Thousand Seven Hundred and Seventy-two ; and the further Sum of *Twelve Thousand Five Hundred Pounds* on or before the twenty-first Day of *November*,

*One Hundred and Ninety Thousand Pounds to be levied by the twenty-first Day of Nov. 1783.*

*The Proportions and Times of levying the Money.*

Gelding, shall be rated at the Discretion of the Assessors, not under *Fifteen Shillings*, nor above *Thirty Shillings*.

Every single Man that works for Hire, and does not keep a Horse, Mare or Gelding, shall be rated at the Discretion of the Assessors, not under *Ten Shillings*, nor above *Twenty Shillings*.

PROVIDED ALWAYS, That single Men who live at Home with their Parent or Parents, and work for them, and do not otherwise work for Hire, except in Harvest Time, shall not be rated as a single Man; and all single Men, possessed of a ratable Estate, the Tax whereof amounts to *Ten Shillings*, shall be assessed for such Estate only, and not as single Men.

Every bought Servant and Slave, being a Male of Sixteen Years old and upwards, except such Slaves as are not able to work, shall be rated at the Sum of *Four Shillings*.

Every Coach, Chariot or four-wheeled Chaise, shall be rated the Sum of *Ten Shillings*.

Every two-wheeled Chaise shall be rated the Sum of *Five Shillings*.

Every Riding Chair and Kittereen shall be rated the Sum of *Two Shillings*.

Every Curricule or Pole Chair shall be rated the Sum of *Five Shillings*.

All Waggon, the Bodies of which hang on Springs, shall be rated at *Five Shillings*.

All Cattle, Horses, Mares and Geldings of two Years old and upwards, shall be valued at *Twenty-five Shillings* each Head.

Valuation of  
Land in the  
several Coun-  
ties.

All profitable Tracts of Land held by Deed, Patent or Survey, whereon any Improvement is made, the whole Tract shall be valued at the Discretion of the Assessors in each respective County of this Colony, as follows, *Videlicet*,

In the County of *Bergen* not above *Forty Pounds* per Hundred Acres, nor under *Eight Pounds* per Hundred Acres.

In the County of *Essex* not above *Forty-five Pounds* per Hundred Acres, nor under *Nine Pounds* per Hundred Acres.

In the County of *Middlesex* not above *Forty Pounds* per Hundred Acres, nor under *Five Pounds* per Hundred Acres.

In the County of *Monmouth* not above *Forty-five Pounds* per Hundred Acres, nor under *Five Pounds* per Hundred Acres.

In the County of *Somerset* not above *Fifty Pounds* per Hundred Acres, nor under *Nine Pounds* per Hundred Acres.

In the County of *Morris* not above *Forty Pounds* per Hundred Acres, nor under *Five Pounds* per Hundred Acres.

In the County of *Suffex* not above *Thirty-five Pounds* per Hundred Acres, nor under *Four Pounds* per Hundred Acres.

In the County of *Hunterdon* not above *Forty-five Pounds* per Hundred Acres, nor under *Six Pounds* per Hundred Acres.

In the County of *Burlington* not above *Forty-five Pounds* per Hundred Acres, nor under *Six Pounds* per Hundred Acres.

In the County of *Gloucester* not above *Forty Pounds* per Hundred Acres, nor under *Three Pounds* per Hundred Acres.

In the County of *Salem* not above *Fifty Pounds* per Hundred Acres, nor under *Five Pounds* per Hundred Acres.

In the County of *Cumberland* not above *Thirty-five Pounds* per Hundred Acres, nor under *Five Pounds* per Hundred Acres.

In the County of *Cape-May* not above *Thirty Pounds* per Hundred Acres, nor under *Eight Pounds* per Hundred Acres.

4. AND BE IT ENACTED *by the Authority aforesaid*, That every Hawker, Pedler, Petty-chapman and wholesale Trader, travelling on Foot, and exposing his or her Goods to Sale, excepting Linen, or other Goods manufactured within this or the neighbouring Colonies, shall, before he or she offers such Goods to Sale, in any County of this Colony, first pay, over and above the Rates he or she is to pay by other Acts of Assembly, unto the Collector of the said County, where he or she proposes to sell Goods, the Sum of *Thirty Shillings*: And every Hawker, Pedler, Petty-chapman or wholesale Trader, travelling with a Horse or Horses, or any other Beast of Burden, or a Carriage, and exposing his, her or their Goods and Wares to Sale, except such as are before excepted, shall, before he, she or they offer any such Goods to Sale, in any County of this Colony, first pay unto the Collector of the said County where he, she or they propose to sell Goods, the Sum of *Three Pounds*. And if the said Hawker, Pedler, Petty-chapman or wholesale Trader, does not produce a Certificate to any Person demanding the same, from the Collector of that County wherein such Demand is made, and wherein he, she or they shall so offer his, her or their Goods to Sale, purporting that he, she or they hath or have paid the Rate aforesaid to such Collector, shall forfeit for every such Offence the Sum of *Five Pounds*, Money aforesaid, to be recovered before any one Justice of the Peace of the said County, one Half to the Use of His Majesty, his Heirs and Successors, to and for the Support of Government, to be applied towards the Quota of that County where such Offence shall be committed as aforesaid, and the other Half to the Use of the Person so suing for and recovering the same, with Costs of Suit: And the said Justice is hereby authorized, empowered and commanded to hear and determine the same upon his own View, or the Information of any Person or Persons whatsoever.

Rates to be paid by Pedlers and Petty-chapmen.

Pedlers to produce Certificates

5. AND BE IT ENACTED *by the Authority aforesaid*, That in each and every of those Years in which the Sum of *Twelve Thousand and Five Hundred Pounds* is to be raised in this Colony, *That is to say*; In each and every of the Years One Thousand Seven Hundred and Seventy, One Thousand Seven Hundred and Seventy-one, One Thousand Seven Hundred and Seventy-two, and One Thousand Seven Hundred and Seventy-three, the said Sum shall be annually assessed, levied and raised in Manner aforesaid, and yearly and every Year paid into the Treasury of this Colony on or before the twenty-first Day of *November*, in each and every of the said respective Years, in the Proportions following, *Videlicet*,

The Proportions of the several Counties during those Years in which £ 12,500 is to be raised.

By the County of *Bergen* the Sum of *Eight Hundred and Thirty Pounds Ten Shillings*.

By the County of *Essex* the Sum of *Nine Hundred and Twenty-eight Pounds Fourteen Shillings*.

By the County of *Middlesex* the Sum of *One Thousand and Ninety Pounds Eight Shillings*.

By the County of *Monmouth* the Sum of *One Thousand Three Hundred and Thirty-six Pounds Eight Shillings*.

By the County of *Somerset* the Sum of *One Thousand One Hundred and Thirty Pounds Two Shillings*.

By the County of *Morris* the Sum of *Nine Hundred and Four Pounds Five Shillings*.

District Collectors aforesaid, the several and respective Sums aforesaid, shall be such as hereafter shall be chosen during the Continuance of this Act as aforesaid, in each respective County of this Colony, according to the Directions of an Act of General Assembly, entitled, *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.*\*

Inhabitants to give the Assessors an Account of their ratable Estate.

Penalty on Neglect.

Persons suspected of concealing their Estates, may be brought before a Justice for Examination.

Penalty on Defaulters in appearing.

12. AND, to the End the several and respective Sums aforesaid may be equitably assessed and levied; BE IT ENACTED by the Authority aforesaid, That all and every of the Inhabitants and Householders of each County in this Colony, on Application to them made by the Assessors of the respective Towns, Precincts or Districts chosen as aforesaid, shall forthwith give a true Account of their Names and Surnames, and of their Estates Real and Personal, made ratable by this Act, where the same doth lie; which the Assessors shall take down in Writing, in order to be enabled thereby to make just and true Assessments of such ratable Estate, and to render Duplicates thereof to the Town, Precinct and District Collectors, chosen as aforesaid, by the Times herein after prescribed for that Purpose. And in case any of the Inhabitants or Householders shall at any Time neglect or refuse to give in such Account of their said Estates Real and Personal, such Person or Persons, so neglecting or refusing, shall forfeit the Sum of *Three Pounds*, Money aforesaid, and be assessed and rated the Double of the Sum of what the said Assessors in their Discretion may suppose the said Person or Persons so 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 such Accounts are given in, have certain Knowledge or Reason to believe or suspect that any Person or Persons have concealed or not given in a full Account of their Estates Real and Personal, made ratable as aforesaid, then, and in such Case, it shall and may be lawful for the said Assessors respectively, and they are hereby commanded and enjoined to make a List or 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, empowered and commanded, to summon such Person or Persons so delinquent, or supposed to be delinquent, at a Day and Place to be by him appointed and prefixed, and then and there to examine such Person or Persons touching the Lists of their respective Estates so as aforesaid given in, or touching any other Matters which may any Way concern the Premises. And if, on such Examination or otherwise it shall appear that such Person or Persons have been guilty of concealing, or not giving in any Part of their Estates, made ratable as aforesaid, such Person or Persons shall forfeit and pay the Sum of *Three Pounds*, Money aforesaid, and shall be rated double the Value of what the Part of his Estate so concealed would have been rated at. And if any Person or Persons, duly summoned to be examined as aforesaid, shall neglect to appear on the Day and Place to be prefixed him, her or them, every Person so making Default, his, her or their ratable Estates shall be rated double the Value of what the said Assessors respectively may in their Discretion suppose the said Delinquents might otherwise have been rated at in Proportion to their Estates, and also be subject to the aforesaid Fine of *Three Pounds* for

\* Chap. CLXVIII.

*resol 453 sec 2.*

for not giving in a true Account of his Estate as aforesaid; for all which Penalties aforesaid the said Justices, on due Conviction as aforesaid, shall give Judgment with reasonable Costs, and thereupon issue his or their Warrant, directed to the Constable of the respective Town, Precinct or District, for distraining the same on the Goods and Chattels of such Offender; and in case no such Goods and Chattels can be found, then to take the Bodies of the Offenders, which shall be committed to the Gaol of the said County, there to remain in close Custody until the said Penalties and Costs shall be paid. And the same Penalties, when recovered, shall be paid to the Collector of such respective County, to be disposed of for and towards the Support of Government as aforesaid. Appeal given. PROVIDED ALWAYS, That if any Person or Persons shall think him, her or themselves aggrieved, by any such Judgment, it shall and may be lawful for such Person or Persons, in the Space of ten Days then next following, to appeal from the said Judgment to the then 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, whose Judgment shall be final to all Intents and Purposes.

13. AND BE IT ENACTED *by the Authority aforesaid*, That for assessing all and singular the aforesaid yearly Payments, to be assessed, levied and paid into the Treasury yearly and every Year during the Continuance of this Act, the Assessors aforesaid respectively shall take a true Account, and make an exact List, with Columns therein, of all those Persons and Things made ratable as aforesaid, on or before the first Day of *August* yearly and every Year; and, on the first *Monday* in *September* following, shall meet at the Court-houses of all the Counties, except in the County of *Middlesex*, for which they shall meet at *Piscataway*, and for the County of *Hunterdon* at the now Dwelling-house of *John Ringo* in *Amwell*; and at the said respective Places shall compute what the Sum total of all the Certainties laid by this Act in the said County shall amount unto, and the Rates and Penalties received by the Collector thereof, to and for the Support of Government as aforesaid, (if any such Rates and Penalties shall happen to be so received) 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, Precincts or Districts in each and every County of this Colony, at the Value in this Act mentioned and expressed, and at such other Value as they or the Majority of them then present, in their Discretion, shall think reasonable to fix, according to the Restrictions and Directions herein before limited and prescribed; and, after deducting the Certainties, Rates and Penalties aforesaid (if any such Rates and Penalties shall happen to be so received) from the Quotas 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 to the Remainder, and assess such Remainder and Addition of Fees, equally on the *Pound* Value of all the Real and Personal Estates within each of their several and respective Counties, so as to make up their several and respective Quotas, with the additional Charges of assessing and collecting, receiving and paying the same into the Treasury by the Times above-mentioned. And the Assessors aforesaid respectively, within ten Days after making such Assessments, shall deliver to the Collectors of each Assessors Mode of proceeding yearly to levy the Taxes.

Town, Precinct or District of the several Counties within this Colony, true and exact Duplicates of each respective Assessment, containing in distinct Columns therein to be made for that Purpose, as well an exact Account of the Certainties, Rates and Penalties aforesaid, and the ratable Estates given in by each Person, as also the Assessment thereon, made in the Form following :

A LIST of all the Ratables in the Township of \_\_\_\_\_ in the County of \_\_\_\_\_ in the Colony of NEW-JERSEY, with the Assessments made thereon, in the Month of \_\_\_\_\_ in the Year of our Lord 17 \_\_\_\_\_

PERSONS NAMES.	Acres of Land.	Value of the Land.	Horses and Cattle, <i>Twenty-five Shillings each.</i>	Servants and Slaves.	Single Men who keep a Horse.	Single Men.	Vessels.	Merchants.	Grift-Mills and Number of Stones.	Saw-Mills.	Fulling-Mills.	Furnaces.	Bloomaries and Forges, with Numb. of Fires.	Stills.	Brew-Houfes.	Ferries.	Coaches, Chariots and four wheeled Chaises.	Two wheeled Chaises.	Riding Chairs and Kittereens.	Waggons whose Bodies hang upon Springs.	Curricles, and Pole Chairs.	Householders.	Glais-Houfes.	£.	s.	d.	

Here cast up the Total of each.

Penalty on Assessors and Collectors neglecting their Duty.

14. AND BE IT ENACTED by the Authority aforesaid, That in case any of the Assessors chosen as aforesaid shall neglect or refuse to accept the said Office, or shall neglect or refuse to deliver unto the Collectors aforesaid true and exact Duplicates of such Assessments, by the Times above particularly prefixed, or shall otherwise neglect or refuse to do any other Duty, Matter or Thing required and enjoined them by this Act, every such Assessor so offending shall forfeit for each Offence the Sum of *Five Pounds*, Money aforesaid; to be recovered by the Collector of each respective County within this Colony where such Offence or Offences shall be committed, in any Court of Record where the same shall

shall be cognizable, with Costs of Suit; one Half to His Majesty, his Heirs and Successors, to and for the Support of Government, to be applied as aforesaid, and the other Half to such Collector so recovering the same, with Costs of Suit; and the said County Collectors respectively are hereby authorized, enjoined and required to sue for the same accordingly. And in case the said Collectors, or either of them, shall knowingly conceal or neglect to sue any such Assessors, so delinquent as aforesaid, for the Space of ten Days after Notice of such Offence or Offences; then, and in that Case, such Collector so offending shall forfeit the Sum of *Five Pounds*, Money aforesaid, for every such Offence; to be recovered by any Person who will sue for the same, one Half to the Use of His Majesty, his Heirs and Successors, to and for the Support of Government, to be applied towards the Quota of such County or Counties respectively where such Collector or Collectors so offending shall reside, and the other Half, with Costs of Suit, to the Person so suing: And the Assessors aforesaid shall have and receive of and from the County Collectors aforesaid the Sum of *Six-pence per Pound* for their Trouble of assessing the several and respective Sums directed to be raised by this Act as aforesaid.

Assessors Fees.

15. This Section gave such who apprehended themselves aggrieved by any Assessment an Appeal to the next Justice within six Days after Demand, who was authorized to hear and determine the same, which is now altered by Chap. DXXIX.

16. AND BE IT ENACTED *by the Authority aforesaid*, That the Collectors aforesaid of each respective Town, Precinct or District within the several Counties of this Colony, within sixty Days after the Receipt of the Duplicates from the Assessors aforesaid, shall gather in the several and respective Sums assessed thereon as aforesaid, and deliver the same to the Collectors of the respective Counties aforesaid. And if in case any of the Town, Precinct or District Collectors aforesaid shall neglect or refuse to deliver such Money, or any Part thereof so collected, and such Duplicates whereon the same shall be assessed as aforesaid, to such County Collector by the Time above prefixed them for that Purpose, every such Collector so offending shall forfeit for each Offence the Sum of *Five Pounds*, Money aforesaid; and in case any of the Town, Precinct or District Collectors aforesaid shall in any other Duty, Matter or Thing required and enjoined them by this Act, neglect or refuse the same, every such Collector, for each Offence, shall forfeit the Sum of *Five Pounds*, Money aforesaid: All which Penalties the County Collectors aforesaid, respectively, are hereby authorized, empowered and commanded to sue for in any Court of Record in this Colony where the same shall be cognizable; one Half to His Majesty, his Heirs and Successors, towards the Support of Government, to be applied as aforesaid, and the other Half to such County Collector so suing, with Costs of Suit. And in case the said County Collectors aforesaid, or either of them, shall knowingly conceal or neglect to sue any such Town, Precinct or District Collector, so delinquent as aforesaid, for the Space of ten Days after Notice of the said Offence or Offences, then, and in that Case, such County Collector so offending shall forfeit the Sum of *Five Pounds* for neglecting to sue for the Recovery of such Sum or Sums of Money so collected by such Town, Precinct or District Collectors; and

Collectors to gather in the Tax.

Penalty on Collectors not doing their Duty.

Application.

Collectors to  
Fees.

Collectors to  
give in the  
Name of De-  
linquents.

and the Jus-  
tices to issue  
his Warrant.

Penalty on  
Constables  
who shall be  
deficient.

County Col-  
lectors receiv-  
ing any For-  
feitures, &c.  
are to inform  
the Assessors  
thereof.

and the Sum of *Three Pounds* for neglecting to sue for any other less Breach of Duty, Matter or Thing required and enjoined them by this Act as aforesaid: All which Penalties may and shall be recovered by any Person who will sue for the same in any Court of Record within this Colony; one Half to His Majesty, His Heirs and Successors, to and for the Support of Government, to be applied in Manner aforesaid, and the other Half to the Person so suing, with Costs of Suit. And the Town, Precinct or District Collectors aforesaid, shall and may retain in their Hands the Sum of *Four-pence* per *Pound* for all such Money as they shall respectively gather and pay to the County Collectors aforesaid, by Virtue of the Directions of this Act: And if any Person or Persons shall refuse or neglect to pay his, her or their Tax to the Town, Precinct or District Collector or Collectors, when demanded or Notice given at their respective Places of Abode, such Collector or Collectors, within twenty Days after making such Demand, or giving such Notice, shall make out a List of the Name and Surname of such Delinquent or Delinquents, with what Sum or Sums he, she or they is or are to pay, and make Return thereof to any one Justice of the Peace of such County where such Delinquency shall happen; which Justice is hereby empowered and required to administer an Oath or Affirmation to the said Collector, that the Monies in the List mentioned had been demanded of or Notice thereof given to the Delinquents, and thereupon make out his Warrant to the Constable of such Town, Precinct or District, to make Distress on the Delinquent or Delinquents Goods and Chattels, and make Sale thereof at a publick Vendue, in any Town or County within this Colony, and pay the Tax or Taxes for which such Distress shall be made unto the Collector of such Town, Precinct or District, to be by him paid unto the Collector of said County, and, after Payment made, to retain *Two-pence* for each Name inserted in the Warrant, to be paid to the Justice of the Peace that shall make out the same, and *One Shilling* to the Constable for each Distress and Sale; and the said Constable shall pay the same to the Collector within six Days after receiving it; and shall forfeit *Forty Shillings* for Breach of any Part of his Duty enjoined him by this Act, to be recovered and applied as aforesaid; and if any Overplus shall then remain, the same to be returned to the Owner or Owners thereof; and, where Goods and Chattels cannot be found, the Constable or Constables of such Towns, Precincts or Districts, is and are hereby empowered and required to take the Body or Bodies of such Delinquent or Delinquents, if to be found in said County, and deliver him or them to the Sheriff of such County, who is hereby empowered and required to keep such Delinquent or Delinquents in safe Custody until Payment shall be made, and all Charges accrued thereby defrayed.

17. AND BE IT ENACTED by the Authority aforesaid, That if any of the County Collectors aforesaid shall receive any Sum or Sums of Money for Rates or Forfeitures by Virtue of the Directions of this Act, before the Taxes herein before-mentioned shall be assessed, every such Collector shall immediately render an Account thereof to the Assessors of the County respectively, where such Money shall be so received, to the End the said Assessors may deduct the same from the Quota of such County, and assess the Remainder thereof, equally upon those Persons and Things made ratable as aforesaid. And in case such  
Collector

Collector or Collectors shall neglect or refuse to give such Account as afore-Penalty on Neglect. said, every such Collector, so neglecting or refusing, shall forfeit for every such Neglect or Refusal the Sum of *Five Pounds*, Money afore-Application. said, to be recovered by any Person who will prosecute the same to Effect, in any Court of Record where the same shall be cognizable, one Half to His Majesty, his Heirs and Successors, for and towards the Support of Government of this Colony, to be applied as afore-Application. said, and the other Half to the Person so prosecuting, with Costs of Suit.

18. AND BE IT ENACTED *by the Authority afore-County Collectors to pay their Quotas to the Treasurers. said*, That the Collectors afore-County Collectors to pay their Quotas to the Treasurers. said, of the several Counties within this Colony, shall pay the particular Sums by them severally received for the Quotas of the said Counties, to be levied by Virtue of the Directions of this Act, unto the Treasurers of the Divisions to which the said Collectors shall severally belong, on or before the twenty-first Day of *November* yearly and every Year, during the Continuance of this Act; for which Sums of Money the said Treasurers shall give the said Collectors a Receipt; which Receipt shall be a sufficient Voucher to discharge them the said Collectors severally of and from the same; but if in case the said Collectors, or either of them, shall neglect or refuse to pay such Sums of Money unto the said Treasurers as afore-Penalty on Neglect. said by the Times above prefixed for that Purpose, every such Collector so offending shall forfeit for every such Offence the Sum of *Fifty Pounds*, Money afore-Penalty on Neglect. said; to be recovered by the said Treasurers, or either of them, in any Court of Record within this Colony where the same shall be cognizable, one Half thereof to His Majesty, his Heirs and Successors, for and towards the Support of Government, to be applied to the defraying the Quota or Quotas of such County or Counties to which the Collector or Collectors so offending shall respectively belong, and the other Half to the said Treasurers, or either of them, so suing, with Costs of Suit.

19. AND in case the said Treasurers, or either of them, shall knowingly conceal or neglect, for the Space of twenty Days, to sue any such County Collector or Collectors so offending as afore-Penalty on Treasurers concealing the Faults of County Collectors. said, such Treasurer or Treasurers, so concealing or neglecting to sue as afore-Penalty on Treasurers concealing the Faults of County Collectors. said, shall forfeit the Sum of *Fifty Pounds*, Money afore-Penalty on Treasurers concealing the Faults of County Collectors. said, for every such Concealment or Neglect; to be recovered in any Court of Record within this Colony where the same shall be cognizable, by any Person who will sue for the same, one Half to His Majesty, his Heirs and Successors, for and towards the Support of Government, to be applied in Manner afore-Penalty on Treasurers concealing the Faults of County Collectors. said, and the other Half to the Person so suing as afore-Penalty on Treasurers concealing the Faults of County Collectors. said; and the County Collectors afore-Penalty on Treasurers concealing the Faults of County Collectors. said shall have and retain in their Hands the Sum of *Two-pence per Pound* for all such Money as they shall respectively receive and pay unto the Treasurers afore-Penalty on Treasurers concealing the Faults of County Collectors. said, by Virtue of the Directions of this Act.

20. AND BE IT FURTHER ENACTED *by the Authority afore-Justices and Freeholders may call County Collectors to Account. said*, That it shall and may be lawful for the Justices of the Peace of each County in this Colony, or any three of them, *Quorum unus*, and the Majority of the Freeholders chosen for the said County, to call the County Collectors afore-Justices and Freeholders may call County Collectors to Account. said to an Account, concerning the Money they shall receive by Virtue of the Directions of this Act in the said Counties, at such Time or Times, and as often as the said Justices and Freeholders may deem

convenient. And in case any of the said County Collectors shall have any of the Money by them received as aforesaid remaining in their Hands after the Quota of the County shall be paid unto the Treasurer of the Division to which such Collector shall respectively belong, and the Fees by this Act allowed for assessing, collecting, receiving and paying the same unto the Treasurers aforesaid, then, and in that Case, it shall and may be lawful for the said Justices and Freeholders to order the Money so remaining in such Collector's Hands to be continued therein, and likewise to order him to notify the Assessors aforesaid chosen for the said County of the Sum so remaining in his Hands, before the next Assessment to be made therein, to the End the said Assessors may deduct the same from the Quota of said County, and assess the Remainder on those Persons and Things made ratable by this Act as aforesaid.

Penalty on  
Collectors re-  
fusing to ren-  
der Account.

21. 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 notify the said Assessors, of the Money remaining in their Hands as aforesaid, or shall neglect or refuse to pay such Money unto the Treasurers of the Division to which they shall severally belong; every such Collector, so neglecting or refusing to render Account as aforesaid, shall forfeit for every such Neglect or Refusal the Sum of *Fifty Pounds*, Money aforesaid: And every such Collector, so neglecting or refusing to notify the Assessors aforesaid of the Money so remaining in his Hands as aforesaid, shall forfeit for every such Neglect or Refusal the Sum of *Five Pounds*, Money aforesaid; and every such Collector so neglecting or refusing to pay such Money so remaining in his Hands, unto the Treasurer of the Division to which he shall respectively belong, as Part of the Quota of the County for which he shall be Collector, shall forfeit for every such Neglect or Refusal the Sum of *Five Pounds*, Money aforesaid: All which Penalties shall be recovered in any Court of Record of this Colony where the same shall be cognizable, by any Person who will sue for the same; one Half to His Majesty, his Heirs and Successors, to and for the Support of Government, to be applied towards the Payment of the Quota of such County where such Penalties shall become due, the other Half to the Person so suing, with Costs of Suit.

Application.

County Col-  
lector to lay  
Copies of Af-  
fessments be-  
fore Justices  
and Freehold-  
ers.

22. AND BE IT ENACTED *by the Authority aforesaid*, That the said County Collectors, respectively, are hereby required and commanded to lay Copies of the respective Assessments, and Accounts of Deficiencies, and of all Monies assessed and levied on the County, as shall be so delivered to them by the said Town Collectors, before the Justices and Freeholders of the respective Counties at their stated Meeting.

Assessor or  
Collector dy-  
ing, &c.  
others to be  
chosen.

23. AND BE IT ENACTED *by the Authority aforesaid*, That in case any Assessor or Collector of either of the Townships, Precincts or Districts in the Counties aforesaid, shall refuse to act, or shall die or remove before another can be chosen in his Room, by Virtue of an Act of General Assembly herein referred to; then, and in that Case, the Constable or Constables of such Town, District or Precinct, is hereby commanded immediately to give Notice thereof to any Justice of the County, who is hereby required to issue out his Warrant to the Consta-  
ble

ble or Constables of such Township, District or Precinct, requiring him or them to warn the Freeholders and Inhabitants, Householders thereof, to meet at the usual Place of their Town-meetings within six Days, who shall then and there proceed to elect another Assessor or Collector, in the same Manner as by the said former Act referred to is directed and appointed. And if any County Collector shall refuse to act, or shall die or remove, then the Justice who lives nearest to such Collector, or other Justice, shall issue his Warrant to the Constables, to summon the Justices and Freeholders chosen for such County to meet within ten Days, who shall choose a Collector in the Room of such so refusing, dying or removing, in the same Manner as by a former Act referred to is directed and appointed: And the Assessor or Collector so elected shall transact, do and perform all whatsoever the other Assessor or Collector was obliged to, and be subject to the like Pains and Penalties for Misbehaviour.

24. AND BE IT ENACTED *by the Authority aforesaid*, That if any of the Justices of the Peace within this Colony shall neglect or refuse to do any Duty, Act, Matter or Thing by this Act enjoined them to do and perform, every such Justice, so neglecting or refusing, shall forfeit for each Offence the Sum of *Five Pounds*, Money aforesaid, to be recovered by any Person who will sue for the same, in any Court of Record of this Colony, where the same shall be cognizable; one Half to His Majesty, his Heirs and Successors, for and towards the Support of Government, to be applied towards the Quota of the County where such Offence shall be committed, the other Half to the Person so suing, with Costs of Suit.

Penalty on Justices of Peace neglecting their Duty.

25. AND WHEREAS many Persons residing within this Colony have seated themselves on certain large Tracts of Land, neither having Property therein, or paying Rent for the same, yet nevertheless do actually hold and occupy certain Parts thereof, and therefrom do receive the like common Benefits that the Freeholders of this Colony do generally receive from their Fee-simple Estates; and to exempt such Persons seated as aforesaid from Payment of their just Proportion of the Taxes herein directed to be levied, for the Lands they severally hold and occupy as aforesaid, would be a manifest Injury to the said Freeholders, and other Inhabitants of this Colony, made ratable by this Act; for remedying of which, BE IT ENACTED *by the Authority aforesaid*, That all and every Person or Persons residing within this Colony, seated on, occupying and holding Lands, not having the Property thereof, or paying Rent for the same, shall notwithstanding give a true Account of the particular Parts of all such Lands which they are respectively seated on, both cleared and Woodland, as much as they pretend to hold, to the Assessors of this Colony respectively, when thereunto required; and shall pay their several and respective Taxes for the same, in the like Manner as the Freeholders aforesaid are liable to do by Virtue of the Directions of this Act: And for neglecting or refusing to give such Account, and pay such Taxes as aforesaid, shall be subject to the like Pains and Penalties as the said Freeholders are subject to, by Virtue of the Directions of this Act as aforesaid, any Thing in this Act contained to the contrary hereof in anywise notwithstanding.

Persons residing on Lands not their own Property, to pay Tax.

26. AND

Tenants liable to pay the Tax.

Proviso not to alter any Agreement between Landlord and Tenant.

Collectors, &c. to deliver the Acts to their Successors.

Parts of former Acts repealed.

Preamble.

26. AND WHEREAS some Owners of profitable Tracts of Land whereon Improvements are made may not reside in the same County or Township where such Land lies, whereby it may be difficult to recover the Tax assessed on said Land ; for Remedy whereof, BE IT ENACTED *by the Authority aforesaid*, That the Tenant or other Person residing on and having the Care of such Lands, their Goods and Chattels, and the Goods and Chattels of the Landlord (on his Refusal or Neglect to pay) if there found, shall be liable to be distrained for Payment of said Tax ; and in case the Tenant or Person having the Care thereof shall pay, or their Goods be distrained for the same, then it shall and may be lawful to and for the said Tenant to deduct the Tax so paid out of the Rent agreed for, and the Tenant or Tenants or Person having the Care of said Land, to recover the same from the Owner, by Action of Debt, in any Court where the same shall be cognizable, together with Costs of Suit. PROVIDED, That nothing in this Act shall in any Manner alter any Contract heretofore made between any Landlord and Tenant, provided that the Tenant shall not be liable to pay more than his yearly Rent. And if it shall so happen that the Tenant by his Lease shall be obliged to make sundry Improvements, and not to pay any Money as Rent, and also if the Tenant or Tenants Rent does not amount to the Tax assessed for what he leases, it shall be lawful for the County Collector to recover the same from the Landlord, by Action of Debt, in any Court where the same shall be cognizable. PROVIDED ALWAYS, That it is the true Intent and Meaning of this Act, that all Lands purchased from a larger Patent or Survey shall be esteemed a separate Tract.

27. AND BE IT ENACTED *by the Authority aforesaid*, That every Collector and Assessor aforesaid shall deliver over to his Successor in Office the Acts of Assembly allowed and belonging to such Officer.

28. AND BE IT ENACTED *by the Authority aforesaid*, That where Provision is made by this Act for Payment of any Collector, Assessor or other Officer, all Clauses in any former Law in this Colony providing for Payment of the same Services is and are hereby repealed.

C H A P. CCCCXCVI.

*An ACT for the more effectual Discovery and Punishment of the Crime of Horse-Stealing.\**

Passed Dec. 6, 1769.

WHEREAS it has been found by long Experience in this Colony, that the Punishment which by the Law as it now stands is directed to be inflicted upon every Person, indiscriminately convicted of Horse-Stealing, has not answered the good Purposes thereby intended ; but, on the contrary, from an Idea of its extreme Severity operating upon the Minds of the Inhabitants of this Province, has destroyed that Vigilance usually exerted by them in the apprehending of Criminals, and thereby prevented a great Number of Persons suspected to have been guilty of that atrocious Crime from being discovered and brought to Justice : AND WHEREAS an Abatement in the Punishment of this Crime, in the first Instance of its Commission, has, by Experience, been found to be a very

\* See a Supplement to this Act, Chap. DXCV.

a very happy Remedy against these Inconveniencies in some of the neighbouring Colonies, and it is hoped will be productive of the same desirable Effects in this ; Therefore,

*Seçt. 1.* BE IT 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, it shall and may be lawful for the Justices of the Supreme Court, or the Justices of any of the Courts of Oyer and Terminer and General Gaol Delivery to be held in this Colony, whenever any Person shall be duly convicted before them of the Crime of Horfe-Stealing, instead of pronouncing Sentence of Death upon such Offender or Offenders, to order such corporal or other Punishment to be inflicted upon such Person or Persons so convicted as aforesaid (not extending unto Life) as they in their Discretion shall judge most proper, according as the Circumstances of the said Crime shall appear to them to be more or less aggravated.

Punishable at Discretion of the Court.

2. PROVIDED ALWAYS, AND BE IT ENACTED *by the Authority aforesaid,* That it shall and may be lawful for the said Justices to pronounce Sentence of Death upon any Person or Persons who shall appear by Record of Court to have been before duly convicted of the said Crime of Horfe-Stealing ; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Second Offence punishable with Death.

C H A P. CCCCXCVII.

*An ACT the more effectually to regulate Ferrymen and Ferries within this Colony.*

Passed Dec. 6, 1769.

*Seçt. 1.* **B**E IT ENACTED *by the Governor, Council and General Assembly of this Colony, and it is hereby Enacted by the Authority of the same,* That the Ferrymen owning, possessing or employed in all or any of the Boats, Flats, Wherries or other Vessels, for carrying Passengers to and from any Place or Places within this Colony, or to and from the Colonies of *New-York and Pennsylvania,* and the Lower Counties on *Delaware,* or any of them, shall and are hereby required to give constant and diligent Attendance, and to keep their Boats and other Craft at all Times in Order, with sufficient and able Hands to attend the same, and not to deny or unnecessarily delay the speedy carrying over any Passenger or Passengers, applying for that Purpose, singly or together, with Horfe or Carriage, or with any other Creature, or any Creature or Creatures singly or together, or any Thing else whatsoever, that may be lawfully carried over, upon the Penalty of forfeiting for every such Denial, Neglect or Delay, the Sum of *Twenty Shillings,* and the Damages such Person or Persons may have sustained by any such Denial, Neglect or Delay : And they are also hereby further enjoined and commanded, upon the Penalty aforesaid, not to exact or take any unaccustomed or unreasonable Ferriage : Which said Penalties and Damages respectively shall be recovered, upon due Conviction of such Offender or Offenders, before any neighbouring Justice of the Peace, and applied one Half to the Person who shall complain and prosecute the same to Effect, the other Half to the Overseers of the

Ferrymen to give good Attendance.

Highways of the Township where such Ferry is situate, to be applied towards repairing the publick Roads and Bridges of the said Township.

2. This Section directed one of the Clerks of the Assembly to publish this Act in the publick Papers, and in detached printed Copies, on or before the first Day of *May* then next.

C H A P. CCCCXCVIII.

*An ACT for recovering of Damages for Trespases done by Swine.*

Passed Dec. 6, 1769.

Preamble.

**W**HEREAS an Act of Assembly of this Colony, passed in the twelfth and thirteenth Years of Her late Majesty Queen *Anne*, entitled, *An Act concerning Swine*, does not sufficiently provide for the Recovery of Damages, by Reason whereof several expensive Controversies have arisen; for the Remedy whereof for the Future;

Swine trespassing, may be killed

*Sect. I.* 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, from and after the Publication of this Act, it shall and may be lawful for any Freeholder within this Colony, himself, Servant or Tenant, finding Swine trespassing on his, her or their Land, for which he, she or they shall pay Taxes, whether the same be enclosed or not, to kill such Swine, and inform the Owner thereof, if easily to be found; and if no Owner can be found, or if found, shall not appear, and take such Swine away, then the Person injured shall, within fifteen Hours after such Killing, give Notice to the Overseer of the Poor of the Township or District, who shall dispose of the said Swine so killed, for the Use of the Poor of the Town, Division or Precinct where such Swine were killed. And if any Person or Persons injured do not choose to kill such Swine so found trespassing as aforesaid, then it shall and may be lawful for such Person or Persons to take and put such Swine, trespassing on his, her or their Lands as aforesaid, into his, her or their Yard or other Inclosure, and give Notice to the Owner, if easily to be found, who shall pay double Damage to the Person or Persons injured, to be appraised by two Freeholders to be chosen by the Parties: And if the Owner or Owners of such Swine refuse or neglect for twenty-four Hours after Notice to join in choosing the Appraisers as aforesaid, or if such Owner cannot easily be found, then the Person or Persons injured shall and may choose both the Appraisers, and the Damages so appraised shall and may be recovered by Action of Debt, in any Court where the same is cognizable, with Costs of Suit.

or secured, and double Damages recovered.

If Damages be not paid, the Swine to be sold.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if Inquiry be made, and no Owner appears and pays the Damages as aforesaid, within three Days after such Appraisement, that then it shall and may be lawful for the Person who sustained the Damage to set up Advertisements at four of the most publick Places next adjacent to where the Damage was done, therein describing the Number of said Swine, and the natural or artificial Marks thereon; and if no Owner shall appear within two Weeks from the Date of such Advertisement, and

and pay the Damage and Expence of keeping, to be appraised as aforesaid, that then, and in such Case, it shall and may be lawful for the Overseer of the Poor of the City, Township or Precinct wherein the Trespass shall be committed, to sell the said Swine so advertised as aforesaid at publick Vendue, and, after paying the Damages, with the Expence of Keeping, appraised as aforesaid, and deducting *Two Shillings* in the *Pound* for his Attendance on the Sale, and collecting the Money, to apply the Surplus, if any be, to the Use of the Poor of the City, Township or Precinct wherein the Trespass was committed.

3. AND BE IT ENACTED by the Authority aforesaid, That the aforesaid Act, entitled, *An Act concerning Swine*,\* shall be, and is hereby repealed. Former Act repealed.

C H A P. CCCCXCIX.

*An ACT to indemnify the Treasurers of this Colony for advancing certain Sums of Money to the Agents appointed by Law to manage the Controversy touching the Settlement of the Line between New-Jersey and New-York, and for other Purposes therein mentioned.*

Passed Dec. 6, 1769.

**W**HEREAS by an Act passed in the fourth Year of His Majesty's Reign, entitled, *An Act for submitting the Property of Lands which are held or claimed by any of His Majesty's Subjects as lying within this Colony, and are affected by the Controversy about the Boundary or Partition Line between this Colony and the Colony of New-York, to such a Method of Decision as his most gracious Majesty shall think proper by his Royal Commission or otherwise to appoint*, no Provision is made to indemnify the Treasurers for the Payment of Monies they shall issue by Virtue or in Pursuance of the said Act. Preamble.

*Sect. I.* BE IT THEREFORE 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 said Treasurers, or either of them, and they are hereby directed and empowered, to advance and pay to the said *John Stevens, James Parker, Henry Cuyler, William Donaldson and Walter Rutherford*, Esquires, or the major Part of them, or the major Part of the Survivors of them, such Sum or Sums of Money not exceeding *Three Thousand Pounds*, for which they, or the major Part of them, or the major Part of the Survivors of them, shall procure a Warrant or Warrants from His Excellency the Governor, or Commander in Chief for the Time being, in Council, issued in Pursuance of the said recited Act; for which Monies the said Treasurer or Treasurers, or either of them, shall take the Bonds of the said *John Stevens, James Parker, Henry Cuyler, William Donaldson and Walter Rutherford*, Esquires, or any three of them, conditioned for the replacing such Sum or Sums of Money, without Interest, into the Treasury when demanded by such Treasurer, by Order of the House of Assembly; which Bonds shall be sufficient Vouchers to the said Treasurers, or either of them, for the paying out such Monies. Treasurers to advance Money upon Warrants from the Governor.

C H A P.

\* Chap. LVII.

## C H A P D.

*A supplementary ACT† to the Act, entitled, An Act for explaining and amending an Act of the General Assembly of this Province, entitled, 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.\**

Passed Dec. 6. 1769.

Preamble.

**W**HEREAS the Inhabitants of the Town of *Burlington* have, by their Petition, set forth, That, in and by the Act above recited, the Owners of the Meadows were to make, uphold and maintain the Dam, Floodgate and Sluice at *Yorkshire Bridge*, from the fast Land on that Side of the Creek where *Samuel Furniss* then lived to the Floodgate, and from thence two Rods further towards *Burlington*; that, since the passing of the said Act, a Fresh hath washed away the fast Land, and overthrew the House of the said *Samuel Furniss*, specified in said Act, leaving a great Chasm between the Sluice and fast Land, concerning the filling up and Reparation of which great Contentions arose between the Owners of the Meadows aforesaid, and the said Inhabitants; For Remedy thereof for the Future,

The Owners of the Meadows to uphold the Sluice and six Rod Dam.

*Sect. I.* BE IT ENACTED by the Governor, Council and General Assembly now met and assembled, and it is hereby Enacted by the Authority of the same, That, from and after the Publication of this Act, the Owners and Possessors of the said Meadows shall from Time to Time, and at all Times hereafter, make, uphold and maintain the said Sluice and two Rods of the said Dam on the Side of the Sluice next and towards the House now *William Hewlings's*, and four Rods of the said Dam towards the Island of *Burlington*; which Dam shall at all Times hereafter be kept a sufficient Breadth for Carriages to pass and repass over the same; any Thing in the before recited Act to the contrary thereof in anywise notwithstanding. And if the Owners of the said Sluice shall at any Time find it necessary to remove the said Sluice from where it now is to any other Part of said Causeway, within the said six Rods they are to maintain, they shall be at Liberty so to do, but always under the Provision enjoined by this Act, of upholding and maintaining two Rods next adjoining the Sluice on the Side where *William Hewlings* lives, and four Rods next adjoining on the Side of the Island of *Burlington*; the said two Rods and four Rods always to be computed from the Place where the said Sluice now stands.

Proviso.

2. PROVIDED ALWAYS, AND BE IT ENACTED, That whenever the Meadow Owners shall erect a Dam and Sluice on their own Grounds, that then and from thenceforth they shall not be compelled to contribute to the Maintenance of the present Sluice and Dam, other than as Inhabitants of the said City of *Burlington*, any Thing before to the contrary notwithstanding.

CHAP.

† This Act, though of a private Nature, affecting the Inhabitants of the City of *Burlington* in general in the Repair of a very necessary publick Road, is here inserted.

\* Chap. XXXIV.

CHAP. DI. *An Act to prohibit the setting Nets, Seines and other Devices in the Rivers Raritan and South River, to obstruct the Fish going up in the proper Seasons of the Year; and to preserve the Fry and young Brood of Fish from being destroyed in the said Rivers.* Expired.

Limited to five Years.

CHAP. DII. *A supplementary Act to an Act, entitled, An Act appointing Commissioners for finally settling and determining the several Rights, Titles and Claims to the Common Lands of the Township of Bergen; and for making Partition thereof in just and equitable Proportions, among those who shall be adjudged by the said Commissioners to be entitled to the same.* Private—disallowed June 6, 1770.

CHAP. DIII. *An Act to enable sundry of the Owners and Possessors of Meadows or Tide Marsh lying on Newton Creek, to erect and maintain a Bank, Dam and other Waterworks across the said Creek, in order to prevent the Tide from overflowing the same; and to keep the former Watercourse of said Creek open and clear.* Private.

CHAP. DIV. *An Act to enable the Owners and Possessors of the Meadows and Marshes bounding on Delaware River, between the Lands of John Mecom and Allen Congleton, in Lower-Penn's-Neck, in the County of Salem, to stop out the Tide from overflowing the same.* Private.

CHAP. DV. *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the twenty-first Day of May 1769, and to end the first Day of October 1770, and to discharge the publick Debts and contingent Charges thereof.* Expired.

The last five Acts were passed the 16th Day of November 1769.

CHAP. DVI. *An Act for the Relief of Insolvent Debtors.*

Supplied and repealed by Chap. DXLVII.

A Doubt arose upon the Words of this Act, Whether it extended to all Debtors then, or in future confined, or only to those in actual Confinement at the passing of the Act; to remove which, and explain the Meaning of the Legislature, Chap. DXXV was passed, but disallowed by the King; this produced the Act mentioned in the Margin.

CHAP. DVII. *An Act appointing Commissioners for supplying the several Barracks, erected in the Colony of New-Jersey, with Furniture and other Necessaries for accommodating the King's Troops in or marching through the same; for supplying Deficiencies, and for defraying incidental Charges.* Expired and obsolete.

This Act, so far as it related to the Barracks, former Deficiencies, and the Support of Troops, was limited to continue from the tenth Day of May 1769, to the first Day of November following.

CHAP. DVIII. *An Act for the more effectual Preservation of Deer in this Colony.* Supplied and repealed by Chap. DXL.

CHAP. DIX. *An Act for the better preserving of Oysters in the Colony of New-Jersey.* Expired—supplied by Chap. DCIX.

This Act was limited to three Years, and prohibited the taking of Oysters between the tenth Day of *May* and the first Day of *September*.

Difallowed June 6, 1770. CHAP. DX. *An Act for striking One Hundred Thousand Pounds in Bills of Credit.*

This Act had a suspending Clause, the Money was therefore never issued.

Difallowed. CHAP. DXI. *An Act to erect Courts in the several Counties in this Colony for the Trial of Causes of Ten Pounds and under.*

This Act was difallowed by the King in Council the seventh Day of *June 1771*, which Difallowance was published here the thirteenth Day of *September* following.

Private. CHAP. DXII. *An Act to grant certain Privileges to the Owners of the Iron Works in the Townships of Evesham and Northampton, in the County of Burlington, and of the Hibernia Iron Works in the Township of Pequannock, in the County of Morris.*

Private. CHAP. DXIII. *An Act to constitute and make Great Timber Creek, in Gloucester County, a lawful Fence, from the Mouth thereof to the Fork of the same; and to build and maintain a Bridge over said Creek near said Fork, from the Lands late Samuel Clement's, deceased, to the Lands late George Marple's, deceased.*

Private. CHAP. DXIV. *A supplementary Act to an Act, entitled, An Act to enable the Reverend Mr. Colin Campbell, the present Rector of Saint Mary's Church in Burlington, with the Church Wardens and Vestrymen of said Church, or the major Part of them, to sell Two Hundred and Six Acres of Land in Somerset County, devised to the Ministry of said Church; and to enable Trustees to put the same to Interest until a convenient Glebe can be purchased near the said Church; and other Purposes therein mentioned.\**

Private. CHAP. DXV. *An Act for maintaining the Banks and Sluices, and draining the Meadows on Manington Creek, in the County of Salem, and repealing an Act, entitled, An Act to enable the Owners of the Meadows and Marshes adjoining to and on both Sides of Manington Creek, to stop out the Tide from overflowing them.†*

Expired. CHAP. DXVI. *An Act to maintain and repair the publick Roads in the Township of Hanover, in the County of Morris, by a Tax on the Inhabitants of the same.*

Limited to five Years.

Private. CHAP. DXVII. *An Act to vacate the Sale of certain Lands in the County of Middlesex, late of Thomas Leonard, junior, deceased; and for other Purposes therein mentioned.*

Private. CHAP. DXVIII. *An Act for the Relief of Isaac Bonnel, Esquire, high Sheriff of Middlesex, with Respect to certain Escapes.*

Private. CHAP. DXIX. *An Act to naturalize Christopher Bishop, John Lame, Peter Lame, Henry Lishman, Francis Ralph, George Sawibeck, Thomas*

\* Chap. CCCCXXXII.

† Chap. CCLX.

Thomas Whisler, John Martin Fulkemer, Jacob Akeley, Frederick Smith, Matthew Marton, John Bohn, Gerhart Winter, Peter Brown, Andrew Congle, Peter Slim, John Hartman, Johannes Hofses, Johannes Balthafer Harff, Walter Wob, Christopher Rob, John Cosman, John Marlin and Henry Stricklan.

The last fourteen Acts were passed the 6th Day of December 1769.

At a GENERAL ASSEMBLY held at Burlington from the Fourteenth to the Twenty-seventh Day of March 1770, in the Tenth Year of the Reign of King George the Third, the following Laws were passed.

SESSION THE SECOND.

CHAP. DXX. *An Act to revive and amend an Act, entitled, An Act for better settling and regulating the Militia of this Colony of New-Jersey, for the repelling Invasions and suppressing Insurrections and Rebellions.* †

Expired—  
supplied by  
Chap.  
DXXXIX.

Limited to the first Day of May 1771.

CHAP. DXXI. *An Act for preventing dangerous Tumults and riotous Assemblies; and for the more speedy and effectual punishing the Rioters.*

Expired.

Limited to one Year.

CHAP. DXXII. *An Act to revive and continue the Process and Proceedings lately depending in the Inferior Court of Common Pleas, and Court of General Quarter Sessions of the Peace for the County of Monmouth.*

Obsolete.

CHAP. DXXIII. *An Act to provide a more effectual Remedy against excessive Cofts in the Recovery of Debts under Fifty Pounds in this Colony; and for other Purposes therein mentioned.*

Expired.

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.

CHAP. DXXIV. *An Act for defraying incidental Charges.*

Obsolete.

CHAP. DXXV. *An Act to explain and amend an Act of the General Assembly, passed in the tenth Year of His Majesty's Reign, entitled, An Act for the Relief of Insolvent Debtors;\** and for other Purposes therein mentioned.

Disallowed  
June 7, 1771.

CHAP. DXXVI. *An Act to revive an Act, entitled, An Act to prevent Waste from being committed upon the Common Lands allotted to the Patent of Seacaucus, in the Corporation of Bergen.* †

Private.

CHAP.

‡ Chap. CC.

\* Chap. DVI.

† Chap. CCCCXXX.

Private.

CHAP. DXXVII. *An Act to enable the Owners and Possessors of certain Meadows and Marshes bounding on Delaware River and Salem Creek, in Lower-Penn's-Neck, in the County of Salem, to stop out the Tide from overflowing the same.*

These Acts were passed the 27th of March 1770.

At a GENERAL ASSEMBLY held at Perth-Amboy from the Twenty-sixth Day of September to the Twenty-seventh Day of October 1770, in the Tenth and Eleventh Years of the Reign of King George the Third, the following Laws were passed.

SESSION THE THIRD.

CHAP. DXXVIII.

*An ACT for making a further Provision of Five Hundred Pounds for furnishing His Majesty's Troops stationed in this Colony with Necessaries; and also for defraying incidental Charges, and for other Purposes therein mentioned.*

Passed Oct. 27, 1770.

THE first and second Sections of this Act only relating to the immediate Supply of the King's Troops, and the Payment of fundry contingent Charges, are now expired and obsolete.

A Reappointment of Barrack-Masters.

3. AND BE IT ENACTED *by the Authority aforesaid*, That the Act\* appointing Barrack-Masters in this Colony be, and it is hereby repealed; and the several Persons herein after named be, and they are hereby appointed to take Care of the several Barracks and keep them in necessary Repair, *to wit*, Edward Thomas at Elizabeth-Town, Hendrick Fisher at New-Brunswick, Samuel Sarjant at Perth-Amboy, Abraham Hunt at Trenton, and Daniel Ellis at Burlington.

Former Barrack-Masters to deliver to the Governor, &c.

4. AND BE IT ENACTED *by the Authority aforesaid*, That the several Barrack-Masters shall, and they are hereby required to deliver to such Person or Persons as may be appointed for that Purpose by His Excellency the Governor or Commander in Chief of this Colony, all such Articles as they have purchased for the Use of the Troops, charged in their Accounts and not actually made Use of, together with an Inventory thereof.

CHAP.

\* The Law here meant must be Chap. CCCCXVIII, though the Words Barrack-Masters are not therein mentioned, nor are they in any other Law which this can allude to. See Chap. CCCL. Section 3.

## C H A P. DXXIX.

*A supplementary ACT to an Act, entitled, An Act to settle the Quotas in the several Counties in this Colony for the levying of Taxes.\**

Passed Oct. 27, 1770.

**W**HEREAS in the above-mentioned Act is contained a Proviso, Preamble,  
That if any Person or Persons shall think him, her or themselves aggrieved by any Assessment, made by any Assessor by Virtue of the said recited Act, it shall be lawful for such Person or Persons to appeal to the next adjacent Justice of the Peace, who is thereby empowered to hear and determine the same; which Mode of Appeal and Adjudication having been found inconvenient and dissatisfactory;

*Sect. 1.* BE IT THEREFORE ENACTED *by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same,* Appeal to the Quarter-Sessions.  
That, from and after the Publication of this Act, it shall and may be lawful for any Person or Persons who shall think him, her or themselves aggrieved by any Assessment, to appeal to the next Court of General Quarter-Sessions of the Peace of the same County; which Court, upon due Examination thereof, shall and may give such Relief therein as may be agreeable to Justice, whose Judgment shall be final to all Intents and Purposes.

2. PROVIDED ALWAYS, That it shall not be lawful for the said Court to reduce any Assessment to a lower Sum than fixed by the before recited Act, or to allow any Appeal by Virtue of this Act, unless the Sum assessed is first paid to the respective Town Collectors. No Court to reduce Assessments, nor to allow Appeals, except, &c.

## C H A P. DXXX.

*An ACT continuing an Act, entitled, An Act for preventing Frauds by Mortgages which shall be made and executed after the first Day of January One Thousand Seven Hundred and Sixty-six.†*

Passed Oct. 27, 1770.

**W**HEREAS an Act of the Governor, Council and General Assembly of this Colony, passed in the fifth Year of the Reign of His present Majesty, entitled, *An Act for preventing Frauds by Mortgages which shall be made and executed after the first Day of January One Thousand Seven Hundred and Sixty-six,†* will expire by its own Limitation at the End of this present Session of General Assembly; Preamble.

*Sect. 1.* THEREFORE BE IT ENACTED *by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same,* Continued for-ever.  
That the above-mentioned Act, entitled, *An Act for preventing Frauds by Mortgages which shall be made and executed after the first Day of January One Thousand Seven Hundred and Sixty-six,†* shall be, and is hereby continued, and every Clause, Article and Thing therein contained, shall be and remain in full Force for-ever hereafter.

\* Chap. CCCCXCV.

4 P

† Chap. CCCCIV.

Expired. CHAP. DXXXI. *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the first Day of October 1770, and to end the first Day of October 1771, and to discharge the publick Debts and contingent Charges thereof.*

Obsolete. CHAP. DXXXII. *An Act for establishing the Boundary or Partition Line between the Colonies of New-York and Nova-Cæfarea or New-Jersey; and for confirming the Titles and Possessions of certain Lands adjacent to or near the said Line.*

This Act contained a Proviso that *New-York* passed "an Act similar," but the Law which the Legislature of that Colony did afterwards enact not being so, Chap. DLXIV was passed to correspond therewith.

Disallowed. CHAP. DXXXIII. *A supplementary Act to an Act, entitled, An Act for the better enabling of Creditors to recover their just Debts from Persons who abscond themselves.\**

This Act provided a Remedy for the Recovery of Debts from Persons residing and being beyond Sea, or in any of the neighbouring Colonies, and from Joint Partners on Company Contracts: It had a suspending Clause, and was disallowed by the King the 15th of *January* 1772.

Expired. CHAP. DXXXIV. *An Act to raise a Fund for defraying Damages done by Dogs in the Counties of Somerset, Hunterdon, Burlington and Gloucester.*

Limited to two Years.

Private. CHAP. DXXXV. *An Act to regulate the Pasturing the Lands, Meadows and Islands in common, lying on and adjoining a certain Beach known by the Name of Barnegat or Long Beach; and for other Purposes therein mentioned.*

Private. CHAP. DXXXVI. *An Act to prevent Swine running at large in the Town of Haddonfield, in the County of Gloucester.*

This Act was Limited to five Years,

Disallowed *January 15, 1772.* CHAP. DXXXVII. *An Act to enable Persons who are His Majesty's liege Subjects either by Birth or Naturalization to inherit and hold Real Estates notwithstanding the Purchase, Grant or Demise were made before Naturalization.*

Private. CHAP. DXXXVIII. *An Act to naturalize Frederick Outgelt, Leonard Nymaster, Peter Lupp, John Bower, Lawrence Eykeinier, George Obert, Peter Obert and John Irick.*

These Acts were passed the 27th Day of *October* 1770.

At

\* Chap. CCXXIV.

## At a GENERAL ASSEMBLY held at

Burlington from the Twentieth Day of November to the Twenty-first Day of December 1771, in the Twelfth Year of the Reign of King George the Third, the following Laws were passed.

## SESSION THE FOURTH.

## C H A P. DXXXIX.

An ACT to continue and amend an Act, entitled, *An Act for better settling and regulating the Militia of this Colony of New-Jersey; for the repelling Invasions, and suppressing Insurrections and Rebellions.*\*

Passed Dec. 21, 1771.

**W**HEREAS the Act passed in the Nineteenth Year of the Reign of our late Sovereign Lord King George the Second, entitled, *An Act for better settling and regulating the Militia of this Colony of New-Jersey; for the repelling Invasions, and suppressing Insurrections and Rebellions,* will expire at the End of this Session of Assembly;

Preamble.

*Sect. 1.* BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the said Act, entitled, *An Act for better settling and regulating the Militia of this Colony of New-Jersey; for the repelling Invasions, and suppressing Insurrections and Rebellions,*\* shall be, and hereby is continued, and every Article and Clause therein contained shall be and remain in full Force, from the Publication hereof, to the first Day of May which will be in the Year of our Lord One Thousand Seven Hundred and Seventy-seven, and from thence to the End of the next Session of the General Assembly of this Colony, and no longer.

Limitation.

2. AND WHEREAS it has been a Custom of late, in some of the Counties of this Colony, to choose the Militia Officers Constables; for preventing the same for the Future, BE IT ENACTED by the Authority aforesaid, That, during the Continuance of this Act, it shall not be lawful for any Court of General Quarter-Sessions of the Peace, or for any of the Inhabitants of this Colony, at their annual Town-meetings, to appoint or choose any commissioned Officer, while in Commission, to be a Constable; any Law, Usage or Custom to the contrary notwithstanding.

Commissioned Officers not to be chosen Constables.

## C H A P. DXL.

An ACT for the Preservation of Deer and other Game, and to prevent trespassing with Guns.

Passed Dec. 21, 1771.

**W**HEREAS the Laws heretofore passed in this Colony for the Preservation of Deer and other Game, and to prevent trespassing

Preamble.

\* Chap. CC.

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ing with Guns, Traps and Dogs, have, by Experience, been found insufficient to answer the salutary Purposes thereby intended ; Therefore,

No Person to carry a Gun on Lands not his own, except, &c.

*Sec<sup>t</sup>. I.* BE IT ENACTED by the Governor, Council and General Assembly of this Colony of New-Jersey, and it is hereby Enacted by the Authority of the same, That if any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun on any Lands not his own, and for which the Owner pays Taxes, or is in his lawful Possession, unless he hath License or Permission in Writing from the Owner or Owners or legal Possessor, every such Person so offending, and convicted thereof, either upon the View of any Justice of the Peace within this Colony, or by the Oath or Affirmation of one or more Witnesses, before any Justice of the Peace of either of the Counties, Cities or Towns-corporate of this Colony, in which the Offender or Offenders may be taken or reside, he, she or they, shall, for every such Offence, forfeit and pay to the Owner of the Soil, or his Tenant in Possession, the Sum of *Forty Shillings*, with Costs of Suit ; which Forfeiture shall and may be sued for and recovered by the Owner of the Soil, or Tenant in Possession, before any Justice of the Peace in this Colony, for the Use of such Owner or Tenant in Possession.

Penalty.

No Person to drive Deer or other Game, except, &c.

2. AND BE IT ENACTED by the Authority aforesaid, That if any Person shall presume, at any Time after the Publication of this Act, to hunt or watch for Deer with a Gun, or set in any Dog or Dogs to drive Deer, or any other Game, on any Lands not his own, and for which the Owner or Possessor pays Taxes, or is in his lawful Possession, unless he hath License or Permission in Writing from such Owner or Owners or legal Possessor ; every such Person so offending, and being convicted thereof in Manner aforesaid, shall, for every such Offence, forfeit and pay to the Owner of the Soil, or Tenant in Possession, the Sum of *Forty Shillings*, with Costs of Suit ; provided, that nothing herein contained shall be construed to extend to prevent any Person carrying a Gun upon the King's Highway in this Colony.

Penalty.

Penalty on Non-Residents.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the Person or Persons offending against this Act be Non-Residents of this Colony, he or they shall forfeit and pay for every such Offence *Five Pounds*, and shall forfeit his or their Gun or Guns to any Person or Persons who shall inform and prosecute the same to Effect, before any Justice of the Peace in any County of this Colony, wherein the Offender or Offenders may be taken or apprehended.

Penalty for killing, &c. Deer out of Season.

4. AND BE IT ENACTED by the Authority aforesaid, That if any Person or Persons shall kill, destroy, hunt or take any Doe, Buck, Fawn, or any Sort of Deer whatsoever, at any other Time or Season, except only between the first Day of *September* and the first Day of *January* yearly and every Year, he, she or they so offending, shall forfeit and pay the Sum of *Forty Shillings* for each and every Offence ; to be sued for, recovered and applied as hereafter is directed.

What shall be Evidence of such Killing, &c.

5. AND, for the better and more effectual convicting of Offenders against this Act, BE IT ENACTED by the Authority aforesaid, That any and every Person or Persons in whose Custody shall be found, or who shall

shall expose to Sale, any green Deerskins, or fresh Venison killed at any Time after the first Day of *January*, and before the first Day of *September* aforesaid, and shall be thereof convicted by the Oath or Affirmation of one or more credible Witnesses, shall be deemed guilty of offending against this Act, and be subjected to the Penalties of killing Deer out of Season.

6. AND WHEREAS great Numbers of idle and disorderly Persons make a Practice of hunting on the waste and unimproved Lands in this Colony, whereby their Families are neglected, and the Publick is prejudiced by the Loss of their Labour, BE IT THEREFORE ENACTED by the Authority aforesaid, That, from and after the first Day of *January* next, no Person or Persons whatsoever (except such Persons as are by the Laws of this Colony qualified to vote for Representatives in General Assembly, in Right of their Freeholds, and their Sons being of the Age of eighteen Years or upwards, and living with their Parent or Parents, or being Freeholders) shall, on any Pretence whatever, hunt on the waste and unimproved Lands in this Colony; and if any Person or Persons, not qualified as aforesaid, shall presume to hunt as aforesaid, he or they so offending shall forfeit and pay, for every such Offence, the Sum of *Twenty Shillings*; to be recovered by Action of Debt, with Costs, by any Person who shall sue for the same; to be applied one Half to the Prosecutor, and the other Half to the Use of the Poor of the Township or Precinct where the Fact was committed.

Who may hunt on unimproved Lands.

Penalty on Offenders.

7. AND BE IT ENACTED by the Authority aforesaid, That if any Person or Persons within this Colony shall set any Trap or other Device whatsoever, larger than what is usually and commonly set for Foxes and Muskrats, such Person, setting such Trap or other Device, shall pay the Sum of *Five Pounds*, and forfeit the Trap or other Device, shall suffer three Months Imprisonment, and shall also be liable to make good all Damages any Person shall sustain by setting such Trap or other Device, and the Owner of such Trap or other Device, or Person to whom it was lent, shall be esteemed the Setter thereof, unless it shall be proved, on Oath or Affirmation, what other Person set the same, or that such Trap or other Device was lost by said Owner or Person to whom it was lent, and absolutely out of his Power; and if the Setter of the Trap or other Device be a Slave, and it be his own voluntary Act, he shall (unless the Master or Mistress shall pay the Fine) in Lieu of such Fine, be publickly whipped with thirty Lashes, and committed till the Costs are paid; and that the said Trap or other Device shall be broken and destroyed in the View and Presence of the Justice of the Peace before whom they are brought: And if any Person or Persons shall have Possession of, or there shall be found in his or their House, any Trap or Traps, Device or Devices whatsoever, for taking of Deer, such Person or Persons shall be subjected to the same Penalty as if he or they were convicted of setting such Trap or Traps, or other Device.

Penalty on setting Traps, &c.

Penalty on a Slave setting such Trap, &c.

Penalty on keeping such Trap, &c.

8. AND, for encouraging the Destruction of such Traps and Devices, BE IT ENACTED by the Authority aforesaid, That if any Person shall seize any Trap or other Device for the taking Deer, and shall carry such Trap or other Device to any Magistrate of the County where such Trap or Device was seized, such Person shall be entitled to

Reward for seizing a Trap, &c.

an Order from the said Magistrate to the Collector of such County, to pay him the Sum of *Ten Shillings*, out of any Money in his Hands raised for the Use of the County; which Sums shall be allowed to such Collector on the Settlement of his Accounts.

Penalty on a Smith making or mending such Trap, &c.

9. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Smith or other Artificer, who shall hereafter make or mend any such Trap or other Device aforesaid, he shall forfeit and pay the Sum of *Forty Shillings*; and the Person carrying such Trap or other Device to the Artificer aforesaid, shall forfeit and pay the Sum of *Twenty Shillings*. And every Person who shall bring into this Colony any such Trap or Device as aforesaid shall forfeit and pay the Sum of *Forty Shillings*. And if the Person who shall carry the same to the Smith or Artificer shall be so poor as that he shall not be able to pay the Forfeiture aforesaid, he shall be committed to the common Gaol, until he shall prove who is Owner of such Trap or Device, or who delivered the same to him; and in such Case the Forfeiture aforesaid shall be levied on the Goods, or in Failure of Goods, on the Body of the Owner of such Trap or Device, or the Person who delivered the same to the Pauper, and the Trap or Device shall be forfeited and destroyed.

Penalty on bringing such Trap, &c. into the Colony.

Penalty for setting loaded Guns.

10. AND WHEREAS a most dangerous Method of setting Guns has too much prevailed in this Province, BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons within this Colony shall presume to set any loaded Gun in such Manner as that the same shall be intended to go off or discharge itself, or be discharged by any String, Rope, or other Contrivance, such Person or Persons shall forfeit and pay the Sum of *Six Pounds*; and on Non-payment thereof shall be committed to the common Gaol of the County for six Months.

Application of Penalties.

11. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Fines and Forfeitures in this Act expressed, and not particularly appropriated, shall be paid, one Half to the Prosecutor, and the other Half to and for the Use of the Poor of the Town, Precinct or District, where the Offence is committed; and that the Execution of this Act, and every Part thereof, shall be within the Cognizance and Jurisdiction of any one Magistrate or Justice of the Peace, without any Reference to the Act for Trial of small Causes in this Colony.

Jurisdiction given to one Magistrate.

This Act not to affect Parks.

12. AND BE IT ENACTED, That nothing in this Law shall be construed to extend to restrain the Owners of Parks, or of tame Deer, from killing, hunting or driving their own Deer.

Penalty on Magistrate neglecting his Duty.

13. AND BE IT ALSO ENACTED *by the Authority aforesaid*, That if any Justice of the Peace or other Magistrate, within this Province, shall have Information of any Persons offending against this Act, in killing Deer out of Season, setting and making Traps, Non-Residents killing Deer, and Persons setting of Guns, and shall not prosecute the same to Effect within two Months after such Information, he shall forfeit and pay the Sum or Sums to which the Offender against this Act would have been liable.

14. AND

14. AND BE IT ENACTED *by the Authority aforesaid*, That the Justices at every Quarter-Sessions of the Peace shall cause this Act to be publickly read; and give in Charge to the Grand-Jury to particularly inquire and present all Persons for killing Deer out of Season, setting or making Traps, and all Non-Residents killing, destroying, hunting and taking any Sort of Deer, and all Persons setting of Guns; and, upon Conviction for either of the said Offences, the said Justices shall set and impose the Fines and Penalties herein before-mentioned, with Costs of Suit.

This Act to be published and executed.

15. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever, whether the Accused or Accuser, Plaintiff or Defendant, shall think themselves aggrieved by any of the Judgments given by the said Justices or other Magistrates, for any Suit commenced by Virtue of this Act; then it shall and may be lawful for such Person or Persons to appeal, on giving sufficient Security for the Forfeitures and Costs, to the next Court of General Quarter-Sessions, held for such County where such Judgment shall be given; which Court is hereby empowered to hear and determine all and every such Appeal or Appeals.

Appeal given to next Sessions.

16. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons, within this Colony, shall, after the Publication of this Act, watch with a Gun, on any uninclosed Land within two Hundred Yards of any Road or Path, in the Night Time, whether the said Road is laid out by Law or not, or shall stand or station him or themselves upon or within two Hundred Yards of any Road as aforesaid, for shooting at Deer driven by Dogs, he or they so offending, shall, on Conviction, forfeit and pay the Sum of *Five Pounds* for every such Offence; to be recovered by Action of Debt, or Presentment of the Grand-Jury as aforesaid, and pay all Damages.

Penalty for watching in the Night near a Road.

17. PROVIDED ALWAYS, That the sixth Section of this Act shall not be construed to affect any Native *Indian*; and that nothing in this Act shall be construed to prevent the Inhabitants of *Essex, Bergen, Morris* and *Suffex*, from making, having in their Houses, or setting Traps of five Pounds Weight or more for Bears, Wolves, Foxes, or any other wild Beasts, Deer only excepted.

Not to affect Indians, nor Essex, Bergen, Morris or Suffex.

18. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all former Laws made in this Colony for the Preservation of Deer and other Game, and to prevent trespassing with Guns, and regulating the Size of Traps, shall be, and they are hereby repealed.

Repeal of Former Laws.

## C H A P. DXLI.

An ACT declaring the River Delaware a common Highway, and for improving the Navigation in the said River.

Passed Dec. 21, 1771.

WHEREAS the improving the Navigation in Rivers is of great Importance to Trade and Commerce; AND WHEREAS the River Delaware

Preamble.

Delaware

*Delaware* may be rendered much more navigable than it now is; AND WHEREAS many Persons desirous to promote the publick Welfare have subscribed large Sums of Money for the Purpose aforesaid; and it is represented that others will subscribe considerable Sums, if Commissioners are appointed by Law to receive the Subscriptions, and apply the same; Therefore,

*Delaware a publick Highway.*

*Sect. 1.* BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by Authority of the same, That the River *Delaware* shall be, and it is hereby declared to be a common Highway, for the Purposes of Navigation up and down the same.

Commissioners appointed.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That *Joseph Galloway, Joseph Fox, Michael Hillegas, Abel James, Samuel Rhoads, James Allen, Peter Knight, Esquires, Daniel Williams, Henry Drinker, Clement Biddle, Jeremiah Warder the Younger, Jacob Bright, John Baldwin, Richard Wells, Gentlemen, Thomas Yardley, Jacob Orndt, Peter Kecbline, Henry Kooken, Esquires, William Ledley, Nicholas Depui, Son of Samuel, Jacob Stroud and John Arbo, Gentlemen, the Honourable, John Stevens, James Parker and Daniel Coxe, Esquires, Samuel Meredith and Robert Field, Esquires, Doctor William Bryant, Abraham Hunt, Timothy Smith, Thomas Lowry, Ashur Mott, John Emley of Kingwood, Andrew Melick, Robert Hoops and Matthew Lowry, Gentlemen,* be, and they are hereby appointed and constituted Commissioners for improving the Navigation in the said River *Delaware*; who, or any twelve of them, the Survivors, or any twelve of them, shall have full Power and Authority, by Virtue hereof, to collect, recover and receive from any Person or Persons whatsoever, all such Sums of Money, which have been, or shall be given or subscribed for rendering the said River more navigable; and so much of the said Monies as may be necessary for that Purpose, to lay out and apply for and towards improving the Navigation in the said River *Delaware*, from the lower Part of the Falls near *Trenton*, to the River *Lehigh* at *Easton*; and the Residue thereof to lay out and apply for and towards improving the Navigation in that Part of the said River above the said River *Lehigh*. PROVIDED ALWAYS, That such Sums of Money as have been or shall be given or subscribed for the improving the Navigation of the said River, above the *Lehigh* aforesaid, separately, shall be laid out and applied for and towards that Purpose, and no other.

To collect Subscriptions

and apply them.

To clear, straighten, &c.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Commissioners, or any twelve of them, their Survivors, or any twelve of them, shall have full Power and Authority, by themselves, their Agents, Servants and Workmen, to clear, scour, open, enlarge, straighten or deepen, the said River where-ever it shall to them appear useful for improving the Channels; and also to remove any Obstructions whatsoever, either natural or artificial, which may or can in any Manner hinder or impede the Navigation in the said River; and to make and set up in the said River any Dams, Pens for Water Locks, or any other Works whatsoever, and the same to alter or repair as they shall think fit; and also to appoint, set out, and make near the said River, Paths or Ways, which shall be free and open for all Persons having Occasion to use the same for towing, hauling or drawing any Vessels, Boats, small Craft and Rafts

Rafts, of any Kind whatsoever; and from Time to Time to do and execute every other Matter or Thing necessary or convenient for improving the Navigation in the said River. PROVIDED ALWAYS, That no Dam, Pen, Lock or other Work, made or set up by the said Commissioners, shall be appropriated to the private Use or Benefit of any Person or Persons whatsoever, contrary to the true Intent and Meaning of this Act.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Person or Persons whatsoever shall presume to divert, lead or draw at any Time or Times, by any Race or other Device, any Water of the said River out of or from the natural Course or Channel, for the Use of any Mill or Waterwork.

Watercourse not to be diverted.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons shall presume to oppose or hinder the said Commissioners, or any of them, their Agents, Servants and Workmen, or any of them, from doing any Act which they are hereby authorized and empowered to do, or shall make, erect, set up, repair or maintain, or shall be aiding, assisting or abetting in making, erecting, setting up, repairing or maintaining, any Dam or Obstruction which may or can in any Manner hinder or impede the Navigation in the said River; or shall remove, destroy, throw down, alter, injure or impair, any Dam, Pen, Lock or other Work, made or set up by the said Commissioners, or by Order of them, or any twelve of them, their Survivors, or any twelve of them; every Person so offending, being legally convicted thereof by Verdict of a Jury, or by his own Confession, before the Justices of the Peace in their Court of General Quarter-Sessions, shall forfeit and pay *Fifty Pounds* Proclamation Money of this Colony, for every such Offence, or shall suffer Imprisonment for twelve Months without Bail or Mainprize; one Moiety of which Forfeiture shall be paid to the Informer, and the other Moiety to the Commissioners herein appointed, or the Survivors of them as aforesaid, to be applied for and towards improving the Navigation in the said River.

Penalty on hindering the Commissioners, &c. or obstructing the Navigation.

Application.

6. AND WHEREAS Doubts may arise in what Counties Offences committed in the said River *Delaware* against this Act ought to be tried; for removing thereof, BE IT ENACTED *by the Authority aforesaid*, That every Offence committed in or on the said River, against this Act, shall be laid to be committed, and may be tried and determined as aforesaid, in any of the Counties within this Colony opposite to or joining on that Part of the said River in which such Offence shall be committed.

Offences where triable.

7. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That Nothing herein contained shall give any Power or Authority to the Commissioners herein appointed, or any of them, to remove, throw down, lower, impair, or in any Manner to alter a Mill-Dam erected by *Adam Hoops*, Esquire, late deceased, in the said River *Delaware*, between his Plantation and an Island in the said River nearly opposite to *Trenton*, or any Mill-Dam erected by any other Person or Persons in the said River, before the Passing of this Act; nor to obstruct, or in any Manner to hinder the Heirs or Executors

Not to injure Mill-Dams already erected.

of the said *Adam Hoops*, or such other Person or Persons, his or their Heirs and Assigns, from maintaining, raising or repairing, the said Dams respectively, or from taking Water out of the said River, for the Use of the said Mills and Waterworks, erected as aforesaid, and none other.

Commissioners to keep Minutes and report.

8. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Commissioners shall keep Minutes of their Proceedings, in Pursuance of the Power hereby given to them, fairly entered in a Book; and shall once in every Year make Report of their Transactions in improving the Navigation in the said River to the Council and Assembly of this Colony for the Time being, and shall lay before them a just and faithful Account of all Sums of Money by them received for the aforesaid Purposes, and in what Manner they shall be expended, that the same may be adjusted and settled.

C H A P. DXKII.

*An ACT for the more effectual maintaining, and keeping above the Flow of the Tide, that Part of the Road or Causeway between the Toll-Bridge over Newton Creek and the fast Land of Keziah Tonkin.\**

Passed Dec. 21. 1771.

Preamble.

**W**HEREAS *Thomas Attmore, Isaac Burrough, Benjamin Thackray, Jacob Stokes, Hannah Cooper, Keziah Tonkin, Elizabeth Thackray and Job Haines*, Owners and Proprietors of the Meadows lying on the easterly Side of *Newton Creek*, in the County of *Gloucester*, have, by their Petition, set forth, That they have suffered, and are daily exposed to very considerable Damage by Reason of the Causeway and Road between the Toll-Bridge, called *William Gerrard's*, and the fast Land of *Keziah Tonkin*, not being raised above the Flowing of the Tides;

Possessors of the Toll-Bridge neglecting three Months.

*Sect. I.* BE IT THEREFORE ENACTED *by the Governor, Council and General Assembly*, That if the Owner or Owners, Possessor or Possessors, of the Toll-Bridge erected over *Newton Creek*, shall neglect or refuse, for three Months after Publication hereof, to repair and raise, above the Flowing of the Tides, such Part of the Causeway and Road, leading from the Town of *Gloucester* to the *Coopers Ferries*, as lays on the East Side of *Newton Creek* aforesaid, from the End of said Toll-Bridge to the fast Land of *Keziah Tonkin*; then, and in such Case, it shall and may be lawful for the Managers, or the Survivors of them already appointed, or that shall be hereafter appointed, in Pursuance of an Act passed in the third Year of His present Majesty's Reign, entitled, *An Act to enable the Owners and Possessors of the Meadows lying on a Branch of Newton Creek, in the County of Gloucester, commonly called the Back Creek, to erect and maintain a Bank, Dam, and other Waterworks across the said Creek, in order to prevent the Tide from overflowing the same, and to keep the former Watercourse of said Creek open and clear,*† to repair, amend and raise the said Causeway and Road, from the Bridge aforesaid,

Managers of Back Creek Meadows to repair and raise the Causeway.

\* This Act, though strictly private, being of a very publick Import, is admitted in this Collection.

† Chap. CCCLV.

faid, to the fast Land of *Keziab Tonkin*, at least five Feet above the common Level of the Meadows adjoining, and to make the same eighteen Feet wide on the Top of the faid Causeway or Road.

2. AND BE IT ENACTED *by the Authority aforesaid*, That one Half of the Expence of amending and raising the faid Road and Causeway shall be paid by the Owners and Possessors of the Meadows in the same Proportion, and to be assessed and collected in the same Manner, as is directed in and by the before-recited Act; and the other Half Part shall be paid by the Owner or Owners, Possessor or Possessors, of the Toll-Bridge aforesaid. Who to pay.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if the Owner or Owners, Possessor or Possessors, of the faid Toll-Bridge, shall, within the Time limited by this Act, raise and repair the faid Road and Causeway five Feet above the common Level of the Meadows, and make the same eighteen Feet broad at the Top, it shall and may be lawful for the Owner or Owners, Possessor or Possessors of the Toll-Bridge aforesaid, his, her or their Heirs, Executors, Administrators or Assigns, to demand of, and receive from, the Managers already appointed, or that may be hereafter appointed, in Pursuance of the before recited Act, the one Moiety or Half of the Expence that shall have been, by the faid Owner or Owners, Possessor or Possessors of the faid Toll-Bridge, necessarily and reasonably expended by him, her or them, in repairing and raising the faid Road and Causeway; and in case the faid Manager or Managers for the Time being, chosen as aforesaid, shall refuse or neglect to pay the faid Owner or Owners, Possessor or Possessors, of the Toll-Bridge aforesaid, one Half of the Charges by him, her or them necessarily expended in repairing the Roads and Causeway aforesaid, for the Space of twenty Days after faid Road and Causeway are completed, it shall and may be lawful for the Owner or Owners, Possessor or Possessors of the Toll-Bridge aforesaid, to commence his, her or their Action in any Court where the same may be cognizable, against the Manager or Managers appointed for the Time being, and recover one Half of the Money and Charge necessarily expended in repairing and raising the faid Road and Causeway to the Height and Breadth aforesaid. Width of the Causeway.

Owner of the Toll-Bridge to have one Moiety of the Expence reimbursed.

Action given to recover the same.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if the Owner or Owners, Possessor or Possessors of the Toll-Bridge aforesaid, shall not, within three Months after Publication hereof, have repaired the Road and Causeway aforesaid, in such Manner as by this Act is required, then it shall and may be lawful for the Manager or Managers, chosen by Virtue of the before-recited Act, to enter upon, repair and raise the Road and Causeway in Manner aforesaid; and, when the same shall be by him or them so completed, it shall and may be lawful for the Manager or Managers, appointed for the Time being, to demand of, and receive from, the Owner or Owners, Possessor or Possessors of the Toll-Bridge aforesaid, the one Half of all such Monies and Charges that shall have been by him or them necessarily and reasonably laid out and expended in repairing and raising the faid Road and Causeway; and in case the faid Owner or Owners, Possessor or Possessors of the Toll-Bridge aforesaid, shall neglect or refuse to pay or satisfy After three Months Neglect, Managers of the Meadows to recover one Moiety of their Expences of the Owner of the Toll-Bridge.

Toll-Bridge may be leased for Payment.

fatisfy the Manager or Managers, so chosen as aforesaid, one Half of all Costs and Charges by him or them necessarily laid out and expended in repairing and raising the Road and Causeway aforesaid, it shall and may be lawful for the said Manager or Managers, for the Time being, within twenty Days after Demand made, and a Refusal or Neglect to pay such reasonable and necessary Costs and Charges, to fix up Advertisements in two or more of the publick Places in the County of *Gloucester*, at least fourteen Days before the Time of Sale, setting forth, that for Non-Payment of the Costs and Charges laid out and expended in repairing and raising that Part of the Road and Causeway between the End of the Toll-Bridge and *Keziab Tonkin's*, the Property in the Toll-Bridge aforesaid will be leased to the highest Bidder for so long a Time as will be sufficient to reimburse and pay the said Managers, or their Successors in Office, all such reasonable Costs and Charges as have been necessarily expended and laid out in repairing and raising said Road and Causeway; for which Purpose the Manager or Managers of said Meadows, chosen as aforesaid for the Time being, are hereby fully empowered and authorized to make and execute a Lease or Leases, for the Time and Purposes aforesaid, and the Lessee or Lessees, their Heirs, Executors, Administrators or Assigns, shall be, and are hereby empowered to receive and take to themselves the Toll, and are invested with the same Title, Interest and Possession in the Toll-Bridge aforesaid, during the Term of such Lease, in as full and ample a Manner as the Owner or Owners, Possessor or Possessors, their Heirs or Assigns have, or hereafter may have, in and to the Toll-Bridge aforesaid.

Lessees empowered to receive Toll, &c.

Liberty to dig Mud, &c.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That, for the more easy and convenient repairing and raising the Road and Causeway aforesaid, it shall and may be lawful for the Owner or Owners, Possessor or Possessors of the Toll-Bridge aforesaid, or the Manager or Managers chosen as aforesaid, at all Times hereafter, to dig Mud in the Meadows adjoining the Causeway, not exceeding sixteen Feet in Width, the Length of the Causeway, over and above what was laid out for the Use of the Road and Causeway; which said two Strips of Meadow shall be valued by *Samuel Harrison*, Esquire, and *Isaac Mickle*, and the Amount of the said Valuation shall be paid by the Owner or Possessor of the Toll-Bridge aforesaid; and the Manager or Managers appointed by the Act aforesaid, equally in the same Manner, and under the same Penalties for Neglect or Refusal, as is herein before directed respecting the repairing of the Causeway aforesaid.

Strips of Meadow how to be valued.

Road and Causeway to be maintained by the Owners of the Bridge.

Owners of the Meadows repairing it, to be reimbursed.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when the said Road and Causeway are repaired and raised in Manner aforesaid, the same shall, at all Times hereafter, be maintained, repaired and kept up to the Height aforesaid, at the sole Expence of the Owner or Owners, Possessor or Possessors of the Toll-Bridge aforesaid, as long as the same shall remain a Toll; and whenever the said Bridge and Causeway shall happen to be out of Repair, and require raising, if the Owner or Owners, Possessor or Possessors of the Toll-Bridge aforesaid, shall neglect or refuse to repair and raise the same, for the Space of ten Days after Notice, and a Demand made for that Purpose, it shall and may be lawful for the Manager or Managers, for the Time being, appointed in Pursuance of the before-recited Act,

Act, to enter upon, repair and raise the said Road and Causeway, keeping a particular and reasonable Account of the Cost and Expence attending the same; which shall be recoverable by him or them of and from the Owner or Owners, Possessor or Possessors of the Toll-Bridge aforesaid, in Manner and Form as in and by this Act is directed.

7. AND BE IT FURTHER ENACTED, *by the Authority aforesaid*, That it shall and may be lawful for the Owner or Owners, Possessor or Possessors of the Toll-Bridge aforesaid, and the Manager or Managers of the Meadows aforesaid, as often as Occasion may require, to dig and carry on the said Road and Causeway, Sand or Gravel, any where the most convenient within the Compass of the Road laid out as aforesaid, so as to incommode the passing of Travellers as little as may be.

Liberty to dig Mud, &c. in the Road.

C H A P. DXLIII.

*An ACT to enable Creditors more easily to recover their Debts from Joint Partners within the Colony of New-Jersey.*

Passed Dec. 21, 1771.

**W**HEREAS Creditors are often put to great Trouble and Difficulty in recovering Debts due from Joint Partners the Proceedings to Outlawry against Persons who cannot be taken by Process not being in Use in this Colony, and Doubts have arisen whether any one Joint Partner is now compellable to answer for the Partnership Debts unless all are brought into Court, which many Times cannot be done; for Remedy whereof,

Preamble.

*Seçt. I.* 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 all Persons that now are, or hereafter shall be jointly indebted to any other Person or Persons whatsoever, for any joint Contract, Obligation, Matter or Thing whatsoever, for which a Remedy could or might be had at Law against such Debtors, in case all were or could be taken by Process issued out of the Courts of this Colony, shall be answerable to their Creditors separately for such Debts; *That is to say*, Such Creditor or Creditors shall and may issue Process against such Joint Debtors, in the Manner now in Use; and, in case any or either of such Joint Debtors shall be taken and brought into Court by Virtue of such Process, he, she or they, so taken and brought into Court, shall answer to the Plaintiff or Plaintiffs; and in case the Judgment pass for the Plaintiff or Plaintiffs, he or they shall have his or their Judgment and Execution against him, her or them that are brought into Court, and against the other Joint Debtors named in the Proofs, in the same Manner as if they had been all taken and brought into Court by Virtue of such Process.

Partners answerable separately.

2. PROVIDED ALWAYS, That this Act shall be and continue in Force for the Space of ten Years, and from thence to the End of the next Session of General Assembly, and no longer.

Limitation.

## C H A P. DXLIV.

*An ACT to grant further Allowance to the several Sheriffs of this Colony, for the Subsistence of Prisoners confined for Felony and other Crimes.*

Passed Dec. 21, 1771.

Preamble.

**W**HEREAS the Allowance of *Six-pence* per Day fixed by the Fee Bill is found to be insufficient for the Subsistence of Prisoners for Felony or other Crimes ; Therefore,

Addition to former Allowance,

*Sect. 1.* 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, from and after the Publication hereof, it shall and may be lawful for the several Sheriffs of this Colony to allow *Three-pence* per Day over and above the Sum of *Six-pence* per Day already allowed by Law to every Prisoner confined for Crimes as aforesaid, for his or her Subsistence.

to be allowed.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the Board of Justices and Freeholders of the Counties in this Colony respectively, on Application to them made by the Sheriffs, to allow the said Sum of *Three-pence* per Day as aforesaid, and make Provision for paying the same.

## C H A P. DXLV.

*A supplementary ACT to the Act, entitled, 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.*

Passed Dec. 21, 1771.

Preamble.

**W**HEREAS an Act of the General Assembly of this Colony made and published in the twelfth and thirteenth Years of the Reign of Her late Majesty Queen Anne, entitled, *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*, † has, on Experience, been found beneficial to the Owners of Land within this Colony, though not fully sufficient to answer all the good Purposes intended by it, because the Penalty thereof, in some Instances, is not adequate to such Trespas as may be committed ; besides, as the Time for a Recovery thereof is limited to six Months only, that short Period may expire before the Owner, upon whose Land the Trespas may have been committed, shall come to a Knowledge thereof, whereby such Owner may be precluded from the Benefit of the Act, which, in many Instances hath been otherwise evaded and defeated by the Claims put in  
by

† Chap. XXXVIII.

by Persons cutting and destroying of Timber on Land to which they had no Right, and thereby preventing the Justices of the Peace within this Colony from proceeding in the Trial of such Offences; For Remedy of all which for the Future,

*Sec<sup>t</sup>. 1.* BE IT ENACTED by the Governor, Council and General Assembly of this Colony of New-Jersey, and it is hereby Enacted by the Authority of the same, That if any Person or Persons whomsoever shall at any Time hereafter cut, fall, work up, carry away, box, bore or destroy any Tree, Saplin or Pole, standing or lying upon any Land within this Colony, to which such Person or Persons hath not or have not any Right and Title, without Leave first had and obtained of the Owner or Owners of the said Land for that Purpose, every such Person or Persons, so offending, shall forfeit and pay for each Tree, Saplin or Pole so cut, fell, worked up, carried away, boxed, bored or destroyed as aforesaid, the Sum of *Twenty Shillings*, Proclamation Money, over and above the Penalty inflicted for the said Offences by the before recited Act; one Half to the Owner or Owners of the Land, and the other Half to the Person or Persons who shall sue for and prosecute the same to Effect, at any Time within Eighteen Months from the cutting, falling, working up, carrying away, boxing, boring or destroying of any such Tree, Saplin or Pole; and that whenever any Person or Persons within this Colony shall be sued or prosecuted, before any Justice of the Peace in this Colony, agreeably to the Directions of the before recited Act, that it shall and may be lawful for such Justice of the Peace to proceed, whenever the Penalty demanded shall be under *Six Pounds* Proclamation Money, notwithstanding any Claim the Defendant or Defendants may offer or make to the Land whereon and from which the said Tree, Saplin or Pole may be cut, fell, worked up, boxed, bored, destroyed or carried thence; and to issue Execution for the same, with Costs of Suit, unless the Defendant or Defendants shall immediately enter into Bond to the Plaintiff or Plaintiffs, with one or more sufficient Surety or Sureties, being Freeholders, in the Sum of *Thirty Pounds*, conditioned for his, her or their Appearance, in an Action of Trespass, and to pay Damages found against him, her or them, with Costs of Suit; any Law, Usage or Custom to the contrary notwithstanding.

Additional  
Penalty for  
cutting any  
Trees.

Application.

Persons sued  
before a Justice  
to give  
Bond if they  
claim Title.

2. PROVIDED ALWAYS, That neither this Act, nor any Thing therein contained, shall in any Manner affect the Persons settled within the supposed Boundaries of the *Elizabeth-Town* Purchase, and are at present Plaintiffs or Defendants in any Bill or Answer now filed in the High Court of Chancery of this Colony, in Respect to any Timber to be by them, or either of them, cut down or manufactured within any of the fenced or improved Lands of the said Plaintiffs or Defendants, their issue or Tenants, or to such Trees as are used for fencing, building or repairing any Edifices thereon.

Not to affect  
the Parties to  
a Bill on the  
*Elizabeth  
Town Pur-  
chase.*

3. PROVIDED ALWAYS, That this Act shall remain in Force for the Space of seven Years from the End of this Session, and from thence to the End of the next Session of General Assembly thereafter.

Limitation.

## C H A P. DXLVI.

*An ACT to extend the Jurisdiction of the several Counties in this Colony, which are divided by Rivers, Creeks and Bays.*

Passed Dec. 21, 1771.

Preamble.

**W**HEREAS several of the Counties in this Colony are bounded on Rivers, Creeks and Bays; and Doubts have arisen whether the said Rivers, Creeks and Bays, are within the Jurisdiction of any or either of the said Counties; by Means whereof the Perpetrators of Crimes and Misdemeanors, committed on the said Rivers, Creeks and Bays, or the Bridges crossing the same, have gone unpunished; for Remedy whereof,

Jurisdiction reciprocal.

*Sect. 1. BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That where any two Counties are, or hereafter shall be, divided by Rivers, Creeks or Bays, within this Colony, the Jurisdiction and Power of the Civil Officers of each respective County, bounding on such Rivers, Creeks and Bays, shall be reciprocal; and all Arrests, by Virtue of any legal Process made on the same, shall be, and are hereby declared to be as effectual to all Intents and Purposes as if such Arrests had been made within the Body of either of the said Counties.*

Murders, &c. tried where the Offender resided last,

*2. AND BE IT ENACTED by the Authority aforesaid, That for all Murders, Felonies and other Offences, which have been, or hereafter shall be committed on any of the Rivers, Creeks or Bays which divide, or hereafter shall divide, any of the Counties within this Colony, the Offender or Offenders shall be tried by a Jury of that County where such Offender or Offenders last resided. And in case such Offender or Offenders shall happen to be Non-Residents of either of the adjacent Counties, he, she or they, so offending, shall be tried by a Jury of either of the said Counties; and if the said Offender or Offenders shall be unable to defray the Charges of such Trial, the same shall be at the mutual Expence of both the said Counties; and the Justices of the Court where such Trial shall be had, or any two of them who shall attend the same, are hereby empowered and directed to draw an Order on the Collector of the other County, so adjoining as aforesaid, for one Moiety of the said Expences; which Collector is hereby directed to pay the same; and the said Order, with a Receipt thereon endorsed, shall be a sufficient Discharge for the Amount thereof, on the Settlement of his Accounts; any Law, Usage or Custom to the contrary notwithstanding.*

or if Non-Residents in either County, the Expence to be mutual.

## C H A P. DXLVII.

*An ACT for the Relief of Insolvent Debtors.*

Passed Dec. 21, 1771.

Preamble.

**W**HEREAS the detaining the Bodies of Debtors in Gaol, who have no Effects to pay, or are willing and desirous to deliver up

up their Estates, Goods and Chattels, for the Use of their Creditors, by Experience, is found not to answer the Purposes intended ;

*Sect. 1.* 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 any Person, being resident in this Colony, shall, in order to a Discharge, in Conjunction with two Thirds of his or her Creditors in Value, whether the Money be then due, or payable at some future Time, present a Petition to the Supreme Court, or to the Inferior Court of Common Pleas of the County in which the Debtor shall reside, praying that the said Debtor's Estate may be delivered to one or more such Person or Persons as the said petitioning Creditors, or the major Part in Value of them, shall nominate to receive and dispose of the same, for the Use of all his or her Creditors ; and, if any Doubt shall arise respecting the Legality of the Demand of any Petitioner, the Court shall administer an Oath or Affirmation, as the Case may require, touching the Legality of the Debt ; and in case any Person or Persons whatsoever shall appear to have fraudulently signed such Petition, knowing he or she had no legal or just Demand for the Sum so given in upon Oath or Affirmation as aforesaid, with Intent to enable such Debtor to obtain the Benefit of this Act, he or she so offending, and being thereof legally convicted, shall be subject to the Pains and Penalties of wilful and corrupt Perjury, and be liable to the Creditors for all Damages accruing thereby ; PROVIDED ALWAYS, That no Creditor or Creditors, who are or may be secured by Mortgage, Pledge or other Security, by which he or they will or may have a Preference, shall be deemed or taken to be a petitioning Creditor or Creditors, unless he, she or they shall first deliver up such Mortgage or other Security, for the Benefit of all the Creditors ; any Thing herein before to the contrary notwithstanding.

Manner of Application

Penalty on fraudulently signing Petition.

No Mortgage, &c. to be a petitioning Creditor, unless, &c.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That every such Debtor, at the Time of presenting such Petition, shall deliver in Writing a full and true Account of all his or her Creditors, and the Monies owing to them by the said Debtor ; and also a full and true Inventory and Account of all such Debtor's Estate, both Real and Personal, in Law and Equity, and all Books, Vouchers, and Securities, relating to the same, on which the Court is hereby required to administer or tender an Oath or Affirmation to the following Effect :

True Account to be given by Debtor.

*I, A B, do solemnly swear, in the Presence of Almighty God, or being of the People called Quakers, do solemnly, sincerely and truly, declare and affirm, That the Account by me delivered is a just and true Account of all my Creditors, and the Monies owing, to the best of my Knowledge or Remembrance, by me ; and that the Inventory and Account delivered by me is a just and true Account of all my Estate Real and Personal, both in Law and Equity, either in Possession, Reversion or Remainder ; and that I have not directly or indirectly secreted, sold, leased, assigned or otherwise disposed of, or made over, either in Trust for myself or otherwise, any Part of my Estate, Real or Personal, for my future Benefit, or in order to defraud my Creditors. So help me God.*

Oath or Affirmation.

WHICH Oath or Affirmation, being taken by such Debtor, it shall and may be lawful for the said Court to restore to the Debtor such Ap-

£ 10 worth of  
Apparel and  
Tools to be  
restored; Bed  
and Bedding,  
&c.

Notice to the  
Creditors.

Judges to di-  
rect an Assign-  
ment.

Debtor dif-  
charged.

Debtor be-  
ing Bail, &c.

Assignee to  
reserve one  
Year and an  
Half.

parel for himself, his Wife and Children, and such Tools and Implements of his Trade or Calling, as they shall adjudge necessary, not exceeding the Value of *Ten Pounds*; also one Bed and Bedding, such as the Court, in their Discretion, shall think proper; and thereupon three Weeks Notice shall be given by the Petitioner or Petitioners to all the Creditors of such Debtor, by fixing Advertisements in five of the most publick Places of that County where such Debtor lives; and also by advertising the same in one or more of the publick News-Papers of *New-York*, if the Debtor lives in *East-Jersey*, but if the Debtor lives in *West-Jersey*, then in one or more of the News-Papers in *Pennsylvania*, to be continued at least four Weeks in such Paper, to shew Cause, if any they have, on a Day to be appointed by the Court, and mentioned in the Advertisement, why an Assignment of the Debtor's Estate should not be made, and the Debtor discharged; at which Day, if no sufficient Cause to the contrary appears, any two or more of the Judges of such Court shall direct a legal Grant or Assignment of all such Debtor's Estate, both in Law and Equity, to be made by such Debtor to the Person or Persons nominated by the Creditors, or two Thirds of them in Value; and in case the Creditors do not appear, then, and in such Case, to such Person or Persons as shall be appointed by the said Judges. And upon such Debtor's producing a Certificate, under the Hands and Seals of the Assignee or Assignees, executed in the Presence of two Witnesses, that he or she has legally granted, conveyed, assigned and delivered up for the Use of the Creditors, all his or her Estate, Real and Personal, both in Law and Equity; and all the Books, Vouchers and Securities relating to the same, except the Apparel, Tools and Implements of his or her Trade or Calling, and the Bed and Bedding as aforesaid, adjudged to him or her by the Court; they shall Discharge such Debtor from his or her imprisonment: And the said Discharge, or the Record thereof, in the Minutes of the Court from whence the Process issued, shall be a sufficient Warrant to the Sheriff or Gaoler for setting such Prisoner at large; which Discharge, under the Hands of such Judges, and the Seal of their Court, the Clerk of the Court, from whence such Process shall have issued, is hereby authorized and directed to record in the Minutes of the said Court.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every such Debtor who shall, before the Delivery of the Petition before directed, have become Bail in any Cause on Account of which he has Reason to think Judgment may be had against him, and shall make Oath or Affirmation as aforesaid, that, at the Time he so became Bail, he esteemed himself vested with an Estate sufficient to answer any Demand that could with any Probability be made upon him as Bail, may add to the Account of the Creditors and the Monies owing by him, before directed to be given, an Account of the Manner of his becoming Bail, and annex such a Sum as he imagines he will be liable to pay on that Account; and then the Assignee or Assignees shall reserve in his or their Hands, for the Space of one Year and a Half, such a Dividend as a Creditor for the like Sum would have a Right to receive; and, after Judgment obtained against any such Debtor, the Person obtaining the same shall be considered, in every Respect, as another Creditor whose Debt was due before the Delivery of the Petition; but if, in the Space of one Year and a Half after the Petition is delivered, no Judgment shall be obtained

obtained against the Insolvent, the Monies so reserved shall be divided among the other Creditors, in the same Manner as the Rest of the Insolvent's Estate; and the Insolvent shall be discharged from all Obligations as Bail, in the same Manner as if the Sum so annexed to the Account of his Creditors was paid. If Judgment shall be obtained against such Debtor as Bail for any Sum within one Year and a Half after the Petition is delivered, and after the Division of his or her Effects among his or her Creditors, and the said Debtor should have omitted, either wholly or in part, to annex the said Sum to the Account delivered, the Person obtaining such Judgment shall recover against the said Debtor, either for the Whole or the Part omitted, as the Case shall happen to be, so much as the other Creditors of the said Debtor ought to have received for a like just Debt, and no more.

If no Judgment against him in that Time, Money divided.

4. AND BE IT FURTHER ENACTED, That all other Persons who have given Credit to such an Insolvent Debtor, on a valuable Consideration, for any Sum of Money or other Matter or Thing which is or shall not be due or payable at or before the Time of the Delivery of the Petition, shall and may be admitted and considered as Creditors, whose Debts are then due, and shall receive a Dividend of the Insolvent's Estate, in the same Proportion as the other Creditors, deducting thereout only a Rebate of Interest at the Rate of Seven per Cent for what shall be received on such Debts, to be computed from the actual Payment thereof to the Time they would have become due.

Debts not due, to be considered.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That such Assignee or Assignees shall have full Power and Authority to dispose of all Estates which shall be assigned to him or them, or which ought, by Virtue of this Act, to be assigned to him or them, to execute good and sufficient Deeds for the same, to redeem all Mortgages and conditional Contracts, and to recover, in his or their own Names, every Thing belonging or appertaining to the Estates, Real or Personal, of such Debtor; and shall have full Power and Authority to refer to Arbitration, settle, compound or agree with any Person or Persons indebted to such Debtor, in such a Manner as shall from Time to Time be agreed upon between them, and shall proceed to convert the Estate or Estates of every such Debtor into Money as soon as conveniently may be, and upon such Credit as the major Part in Value of the Creditors shall direct; and shall, within the Space of one Year and a Half, proceed to make a Division of all the Money which shall come to his or their Hands of all the Estates aforesaid, first giving three Months Notice of the Time and Place of making such Dividend, by advertising the same in one or more of the publick News-Papers, and fixing Advertisements in five of the most publick Places of the County, in Manner as aforesaid: And, if the Whole be not then distributed, shall, within the Space of one Year thereafter, make a second Division of what Monies may come to his or their Hands after the first Division; and so from Year to Year till a final Settlement thereof, and a just and equal Distribution of the whole Estate be made: And in case any Creditor or Creditors of any such Debtor shall reside in *Great-Britain*, having no Attorney empowered to appear for and represent him, her or them in this Colony, then such Assignee or Assignees shall, at least six Months before the making of such Dividend, give publick Notice of the

Assignees to sell, make Deeds, &c.

and to refer to Arbitration, &c.

May sell on Credit as major Part in Value direct.

Notice to be given of Distribution.

Notice to Creditors in *Great-Britain*.

the Time and Place of making the same, by an Advertisement inserted in the *London Publick Advertiser*, and continued in the said Paper for one Month.

Notice for a  
general Meeting  
before  
Distribution.

Disputed Demands to be  
settled by  
Referees.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Assignee or Assignees shall, at least one Month before a Division be made, appoint a Day by publick Notice, as herein before is directed, for a general Meeting of all such Creditors as shall choose to attend, to examine and ascertain the Debts due to each Creditor; and in case of any Controversy relating to such Debts it shall be determined in the following Manner: The Assignee or Assignees shall nominate two Referees, not being Creditors of the Insolvent; and the Creditor, whose Debt is in Controversy, shall nominate two others, and their Names shall be separately written on four Pieces of Paper, as nearly of the same Size as possible, which shall be rolled up in the same Manner and put into a covered Box; and from thence one of the Assignees shall draw out three of the said Pieces of Paper; and the Persons, whose Names are so drawn, shall finally settle such Controversy; and if any Referee so appointed shall refuse, or be incapable of acting in a reasonable Time, a new Choice shall be made in the same Manner; and in case any such Creditor shall refuse to nominate Referees on his Part, the Assignee or Assignees are hereby empowered to nominate them for him.

Executor,  
&c. may petition, and is  
indemnified.

7. AND WHEREAS it may happen that the petitioning Debtor is indebted to the Estate of a Person deceased, or Minor, and the Executors, Administrators and Guardians of such Estates, are not by Law authorized to make any Composition, whereby the good Intent of this Act may be defeated, BE IT THEREFORE ENACTED *by the Authority aforesaid*, That whenever an Executor, Administrator or Guardian as aforesaid, shall think it most for the Advantage of the Estate under his or her Care and Management to become a Petitioner with the Debtor, and receive the Dividend for the Benefit of such Estate, it shall and may be lawful for such Executors, Administrators or Guardians, to join with such Debtor in his or her Petition, and to receive the Dividend or Dividends of such Debtor's Estate, and no more than the Amount of such Dividend or Dividends shall be demanded or recovered from such Executor, Administrator or Guardian, by any Person or Persons whatsoever.

8. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Assignee or Assignees shall, immediately after the Assignment, take an Oath or Affirmation, as the Case may require, to be administered by the Judges aforesaid, to the following Effect, *Videlicet*,

Assignees  
Oath or  
Affirmation.

**I**, A B, do solemnly swear, that I will well and faithfully manage the Insolvent's Estate, and keep and render a true Account of all that shall come to my Hands of the same. So help me God.

Assignee to  
keep fair Accounts.

Which Oath or Affirmation shall be in Writing, subscribed by the Assignee or Assignees, and filed with the Clerk of the said Court. And the said Assignee or Assignees shall keep regular Books of Accounts, to which every Creditor, at all reasonable Times, may have Recourse.  
And

And, for the Care and Trouble incumbent on the Assignee or Assignees, they shall be allowed, out of the Insolvent's Estate, *Five* per Cent.

9. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That, for the more full Discovery of the Estate and Effects of such Debtors, the Court or the Judges as aforesaid, at the Request of the Assignee or Assignees, shall have full Power, and are hereby required to summon and examine on Oath or Affirmation as aforesaid the Wife of such Debtor, and every other Person whatsoever known or suspected to detain any Part of the said Debtor's Estate and Effects, or to be indebted to it; and in case any Person, on such Summons, shall refuse to attend, having no reasonable Excuse, or shall refuse to be sworn, or if a *Quaker* to affirm, then it shall and may be lawful for the said Court, or Judges as aforesaid, to commit such Person so refusing to Gaol, till he or she shall submit to be examined concerning what he or she knows relating to such Insolvent's Estate or Effects; and if any such Persons shall wilfully or knowingly affirm or swear falsely, the Person so offending shall be liable to the same Pains and Penalties as those are who are convicted of wilful and corrupt Perjury.

How to discover Estate.

Persons summoned refusing to attend, &c.

Penalty on false swearing, &c.

10. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Wife of such Debtor and every other Person whatsoever, summoned and examined as aforesaid, shall be examined on Interrogatories in Writing; which Interrogatories, with the several Answers thereto, shall be signed by the Person or Persons so examined, and filed by the Clerk of such Court as shall award the Debtor's Discharge.

Persons summoned to be examined on Interrogatories.

11. AND BE IT FURTHER ENACTED, That no Suit in Equity shall be commenced by any Assignee or Assignees, without the Consent of the major Part of the Creditors in Value, at a Meeting held for that Purpose; and if any Creditor shall neglect or refuse to give Notice of, and prove his or her Debt within one Year and a Half after the Assignment, and a Division of the whole Estate be made, such Creditor shall not be entitled to a Dividend; and the whole Money shall be divided by the Assignee or Assignees among the other Creditors. But in case the Whole of such Debtor's Estate shall not be divided and settled by the Time hereby appointed for the first Division, and such Creditor shall prove his Debt before the Time appointed for a second Division, then such Creditor shall, before a second Division be made among the other Creditors, have his first Dividend, or so much Money as he would have been entitled to on the first Division, had his Debts then been proved; but no Creditor shall be admitted to prove his Debt, in order to entitle himself to a Share in the Insolvent's Estate, after the second Division, but shall, by this Act, be debarred from any Share thereof.

No Suit in Equity to be commenced without Consent of Creditors.

Creditor neglecting to prove his Demand, loses it.

12. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every such Insolvent Debtor, having given up all his or her Estate, and conformed in all Things to the Directions of this Act, shall for-ever thereafter be discharged from all Debts due at the Time of the Assignment, or contracted for before that Time, though payable afterwards, so far as regards the Imprisonment or Detention of his or her Person.

Debtor's Person for-ever discharged.

Penalty on  
Debtor's con-  
cealing, to  
defraud.

13. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in case any such Debtor shall be guilty of Perjury, by concealing any Part of his or her Estate or Effects, or shall, after the Assignment of their Estates, by Virtue of this Act, receive any Debt or Debts due to him or her before, or he or she shall secrete any Part of his or her Estate, or any Book or Writings relating thereto, with an Intent to defraud his or her Creditors, and being thereof legally convicted on Indictment, shall be adjudged guilty of wilful and corrupt Perjury, and suffer accordingly ; and shall be totally precluded from all Benefit and Advantage whatever, which he, she or they might otherwise be entitled to by this Act.

Order of  
Payment.

14. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That Debts due from the Insolvent to His Majesty, his Heirs and Successors, shall be first paid ; then those due to this Colony ; then Diet whilst in Prison ; then all Costs of Suit, Prison and Gaol Fees ; and then deducting all such Costs, Charges and Expences as shall be necessarily laid out and expended by the Assignee or Assignees, together with their Commissions for their Care and Trouble therein, the Residue shall be proportionably divided among the Creditors, in which Division no Preference shall be given to Debts due by Specialty, or on a Judgment ; but if there should be an Overplus, after all the Creditors are fully satisfied for all their Demands, it shall be paid by the Assignee or Assignees to the Debtor, his or her Executors or Administrators. PROVIDED, That nothing in this Act contained shall be construed to deprive Landlords of the Right of distraining or securing their Rents, which by Law they had before the making this Act.

Landlord's  
Right of Dis-  
tress preserv-  
ed.

Defendant  
under this  
Act may  
plead the Ge-  
neral Issue.

15. AND BE IT FURTHER ENACTED, That if any Person be sued for any Matter or Thing done in Virtue of this Act, it shall be lawful for him to plead the General Issue, and give the special Matter in Evidence.

Non-Resi-  
dents not to  
have the Be-  
nefit of this  
Act.

16. AND, to prevent Non-Residents from taking undue Advantage of this Act, BE IT FURTHER ENACTED, That no Person or Persons whatsoever shall be entitled to the Advantages of this Act, unless or until such Person or Persons shall have resided publicly and openly in this Colony one full Year free from Arrest ; or upon being arrested within the said Year by Plaintiffs not resident in this Colony, such Plaintiff or Plaintiffs shall refuse to pay such Allowance, for the Subsistence of such Defendant or Defendants, as the Court shall adjudge ; in either of which Cases he or she shall be entitled to the Advantage of this Law : Yet, nevertheless, if such Debtor was born in this Province, or at any Time before the passing this Act hath been a Resident in this Colony, such returning Person shall have the same Advantage of it as if he or she had never been removed out of the Colony.

Nor Persons  
escaping, un-  
less, &c.

17. AND BE IT ENACTED *by the Authority aforesaid*, That no Person or Persons whatsoever, who, upon being arrested, hath made, or hereafter shall make his, her or their Escape from any Sheriff, Constable or Gaoler in this Colony (for which Escape the said Sheriff, Constable or Gaoler shall be liable) shall have, or be entitled unto, any Advantage or Benefit of this Act, until the Creditor or Creditors at whose  
Suit

Suit or Suits he, she or they were so arrested, shall, under his, her or their Hands, release to such Sheriff, Constable or Gaoler, all Cause of Action therefor.

18. PROVIDED ALWAYS, That no single Person or Persons able of Body, and under the Age of Forty Years, 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 Case it shall and may be lawful for the Court or Courts aforesaid 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 or themselves to be Servants by Indenture accordingly, to serve for such Time as the said Court or Courts shall adjudge to be reasonable, not exceeding seven Years, to the Assignee or Assignees to be appointed by the Court as aforesaid, and to be by them sold and assigned for the Use of such Creditor or Creditors; in which Case such Prisoner or Prisoners shall and may be released and discharged from his, her or their Imprisonment; and the Body of such Person shall be free from Imprisonment in civil Actions during the Time of such Service expressed in the Indenture; and upon serving such Time from thence for-ever thereafter such Person shall be free and discharged from all Debts before contracted.

Single Persons  
under forty  
Years to  
serve, &c.

19. AND WHEREAS some Persons within this Colony may have assigned and delivered up all their Estates and Effects to Assignees, for the Use of their Creditors, respectively, in the same Manner as is now directed by this Act, or to the same Intent; which Estates and Effects are still vested in the said Assignees; and the said Debtors remain, nevertheless, undischarged from their Creditors, BE IT THEREFORE FURTHER ENACTED *by the Authority aforesaid*, That all and every such Person and Persons, who have so assigned and delivered up their Estate and Estates to the Use of his and their Creditors, and who shall take the Oath or Affirmation hereby required to be taken by such Debtor, shall, and they are hereby declared to be discharged from their Creditors, respectively, as fully, to all Intents and Purposes, as those Persons shall be who shall or may hereafter surrender and assign over their Estates to the Use of their Creditors by Virtue of this Act; and the Assignee and Assignees of such Debtor and Debtors shall, for what remains to be performed of his or their respective Duty, under such Assignment or Assignments, in all Things be governed by, and pursue the Directions of this Act.

Former Assignments  
according to  
this Act.

To discharge  
the Debtor.

20. PROVIDED ALWAYS, That this Act shall be and continue in Force for the Term of five Years, and from thence to the End of the next Session of General Assembly, and no longer.

Limitation.

21. AND BE IT ENACTED *by the Authority aforesaid*, That the Act, entitled, *An Act for the Relief of Insolvent Debtors*,\* passed in the tenth Year of His Majesty's Reign, shall be, and the same is hereby repealed.

Former Act  
repealed.

CHAP. DXLVIII. *An Act to enforce the Payment of several old Arrears due to the Treasury of New-Jersey.*

Passed Dec. 21, 1771.

\* Chap. DVI.

Most

Most of the Arrears mentioned in this Act being paid, and the Remainder it is probable soon will be, this lengthy Law is here dispensed with, especially as the greatest Part of it is obsolete.

## C H A P. DXLIX.

*An ACT for the Regulation of the Rates to be demanded and received at the Ferries on the North and South Sides of Raritan River, within the Corporation of Perth-Amboy.*

Passed Dec. 21, 1771.

Preamble.

**W**HEREAS *John Stevens*, Esquire, Proprietor of the Lands and Ferry on the South Side of said *Raritan River*, which formerly belonged to *Andrew Redford*, and the Rector of *St. Peter's Church*, in the City of *Perth-Amboy* aforesaid, for the Time being, Proprietor of the Ferry on the North Side thereof, have, by their joint Memorial, set forth, That they have, at great Expence and Charge, built Wharfs at each of their respective Ferries, for the better accommodating Travellers, and prayed that a Law may pass for ascertaining and establishing the Rates to be taken at said Ferries;

*John Stevens, &c.* to receive for the South Side.

*Sect. I.* BE IT THEREFORE ENACTED by the Governor, Council and General Assembly of this Colony, 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 the said *John Stevens*, Proprietor of the Lands and Ferry aforesaid on the South Side of *Raritan River*, his Heirs and Assigns, to demand and receive Pay for all such Persons, Horses, Horned Cattle, Sheep, Hogs, Carriages, Goods and Chattels, as shall be transported from the said Ferry, on the South Side of *Raritan River*, to the said Ferry on the North Side thereof; and also from the said Ferry on the South Side of *Raritan River*, to *Staten Island*, at the following Rates, in Proclamation Money, *Videlicet*,

To the Ferry on the North Side of *Raritan River*, To *Staten Island*.

Rates.

A single Person, <i>Six-pence</i> ,	- - -	<i>One Shilling.</i>
More than one Person, each <i>Four-pence</i> ,		<i>Eight-pence.</i>
A Horse, with or without a Man, <i>One Shilling</i> ,		<i>Two Shillings.</i>
Horned Cattle, <i>One Shilling</i> and <i>Four-pence</i> each,		<i>Two Shillings</i> and <i>Six-pence.</i>
Hogs and Calves per Head, <i>Three-pence</i> ,		<i>Six-pence.</i>
Sheep per Head, <i>Two-pence</i> ,		<i>Four-pence.</i>
Pipes and Hogheads of Liquor or Molasses, at } <i>Two Shillings</i> each,		<i>Four Shillings.</i>
Barrels of Liquor, <i>Six-pence</i> each,		<i>One Shilling.</i>
Barrels of Pork, Beef and Fish, at <i>Three-pence</i> each,		<i>Six-pence.</i>
Barrels of Flour, at <i>Two-pence</i> each,		<i>Four-pence.</i>
All Kinds of Wheel Carriages, for Pleasure or Burden, including the Passengers, their Trunks and Portmanteaus, at <i>One Shilling</i> per Wheel, and a } <i>Shilling</i> for each Horse,		<i>One Shilling</i> and <i>Nine-pence</i> per Wheel, and <i>Two Shillings</i> each Horse.
Sleigh with two Horses, <i>Three Shillings.</i>		<i>Five Shillings.</i>
Carcases of Beef, at <i>Two-pence</i> Halfpenny per Quarter,		<i>Five-pence.</i>
Carcases of Mutton and Veal, <i>One Halfpenny</i> per } Quarter,		<i>One Penny,</i>

All

To the Ferry on the North Side of *Raritan* River, To *Staten Island*.

All Chests and Trunks, of two Feet long and upwards, <i>Six-pence</i> each, except such as are with travelling Carriages,	}	<i>One Shilling.</i>
Flour or Pork per Hundred Weight, <i>One Penny Half-</i> <i>penny,</i>		
Grain or Meal of any Kind, <i>One Penny</i> per Bushel,	}	<i>Two-pence</i> per Bushel.
A Waggon, Cart or Sleigh Load, of any Kind of Mar- ket Truck, or any other Goods, except Fish, <i>Two-</i> <i>pence</i> per Hundred Weight,		

To take double Ferriage after Nine o'Clock at Night.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That, from and after the Publication of this Act, it shall and may be lawful for the said Rector of Saint *Peter's* Church, in the City of *Perth-Amboy* aforesaid, for the Time being, Proprietor of the Ferry on the North Side of *Raritan* River aforesaid, his Successors, or his or their Assigns, to demand and receive Pay for all such Persons, Horses, Horned Cattle, Sheep, Hogs, Carriages, Goods and Chattels as shall be transported from the said Ferry, on the North Side of *Raritan* River, to the said Ferry, on the South Side thereof, at the following Rates, in Proclamation Money, *Videlicet*,

Rector of St. Peter's, &c. to receive for the North Side.

Single Persons, *Six-pence*.  
 More than one Person, each *Four-pence*.  
 A Horse, with or without a Man, *One Shilling*.  
 Horned Cattle, *One Shilling* and *Four-pence* each.  
 Sheep, *Two-pence*; Hogs and Calves per Head, *Three-pence*.  
 Pipes and Hogsheads of Liquor or Molasses, at *Two Shillings* each.  
 Barrels of Liquor, *Six-pence* each.  
 Barrels of Pork, Beef, Fish, at *Three-pence* each.  
 Barrels of Flour, at *Two-pence* each.  
 All Kinds of Wheel Carriages for Pleasure or Burden, Passengers included, with their Trunks and Portmanteaus, at *One Shilling* per Wheel, and *One Shilling* for each Horse.  
 Sleigh with two Horses, *Three Shillings*.  
 Carcases of Beef, at *Two-pence Halfpenny* per Quarter.  
 Carcases of Mutton and Veal, *One Halfpenny* per Quarter.  
 Flour or Pork per Hundred Weight, *One Penny Halfpenny*.  
 Grain or Meal of any Kind, *One Penny* per Bushel.  
 A Waggon, Cart or Sleigh Load, of any Kind of Market Truck, or any other Goods, except Fish, at *Two-pence* per Hundred Weight.  
 All Chests and Trunks, of two Feet long and upwards, *Six-pence* each, except such as are with travelling Carriages.

To take double Ferriage after Nine o'Clock at Night.

3. AND BE IT ENACTED *by the Authority aforesaid*, That the Ferry-men owning, possessing or employed in all or any of the Boats, Flats, Wherries or other Vessels for carrying Passengers to and from the Ferries before-mentioned, or either of them, shall and are hereby required to give constant and diligent Attendance, and to keep their Boats and other Craft, at all Times, in good Order, with sufficient and able

Ferry-men to give good Attendance, &c.

Hands to attend the same, and not deny or unnecessarily delay the speedy carrying over any Passenger or Passengers applying for that Purpose, singly or together, with Horse or Carriage, or with any Creature or Creatures, singly or together, or any Thing else whatever that may be lawfully carried over, upon the Penalty of forfeiting, for every such Denial, Neglect or Delay, the Sum of *Twenty Shillings*, and the Damages such Person or Persons may have sustained by any such Denial, Neglect or Delay, he, she or they first paying the Ferriage according to the Rates aforesaid; and they are hereby further enjoined and commanded, under the Penalty aforesaid, not to exact or take any other than the Rates herein and hereby given and fixed; which said Penalties and Damages, respectively, shall be recovered upon due Conviction of such Offender or Offenders, before any one Justice of the Peace of the County of *Middlesex*, or the Mayor, Recorder, or either of the Aldermen of the City of *Pertb-Amboy*, and applied one Half to the Person who shall sue for the same to Effect, the other Half to the Overseers of the Highways of the City of *Pertb-Amboy*, to be applied towards repairing the publick Roads of the Ward in which the Offence shall be committed. PROVIDED ALWAYS, and it is the true Intent and Meaning of this Act, That the Ferrymen shall not be compelled to go across *Raritan River* aforesaid, for less than *Six-pence*; or to *Staten Island* for less than *One Shilling*.

Penalty for Neglect, &c.

Application.

Proviso.

Expired.

CHAP. DL. *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the first Day of October 1771, and to end the first Day of October 1772, and to discharge the publick Debts and contingent Charges thereof.*

Obsolete.

CHAP. DLI. *An Act for defraying incidental Charges.*

Expired.

CHAP. DLII. *An Act for the speedy Recovery of Debts, from Six Pounds to Ten Pounds in the Inferior Courts of Common Pleas of this Colony, for small Fees.\**

Obsolete.

CHAP. DLIII. *An Act to enable and direct the Justices and Freeholders of the County of Hunterdon, to raise the Sum of Fifty Pounds, and the Justices and Freeholders of the County of Sussex, to raise the like Sum of Fifty Pounds, to be applied towards completing a Bridge across Muskonetcong Creek, near Robert Johnston's Mills.*

This Work is effected.

Obsolete—  
supplied by  
Chap.  
DLXXXIX.

CHAP. DLIV. *An Act to empower certain Persons therein named, to raise a Sum of Money by Subscription, or by Taxation, to rebuild and keep in Repair the Bridge over Raritan River near Bound-Brook, known by the Name of Queen's Bridge.†*

This Bridge was completed, but the Law contained no Powers or Mode of repairing it, although the Title implies such a Design.

Supplied and  
repealed by  
Chap.  
DLXXXIX.

CHAP. DLV. *An Act to rebuild and hereafter to repair and amend the Bridge over Stony-Brook, near Worth's Mill.*

CHAP.

\* See a Supplement to this Act, Chap DLXXV.

† See a Supplement to this Act, Chap DLXXII.

CHAP. DLVI. *An Act to empower the Inhabitants of the Township of Deptford, in the County of Gloucester, to repair their publick Highways by Hire, and raise Money for that Purpose.* Expired.

Limited to three Years.

CHAP. DLVII. *An Act to enable the Owners and Possessors of the Meadows lying on the southerly Branch of Newton Creek, commonly called the Fork Creek, in the County of Gloucester, to repair and maintain a Bank, Dam, and other Waterworks heretofore erected and made across the said Southerly Branch of Newton Creek, and to keep the Watercourse of the said Creek open and clear.* Private.

CHAP. DLVIII. *An Act to enable the Proprietors and Possessors of the Meadows and Swamps lying on Pinch Ditch, Black Brook, and Part of Whiponong River, in the County of Morris, to clear, deepen, and dig Ditches for the more effectual draining the said Meadows and Swamps, and for other Purposes therein mentioned.* Private.

CHAP. DLIX. *An Act to revive and continue two Acts therein mentioned.*

The Acts intended to be revived and continued by this Law are Chapters CCCCX and CCCCLXXX, but the Revival depending on a Condition, which has never been performed, the Act has not taken Effect. The Continuance was to be for five Years, which is near expiring, and as the Act is not likely to be in Force, only the Title is here inserted. See Chap. CCCCX.

CHAP. DLX. *A supplementary Act to the Act, entitled, An Act to enable the Owners of the Meadows and Marshes belonging to the Town of Salem, to keep out the Tide from overflowing the same.* Private.

CHAP. DLXI. *An Act to enable sundry of the Owners and Possessors of Meadows and Tide March lying on English's Creek, in the County of Burlington, to erect and maintain a Bank, Dam, and other Waterworks across the said Creek, in order to prevent the Tide from overflowing the same, and to keep the former Watercourse of said Creek open and clear, and to make the said Dam, when erected, a publick Landing.* Private.

CHAP. DLXII. *An Act for the Relief of Thomas Tindal and James Clark, the younger; and for other Purposes therein mentioned.* Private.

CHAP. DLXIII. *An Act for the Relief of John Budd of Salem.* Private.

These Acts were passed the 21st Dec. 1771.

## At a GENERAL ASSEMBLY held at

Perth-Amboy from the Ninteenth Day of August to the Twenty-sixth Day of September 1772, in the Twelfth Year of the Reign of King George the Third, being the Twenty-second Assembly of New-Jersey, the following Laws were passed.

SESSION THE FIRST.

CHAPTER DLXIV.

*An ACT for establishing the Boundary or Partition Line between the Colonies of New-York and Nova-Cæsarea or New-Jersey, and for confirming the Titles and Possessions.*

Passed Sept. 26, 1772.

Preamble.

**W**HEREAS the Boundary or Partition Line between the Colonies of *New-York* and *Nova-Cæsarea* or *New-Jersey*, from the Station on *Hudson's* River to the Station on *Delaware* River, not being duly ascertained, and the Extent of their respective Jurisdictions remaining uncertain, and the due and regular Administration of Government in both Colonies being by that Means greatly obstructed, the respective Legislatures of both the said Colonies did, by Acts for that Purpose passed, concur in submitting the Title and Property of the Lands affected by the said Boundary or Partition Line in both Colonies to such a Method of Decision as His most gracious Majesty should think proper, by His Royal Commission or otherwise to institute and appoint; of which Acts His Majesty was pleased to declare his Approbation, and, by his Royal Commission under the Great Seal of *Great-Britain*, bearing Date the seventh Day of *October*, in the seventh Year of his Reign, did authorize and appoint certain Persons therein named, or any five of them, to be His Majesty's Commissioners for ascertaining, settling, and determining the Boundary aforesaid, between the said Colonies. AND WHEREAS a sufficient Number of the Commissioners, named in the said Commission, on the Seventh Day of *October*, in the Year of our Lord One Thousand seven Hundred and Sixty-nine, did determine, that the Boundary or Partition Line between the said Colonies of *New-York* and *New-Jersey* should be a direct and straight Line from the Fork or Branch formed by the Junction of the Stream or Waters called the *Machackamack* with the River called *Delaware* or *Fishkill*, in the Latitude of forty-one Degrees, twenty-one Minutes, and thirty-seven Seconds, as found by the Surveyors appointed by the said Commissioners, to a Rock on the West Side of *Hudson's* River, marked by the said Surveyors, in the Latitude of forty-one Degrees, being seventy-nine Chains and twenty-seven Links to the Southward on a Meridian from *Sneydon's* House, formerly *Corbet's*, from which Determination the Agents for both said Colonies appealed to His Majesty in his Privy Council. AND WHEREAS several Tracts of Land to the Northward of the said Partition Line, so decreed by the said Commissioners, have been heretofore taken up or sold, and hitherto  
and

and still are held and possessed by Virtue of Titles derived from and under the Government of *New-Jersey*, or the General Proprietors of the same, or some or one of them, *to wit*, one Tract of Land on the sixth Day of *November*, One Thousand Seven Hundred and Eighteen, surveyed, and afterwards returned for *John Docker* for one Thousand Acres, with the usual Allowance for Highways; another Tract on the eleventh Day of *October*, One Thousand Seven Hundred and Eleven, surveyed, and afterwards returned for *William Tidsworth* for three Hundred and fifty Acres, with the usual Allowance for Highways; another Tract on the twenty-ninth Day of *July*, One Thousand Seven Hundred and Thirty-one, surveyed, and afterwards returned for *Samuel Green* for seven Hundred and eighty-three Acres, with the usual Allowance for Highways; and two other Tracts of Land mentioned to contain together five Hundred Acres, besides the usual Allowance for Highways, surveyed and returned for *Johannes Westphalia*, *Claus Westphalia*, *Simon Westphalia*, *Tunis Quick*, *Remora Quick*, and *Cornelius Doutcher*, only about one Hundred Acres of which last mentioned two Tracts are now held and possessed by Virtue of the said Survey, the Remainder thereof being now held and possessed by Persons claiming under the Colony of *New-York*; another Tract of Land at the northeast End of the *Long Pond*, surveyed and returned for or at the Request of *Peter Schuyler*, containing four Hundred and two Acres, and forty-nine Hundredths of an Acre, strict Measure, which, after Allowance for Highways, was to remain for three Hundred and eighty-three Acres, and thirty-two Hundredths of an Acre; and also another small Tract of Land surveyed the twelfth Day of *July*, One Thousand Seven Hundred and Sixty-three, for *John* and *Gertrude Schuyler*, situate adjoining the Tract last above-mentioned, and containing thirteen Acres, and fifty-nine Hundredths of an Acre; several other Tracts of Land sold and conveyed by the Devisees of *James* and *Mary Alexander* to sundry Persons on the thirteenth Day of *December*, One Thousand Seven Hundred and Sixty-two, *to wit*, To *Elijah Inman* one Hundred and one Acres, and seven hundredth Parts of an Acre; to *Hannah Forguison* one Hundred and twenty-three Acres, and Fifty-one hundredth Parts of an Acre; to *George Kimber* one Hundred and sixty-one Acres, and seventy-four hundredth Parts of an Acre; to *Hezekiah Lorin* ninety-seven Acres, and fourteen hundredth Parts of an Acre; to *Inman Wallin* sixty-six Acres, and ninety-three hundredth Parts of an Acre; to *Benjamin Van Vleet* one Hundred and four Acres, and thirty-five hundredth Parts of an Acre; to *Bryant Hammell* one Hundred and thirty-five Acres; to *James Clark* one Hundred and four Acres, and fifty-six hundredth Parts of an Acre; to *Jacobus Roscrans* one Hundred and seventy-three Acres and thirty-five hundredth Parts of an Acre; to *Johannes Westbrook* one Hundred Acres; to *John Davis* one Hundred and fifty-two Acres; to *Jacob Middagh* two Hundred and thirteen Acres, and seventy-six hundredth Parts of an Acre; and to *Josias Cole* one Hundred Acres; and another Tract of fifty Acres sold and conveyed by *Andrew Johnston* to *George Kember*, on the eighth Day of *August*, One Thousand Seven Hundred and Fifty-nine, a Part of which lays to the southward of the said Partition Line; another Tract of eighty-seven Acres, and fifty-six hundredth Parts of an Acre, sold and conveyed by *Benjamin Thomson* to *Johannes Westbrook*, on the fourth Day of *May*, One Thousand Seven Hundred and Sixty-three; two

other Tracts of Land sold and conveyed by *James Alexander, William Burnet, and James Parker*, to *Richard Gardiner*, on the thirtieth Day of *March*, One Thousand Seven Hundred and Fifty-three, the one Tract containing one Hundred and seventy Acres, and the other eight Acres; another Tract of forty Acres, and sixty-three hundredth Parts of an Acre, sold and conveyed by the Devisees of *James and Mary Alexander* to the said *Richard Gardiner*, on the third Day of *January*, One Thousand Seven Hundred and Sixty-three; and another Tract of one Hundred and seventy-three Acres sold and conveyed by the said Devisees of the said *James and Mary Alexander* to *Joseph Barton*, on the sixteenth Day of *December*, One Thousand Seven Hundred and Sixty-two, Part whereof lays to the southward of the said Partition Line; another Piece of Land containing about one Acre, sold and conveyed by *David Ackerman* to *Jacobus Van Buskirk*, on the twelfth Day of *February*, One Thousand Seven Hundred and Sixty-two: And also several other Tracts of Land purchased, surveyed and located, for the Proprietors of the *Stirling Iron Works*, to wit, one Tract containing fifty Acres, surveyed the tenth Day of *November*, One Thousand Seven Hundred and Thirty-six, to *Cornelius Board* and *Timothy Ward*; six small Tracts containing in the whole twenty-seven Acres, and seventy-two Hundredths of an Acre, surveyed the twelfth Day of *February*, One Thousand Seven Hundred and Thirty-eight, to the said *Board* and *Ward*; six other Tracts of Land containing in the Whole three Hundred and seventy-one Acres, and fifty-three Hundredths of an Acre, surveyed the twenty-third Day of *July*, One Thousand Seven Hundred and Forty, to *Timothy Ward, William Smith, and Company*; and another Tract of ten Acres and eight Tenths of an Acre, surveyed the twenty-ninth Day of *November*, One Thousand Seven Hundred and Fifty-seven, to *William Hawkhurst*; three other Tracts containing in the Whole one Hundred and thirty-one Acres and twenty-five Hundredths of an Acre, surveyed to *James Burling* the seventh Day of *May*, One Thousand Seven Hundred and Fifty; and another Tract containing ten Acres and twenty-nine Hundredths of an Acre, surveyed to *William Hawkhurst* the twentieth Day of *July*, One Thousand Seven Hundred and Sixty-one; one other Tract of Land sold and conveyed by *John Barberie* and *Peter Fauconier* to *John Sobrisco*, on the sixth Day of *November*, One Thousand Seven Hundred and Twenty-four, containing six Hundred and thirty Acres; one other Tract of Land sold and conveyed by *Magdalane Vallean* to *Coenradt Wanamaker*, on the twenty-third Day of *May*, One Thousand Seven Hundred and Fifty-three, containing one Hundred and five Acres; one other Tract of Land sold and conveyed by *Richard Gardiner* to *Elijah Reeve*, on the eighth Day of *June*, One Thousand Seven Hundred and Sixty-two, containing one Hundred and twenty-seven Acres and forty-eighth Hundredths of an Acre; also three other Tracts of Land surveyed the thirteenth Day of *April*, One Thousand Seven Hundred and Sixty-eight, to *William Hawkhurst*, containing one Hundred Acres and ninety-eight Hundredths of an Acre, strict Measure, after the usual Allowance for Highways. AND WHEREAS several other Tracts of Land to the southward of the said Partition Line, so decreed by the said Commissioners, have been heretofore patented, and hitherto and still are held and possessed by Virtue of Titles derived under the Government of *New-York*, to wit, Sundry Tracts of Land included in the following Bounds, BEGINNING at the aforesaid Rock on the

the West Side of *Hudson's River*, in the Latitude of forty-one Degrees, and runs from thence southerly along *Hudson's River* to the southeast Corner of the Land now in the Possession of *Mattys Bogert*; and from thence westerly along the South Side of the said *Mattys Bogert's Land*, and along the Lines of the Lands now in the Possession of *Isaac Westervelt* and *Garret Westervelt* to the *Tiene Kill*; and then along the said Kill to the *Dwars Kill*; and from thence along the said *Dwars Kill* to *Demarest's Kill* on *Hackinsack River*; and from thence along the said River to the Mouth of *Pascack River*; and then along the said *Pascack River* till it comes to the Lands of *David Demarest* whereon the said *David Demarest's Mill* stands; and then westerly around his Lands, and including the same to the said *Pascack River*; and then along the said *Pascack River* to the said Partition Line decreed as aforesaid; and then along the said Partition Line to the Place of Beginning; and another Tract of Land sold and conveyed by *Benjamin Ask* and *Lancaster Symes* to *Thomas De Kay*, containing one Thousand three Hundred and twenty Acres, Part of which lies to the Northward of the said Partition Line; and two other Tracts of Land sold and conveyed by *Hendrick Vanderlinda* to *Frederick Ortendike*, by Deed bearing Date the thirtieth Day of *May*, One Thousand Seven Hundred and Thirty-five, the one containing two Hundred and eighty-five Acres, and the other containing one Hundred and eighty Acres; and another Tract of Land sold by *Abraham Van Horne* and *Catherine* his Wife to *John Fasheur* and *Cornelius Haring*, by Deed bearing Date the twenty-second Day of *May*, One Thousand Seven Hundred and Fifty-two, containing one Hundred and eighty-five Acres, be the same more or less; and another Tract of Land sold and conveyed by *Samuel Verbryck* and *Susannah* his Wife to *John Fasheur*, by Deed bearing Date the nineteenth Day of *May*, One Thousand Seven Hundred and Fifty-nine, containing two hundred and sixty-five Acres, and three Fourths of an Acre, good Measure, Part whereof lies to the Northward of said Partition Line; and another Tract of Land sold and conveyed by *Benjamin Van De Linde* to *William Haldron*, by Deed bearing Date the eighteenth Day of *December*, One Thousand Seven Hundred and Sixty, containing two Hundred and fifty-eight Acres; and another Tract of Land being the Remainder of the unfold Lands of so much in *Samuel Bayard's Patent* as is contained in a Deed from *Hendrick Van De Linde* to *Roelof Van De Linde*, *Benjamin Van De Linde* and *Samuel Verbryck*, bearing Date the thirtieth Day of *June*, One Thousand Seven Hundred and Sixty; and another Tract of Land sold and conveyed by *Robert Campbell* to *Andries Pieterfon*, by Deed bearing Date the twenty-first Day of *August*, One Thousand Seven Hundred and Sixty-two, containing one Hundred and fifty Acres; and another Tract of Land sold and conveyed by *Henry Van De Linde* and *Ariaentie* his Wife to *Abraham Post*, by Deed bearing Date the twelfth Day of *January*, One Thousand Seven Hundred and Sixty, containing one Hundred and fifty Acres; and another Tract of Land sold and conveyed by *Benjamin Van De Linde* to *Garret Ackerson* and *Gerret Haring*, by Deed bearing Date the fourth Day of *May*, One Thousand Seven Hundred and Fifty-nine, containing three Hundred and forty-eight Acres; and also a Piece of Land now in the Possession of *William Byard*, Esquire, being Part of a Tract of Land formerly granted by Letters Patent, under the Great Seal of the Province of *New-York*, to *Daniel Honan* and *Michael Harwden*, lying adjoining to the South Side of the said Partition Line, and

and bounded to the Southeast by the Land in Possession of *John Fasheur*, and to the Southwest by the Land in the Possession of *William Haldron*. AND WHEREAS it is conceived just and equitable, That the present Possessors of the said Lands on each Side of the said Partition Line, who have not only purchased the same for a valuable Consideration, but many of them have laid out all their Substance in the Improvement thereof, should be secured in the Enjoyment of the Fruits of their Labour and Industry;

Partition  
Line.

*Seçt.* I. BE IT THEREFORE ENACTED by His Excellency the Governor, the Council and the General Assembly, and it is hereby Enacted by the Authority of the same, That the said Partition Line, so decreed by the said Commissioners, is and shall for-ever hereafter remain and be the Boundary and Line of Partition between this Colony and the Colony of *New-York*.

Who to ascertain the  
Line, and  
how.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That *James Parker*, *John Stevens* and *Walter Rutherford*, Esquires, or any two of them, shall be, and hereby are appointed Commissioners to join with such as are appointed on the Part of the Colony of *New-York* to ascertain and mark the said Partition Line so that it may be sufficiently known and distinguished; and the said Commissioners are hereby directed and required to mark the before-mentioned Rock on the West Side of *Hudson's River*, marked by the Surveyors in the Latitude of  $41^{\circ}$ , with a straight Line throughout its Surface, passing through the Place marked by the Surveyors, and with the following Words and Figures, *to wit*, "Latitude  $41^{\circ}$  North," and on the South Side thereof the Words "*New-Jersey*" and on the North Side thereof the Words "*New-York*;" and to mark every Tree that may stand in the said Line with five Notches and a Blaze on the Northwest and Southeast Sides thereof; and to put up Stone Monuments at one Mile Distance from each other along the said Line, and to number such Monuments with the Number of Miles the same shall be from the before-mentioned marked Rock, on the West Side of *Hudson's River*, and mark the Words "*New-Jersey*" on the South Side, and the Words "*New-York*" on the North Side of every of the said Monuments; the one Half of the Expence whereof shall be paid by this Colony, out of any Monies which may be in the Treasury, upon Warrants to be issued by the Governor or Commander in Chief of this Colony, for the Time being, with the Advice of Council, provided the whole Expence to be paid by this Colony shall not exceed the Sum of *Fifty Pounds*.

Expence how  
to be paid.

Titles of Patentees, &c.  
under *New-York* to the  
Southward of  
the Line,  
confirmed.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the severall and respective Patentees, Vendees, Possessors and Claimants, of all and every the said Tracts of Land to the Southward of the said Boundary or Partition Line, which are now held and possessed in Virtue of Titles derived under the Government of *New-York*, as above described, and their Heirs and Assigns, shall severally hold and for-ever enjoy the Property of all, and any and every of the said Tracts of Land so as aforesaid respectively purchased and possessed, as fully and in the same Manner, to all Intents and Purposes whatsoever, as if the same had, by Virtue of this Act, been determined to be within the Colony of *New-York*, without any Let, Suit, Disturbance or Molestation of the  
General

General Proprietors of *New-Jersey*, or any of them, or any Person or Persons claiming or to claim, by, from or under the said General Proprietors, or any or either of them, or by Virtue of any Title derived under the said Government of *New-Jersey*.

4. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful to and for any Person or Persons claiming Titles under the said Government of *New-York* to any of the aforesaid Lands or Tenements hereby intended to be secured to the Purchasers and Possessors under the said Government of *New-York* to the Southward of the said Boundary or Partition Line, to commence, sue, prosecute and maintain any Writ, Suit or Action, for the Recovery of their Rights; this Act being only designed to confirm the Titles to such Lands lying to the Southward of the said Partition Line, as are in Manner aforesaid actually held and possessed under the Government of *New-York*, against all Claims under the General Proprietors or Government of *New-Jersey*, but not to determine the particular Rights of the Claimants of such Lands under the Government of *New-York*.

This Act not to divest any Right under *New-York*.

5. PROVIDED ALWAYS, That this Act shall not be in Force, or take Effect, until His Majesty shall have given his Royal Assent both to this Act and a similar Act passed by the Governor or Commander in Chief, the Council, and the General Assembly of the Colony of *New-York*, the sixteenth Day of *February*, in the eleventh Year of His present Majesty's Reign, entitled, *An Act for establishing the Boundary or Partition Line between the Colonies of New-York and Nova-Cæsarea or New-Jersey, and for confirming Titles and Possessions.*

Royal Assent to be had.

Confirmed by the King in Council the first Day of *September* 1773.

C H A P. DLXV.

*An ACT for making Process in Courts of Equity effectual against Mortgagors who abscond and cannot be served therewith, or who refuse to appear.*

Passed Sept. 26, 1772.

WHEREAS the Rents of Lands in this Colony are very considerable, and in many Cases will not amount to a Sum sufficient to answer the Interest of Monies for which the same are or may be mortgaged: AND WHEREAS Persons who have mortgaged their Estates in this Colony frequently withdraw themselves beyond the Seas, or otherwise abscond out of the Colony, by Means whereof no Process out of the Courts of Equity in the said Colony can be served on such Persons, and thereby Mortgagees have been prevented from proceeding in Equity for the Recovery of their just Debts, to their very great Damage; for the Remedy of this Inconvenience,

Preamble.

SECT. I. BE IT ENACTED *by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same*, That if in any Suit, hereafter to be commenced by a Mortgagee in any Court of Equity against any Mortgagor, against whom a Subpœna or other Process shall issue, such Mortgagor shall not cause his, her or their

How Notice is to be given to an absent Mortgagor to appear;

Appearance to be entered in such Court within one Year after issuing such Subpœna or Proceſs in ſuch a Manner as, according to the Rules of the Court, the ſame ought to have been entered in caſe ſuch Proceſs had been duly ſerved, and an Affidavit ſhall be made to the Satisfaction of ſuch Court, that ſuch Mortgagor is withdrawn out of the Colony, or cannot, upon due Inquiry, be found within the ſame, ſo as to be ſerved with ſuch Proceſs; then, and in ſuch Caſe, the Court, out of which ſuch Proceſs iſſued, may make an Order directing ſuch Mortgagor to appear at a certain Day therein to be named, a Copy of which ſhall within twenty Days be inſerted in the publick News-Paper or Papers of *Pennſylvania*, if the Lands lie in the Weſtern Diviſion; and in the publick News-Papers of *New-York*, if the Lands lie in the Eaſtern Diviſion of this Colony; and a Copy of the ſame Order ſhall alſo be poſted up within the Time aforeſaid at the Court-houſe of the County, and in two of the moſt publick Places in the City, Townſhip, Diſtrict or Precinct in which ſuch Mortgagor laſt dwelled or reſided before leaving the Colony, at leaſt three Weeks; and if ſuch Mortgagor doth not appear within the Time limited by ſuch Order, or within ſuch further Time as the Court ſhall appoint, then, on Proof made of the Publication of ſuch Order, in Manner aforeſaid, the Court being ſatisfied of the Truth thereof, may order the Plaintiff's Bill to be taken *pro Confefſo*, and thereupon decree a Sale of the mortgaged Premifes, or ſuch Part or Parts thereof as to the ſaid Court ſhall ſeem juſt and Right.

if he doth not appear, a Decree may be had.

Premifes to be appraiſed,

and ſold after due Notice.

Mortgage, &c. to be paid.

2. AND BE IT FURTHER ENACTED by the Authority aforeſaid, That, before any Decree ſhall be made on ſuch Bill, the Court ſhall cauſe the mortgaged Premifes to be appraiſed on Oath by two indifferent Perſons to be appointed by the Court, that the Value of the ſame may be known to the Court as nearly as may be before the Decree be made: And upon ſuch Decree for the Sale of the mortgaged Premifes, or ſuch Part thereof as ſhall be thought ſufficient to diſcharge the Debt due to ſuch Mortgagee, together with his Coſts, a Writ ſhall be iſſued from ſuch Court to the Sheriff of the County where ſuch mortgaged Premifes lie, commanding him to make Sale of the Lands decreed to be ſold at publick Vendue, and to return the Monies ariſing by the Sales into Court at a Day to be mentioned in the ſame Writ, not leſs than ſeven Months after the Teſte, and the Day on which ſuch Writ iſſued; and the ſaid Sheriff ſhall thereupon cauſe an Adverſement or Notice of the intended Sale of ſuch Lands to be inſerted in one or more of the publick News-Papers of *Pennſylvania* or *New-York* as before directed, and continue the ſame in the ſaid Paper or Papers weekly for fix Months before the Day to be by him appointed for the Sale of the ſame, and at the Day ſo by him notified ſhall proceed to ſell the ſame to the higheſt Bidder, and ſhall execute a Deed for the ſame to the Purchaſer in ſuch Manner as the Caſe may require; and ſuch Deed ſhall be of the ſame Validity, and as beneficial to the Purchaſer, as if ſuch Deed had been executed by the Mortgagee and Mortgagor, and ſhall be adjudged an entire Bar againſt them and each of them, and their and each of their Heirs, both in Law and Equity: And the Monies ariſing by the Sale of the ſaid mortgaged Premifes ſhall be applied to pay off and diſcharge the Debt due to ſuch Mortgagee, with ſuch Coſts as the Court ſhall award; and the Remainder, if any be, ſhall be put at Intereſt on ſuch Security as the ſaid Court ſhall think ſufficient, and the ſame ſhall be paid to the Mortgagor or his Executors, Adminiſtrators

tors

tors or Assigns, upon his or their Application to the Court for the same. PROVIDED ALWAYS, That no greater Estate in the Premises sold shall at any Time be conveyed or granted by the Sheriff to such Purchaser than would have vested in the Mortgagee had the Equity of Redemption been duly foreclosed.

Purchaser  
vested with  
the Right of  
Mortgagor.

3. PROVIDED ALSO, AND BE IT ENACTED *by the Authority aforesaid*, That if the Mortgagor shall, at any Time before the Sale made by the Sheriff in Pursuance of such Writ issued to him as aforesaid, cause his Appearance to be duly entered in such Court, and shall pay such Costs to the Mortgagees as the said Court shall think reasonable, that then a Superfedeas shall issue from the said Court, directed to the Sheriff to stay his Proceeding to the Sale of such mortgaged Premises; and, upon such Appearance being entered, such Proceedings shall and may be thereupon had as if an Appearance had been entered within such Time, and in such Manner as, according to the Rules of the Court, the same ought to have entered in case the first Process in the Suit had been duly served.

Mortgagor  
appearing,  
may super-  
cede the Sale.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in all Cases in which, as aforesaid, a Decree for the Sale of the mortgaged Premises shall be made, and the Mortgagee shall be paid the Money alledged by him to be due as above directed, that it shall and may be lawful for any such Mortgagor, within the Space of seven Years, from the time of the Sale of such mortgaged Premises, if he finds himself aggrieved, and that the Mortgagee hath received more Money than was *bona fide* due to him on the Mortgage, to file his Bill in the said Court against such Mortgagee to compel him to account with and settle what was really and truly the Sum due to such Mortgagee at the Time of the Sale of the mortgaged Premises, and to refund and repay him what it shall be found such Mortgagee hath been overpaid, together with Interest from the Time of such Payment made, with Costs of Suit, the former Decree for the Sale of the mortgaged Premises notwithstanding.

Mortgagee  
liable to ac-  
count within  
seven Years.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That, from and after the first Day of *May* next, if any Mortgagor, by Virtue of a Writ of *Habeas Corpus*, or other Process, issuing out of any Court of Equity, shall be brought into Court, and shall refuse to cause an Appearance to be entered according to the Rules of the Court, such Court shall and may appoint a Clerk in Court, or Attorney of such Court to enter such Mortgagor's Appearance, and such Proceedings may be thereupon had in the Cause as if the Party had actually appeared.

Mortgagor in  
Court refus-  
ing to enter  
his appear-  
ance, Pro-  
ceedings to  
go on.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That this Act shall be in Force, as to the Commencement of any Suit by Virtue thereof, from the Publication hereof to the first day of *January*, which will be in the Year of our Lord One Thousand Seven Hundred and Eighty, and no longer; and as to all such Suits as shall be brought or commenced during the Term aforesaid, until the same shall be finally determined.

Limitation.

## C H A P. DLXVII.

*An ACT to enable all Persons who are His Majesty's liege Subjects, either by Birth or Naturalization, to inherit and hold Real Estates, notwithstanding any Defect, <sup>of Purchases</sup> made before Naturalization within this Colony.*

Passed Sept. 26, 1772.

Preamble.

**W**HEREAS divers foreign Protestants, born without the Liegeance of the Crown of *Great-Britain*, are settled within this Colony, who, being unacquainted with the Laws and Customs thereof, have purchased Real Estates within the same before they were naturalized; and such Estates are now held and claimed under such Purchases by His Majesty's natural born Subjects, or such as are naturalized; and as the greater Number of these are poor Persons who will be utterly ruined if Advantage is taken of the Alienism of such Purchaser; in tender Commiseration of all Persons holding or claiming by such defective Title, and confiding in His Majesty's great Bounty, the General Assembly humbly prays that it may be Enacted,

Titles under Aliens not to be defeated.

*Sect. I. AND BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the Title and Claim of every Inhabitant of this Colony, who is now His Majesty's natural born Subject, under any Patent or Purchase of Lands, Tenements, and Real Estate, granted to or made by an Alien at any Time inhabiting in this Colony on or before the Publication hereof, shall not be defeated merely upon the Pretence of Alienism in the Grantee or Purchaser, or any Person holding as by Descent or otherwise since such Grant or Purchase, but that such Title shall be adjudged to be good, the Plea or Pretence of Alienism in such Case notwithstanding.*

Not extendible to Titles vested in the Crown.

Suspending Clause.

2. PROVIDED ALWAYS, That nothing herein contained shall be construed to extend to any Lands or Tenements heretofore vested in the Crown by Office found, or which, after such finding, have been re-granted to any of His Majesty's natural born Subjects; nor shall this Act be in Force until the same shall be approved of by His Majesty.

Confirmed by the King in Council the first Day of September 1773.

## C H A P. DLXVIII.

*An ACT to prevent the Exportation of unmerchantable Flour to foreign Markets.*

Passed Sept. 26, 1772.

Casks of Flour to be branded before removed.

*Sect. I. BE IT ENACTED by the Governor, Council, and General Assembly, and it is hereby Enacted by the Authority of the same, That every Boulter of Wheat Meal in this Province shall provide a Branding-Iron with the two first Letters of his, her or their Names, and shall therewith brand each and every Cask of Wheat Flour of his, her*

her or their own boulding and packing, before the same shall be removed from the Place where the same was so boulded and packed, under the Penalty of *One Shilling* for every Cask so removed without being first branded as aforesaid.

2. AND BE IT ENACTED *by the Authority aforesaid*, That all Wheat Flour shall, by the Boulter thereof, be made merchantable, and of due Fineness, without any Mixture of coarse or other Flour, and honestly and well packed in good strong Cask, made of well seasoned Staves, with three Hoops on each Head, and two on each Quarter, with the Tare thereon marked, and the same to be well and sufficiently nailed before it is removed from the Place where the same was made; and if any Boulter shall offend in all or any of the Premises, he, she or they shall forfeit and pay for every such Offence the Sum of *One Shilling* for each Cask.

Boulter's  
Duty.

Penalty for  
Neglect.

3. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons shall put a false or wrong Tare on any Cask of Flour, he, she or they shall forfeit and pay, for every such Cask falsely tared as aforesaid, the Sum of *Two Shillings*: And the Officer or Officers for each City, Town or District, who shall hereafter be appointed by Virtue of this Act, upon Suspicion, or at the Request of the Buyer, shall and are hereby required to unpack any such Cask of Flour in order to try the Tare thereof; and if the same be found to weigh more than is marked thereon, with an Allowance of one Pound for what may adhere to the Cask, the Boulter shall pay the Charge of unpacking and repacking over and above the Sum of *Two Shillings* for each Cask aforesaid; but if the Tare thereon marked, with the Allowance of one Pound, be found just and true, the Officer or Purchaser, if the Trial be made at his Request, shall pay the Cost of unpacking and repacking.

Penalty on  
making  
wrong Tare.

Officers to  
unpack on  
Suspicion.

4. AND BE IT ENACTED *by the Authority aforesaid*, That no Merchant or Person whatsoever shall lade or ship any Wheat Flour for Exportation out of this Province, except for *Pennsylvania* or the Province of *New-York*, under the Penalty of *Twenty Shillings* for every Cask, before he shall first submit the same to the View and Examination of the Officer of the respective City, Town or District as aforesaid, where the same is intended to be shipped and exported, who shall search and try the same by boring the Head and piercing it through with an Instrument to be made and contrived for that Purpose, in order to prove whether it be honestly and well packed, as also to enable him to judge of the Goodness, and shall afterwards plug up the Hole; and if the said Officer shall judge the same to be merchantable, according to the Directions of this Act, he shall brand every such Cask of Wheat Flour on the Quarter with the Words *NEW-JERSEY*, and under the Words *New-Jersey* the two first Letters of the Officer's Name, which the respective Officers shall each one for himself provide, and have for that End and Purpose, sufficient to impress in a fair and distinct Manner the Words *New-Jersey* as aforesaid; for which Trouble of the said respective Officer he shall have and receive of the Buyer or Shipper *One Penny* for each Cask, and no more. PROVIDED ALWAYS, That if any Dispute shall happen to arise between the Officer and Possessor of such Flour concerning the Fineness or Goodness thereof, upon Application made to

Penalty on  
Exportation  
without In-  
spection.

Officer to  
brand.

Fee.

Dispute about  
the Fineness  
how to be de-  
termined.

one

one of the Magistrates of the City, Town or District where the Dispute arises, he shall issue his Warrant to two indifferent judicious Persons of Skill and Integrity to view and search the said Flour, and make Report forthwith according as they find the same; and the said Magistrate is hereby empowered and required to give Judgment accordingly, with Costs of Suit; and, in case the said Flour is judged not fit to be exported, the said Owner may take it back again, paying to the Inspector *One Penny* for inspecting each Cask of such Flour as shall be adjudged not fit for Exportation.

Officers to inspect, how to be appointed.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Justices of the Peace of each respective City, Town or District, where Flour is exported to foreign Markets, at their Court of Quarter-Sessions, are hereby empowered and required to appoint some fit and proper Person in each respective City, Town or District where Flour is exported to foreign Markets; and likewise the said Justices, or any one of them, shall administer an Oath or Affirmation, as the Case shall require, to every Person or Persons so appointed, that he or they will faithfully, truly and impartially execute the Office of Searcher, and Inspector of Wheat Flour, according to the Direction of this Act, for the respective City, Town or District where he or they shall be appointed; and if any of the Officers that shall be appointed by any Accident be rendered incapable, or neglect to execute the Office, or shall misbehave himself, or shall happen to die, then and so often, and from Time to Time, it shall and may be lawful to and for a Majority of the Justices of the Peace of the respective City, Town or District to supply his Place by some fit and capable Person, who shall thereupon be the Officer to put this Act in Execution for the respective City, Town or District where Wheat Flour is exported as aforesaid; but before the said Officer shall do any Thing in the Execution of his Office he shall take the Oath or Affirmation before any one Justice of the Peace of any City, Town or District of this Province, as is before prescribed by this Act.

How supplied in case of Death, &c.

Penalty on counterfeiting the Brand.

6. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons shall counterfeit the said Brand-Marks, or either of them, or impress or brand the same, without being duly authorized for that Purpose, on any Cask of Flour, he, she or they, being thereof legally convicted, shall, for every Cask so branded, forfeit and pay the Sum of *Twenty Shillings*.

Penalties how recoverable and applied.

7. AND BE IT ENACTED *by the Authority aforesaid*, That all and every the Fines and Penalties in this Act mentioned shall and may be sued for, and recovered in any Court within this Province, where the same is cognizable, by Bill, Plaint, or Information, wherein no Essoine, Protection or Wager of Law, nor more than one Imparlance shall be allowed: All which said Fines and Penalties shall be recovered by any Person who will sue for the same; one Half to his own Use, the other Half to the Use of the Poor of such City, Town or District where the Fact was committed.

Exportation to New-York and Pennsylvania excepted.

8. PROVIDED ALWAYS, That nothing in this Act contained shall subject Flour exported to the Provinces of *New-York* and *Pennsylvania* to be inspected, any Thing in this Act to the contrary notwithstanding.

9. PROVIDED

9. PROVIDED ALSO, That this Act, or any Thing therein contained, shall not be in Force until the first Day of *November* next, at which Time it shall commence to be and continue in Force for the Term of seven Years next ensuing, and from thence to the End of the next Session of General Assembly, and no longer.

Limitation.

## C H A P. DLXIX.

*An ACT for the inspecting and culling Staves, Heading, Hoops, Shingles, Timber, Boards, and Plank, and for the inspecting and measuring Corn, Wheat, and other Grain, that shall be exported from the Province of New-Jersey beyond Sea.*

Passed Sept. 26, 1772.

SECT. I. **B**E IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That all Staves, Heading, Hoops, Shingles, Timber, Boards and Plank, not of the Size and Quality herein after mentioned, shall not be laden on Board any Ship or Vessel for Exportation beyond Sea, nor deemed merchantable, or be allowed of or passed as such by any Officer or Officers who hereafter shall be appointed by Virtue of this Act for inspecting and culling the same.

Staves, &amp;c. culled, not to be exported.

2. AND BE IT ENACTED by the Authority aforesaid, That all Staves, Heading, Hoops, Shingles, Timber, Boards and Plank, that shall from and after the first Day of *January*, One Thousand Seven Hundred and Seventy-three, be exported beyond Sea, shall, before the same be laden on Board any Ship or Vessel, be examined, culled and measured, *That is to say*, All Staves, Heading, Hoops and Shingles by one or more of the sworn Cullers of the City, Town or District from whence the same shall be exported; and all Boards, Timber and Plank by one or more of the sworn Measurers for that Purpose, to be appointed by the Justices of the City, Town or District from whence the same shall be exported; which said Justices, or either of them, are hereby authorized and empowered to tender an Oath or Affirmation to such Culler or Measurer, to the following Effect, *That he or they will well and truly execute the Office of Culler and Measurer of Lumber for the said City, Town or District, and a true and impartial Account render when he shall be thereunto required by the Seller or Purchaser of said Lumber.*

Staves, &amp;c. before exported to be inspected.

Cullers.

Cullers, &amp;c. to be appointed.

Qualification.

3. AND BE IT ENACTED by the Authority aforesaid, That all Staves, Heading, Hoops, Boards, Timber, Planks and Shingles, examined, culled and passed by the said Officer or Officers appointed as aforesaid, shall be of the following Dimensions, *to wit*,

Dimensions of Staves, &amp;c.

Butt Staves four Feet eight Inches long, four Inches wide clear of Sap, and one Inch thick.

Pipe Staves four Feet six Inches long, three and a half Inches wide clear of Sap, and three Quarters of an Inch thick.

Heart Staves four Feet six Inches long, three Inches wide, and three Quarters of an Inch thick.

Hoghead Staves three Feet six Inches long, three and a half Inches wide, and half an Inch thick.

5 A

Hoghead

Hoghead Heading two and a half Feet long, seven Inches wide, and three Quarters of an Inch thick.

Barrel Staves two Feet nine Inches long, three and a half Inches wide, and half an Inch thick.

Shingles, Hoops, Plank, Boards and square Timber to be inspected, examined and measured by the said Officer or Officers, and returned, agreeable to their Quantity and Quality, to the Seller or Purchaser, when he or they shall be thereunto required.

Fees.

4. AND BE IT ENACTED *by the Authority aforesaid*, That the said Culler and Measurer shall have and receive for examining, culling and measuring the Staves, Heading, Shingles, Hoops, Plank, Boards and square Timber that shall be exported as aforesaid, the following Fees, *Videlicet*,

For culling every Thousand Butt Staves, *Four Shillings and Six-pence* Proclamation Money.

Heart Staves, *Four Shillings*.

Pipe Staves, *Three Shillings and Six-pence*.

Hoghead Staves, *Two Shillings and Eight-pence*.

Hoghead Heading, *Two Shillings and Two-pence*.

Barrel Staves, *One Shilling and Ten-pence*.

Every Thousand Hoops, *One Shilling and Ten-pence*.

Measuring every Thousand Feet Plank or Boards, *Two Shillings and Two-pence*.

Measuring every Thousand Feet square Timber, *Two Shillings and Two-pence*.

Every Thousand Shingles of three Feet in Length, *One Shilling*.

Every Thousand Shingles of eighteen Inches, *Six-pence*, and so in Proportion for a greater or lesser Quantity; one Half of said Fees to be paid by the Seller, and the other Half by the Buyer or Purchaser.

No Grain to be exported without inspecting, &c.

5. AND BE IT ENACTED *by the Authority aforesaid*, That all Wheat, Corn, Rye and other Grain, intended to be laden on Board any Ship or Vessel for Exportation beyond Sea, from and after the first Day of *January* One Thousand Seven Hundred and Seventy-three, shall, before the same be laden on Board, be inspected and measured by one or more of the Officer or Officers that hereafter shall, by Virtue of this Act, be appointed for inspecting and measuring the same: And the said Officer or Officers shall have and receive, for inspecting and measuring such Wheat and other Grain, the following Fees, *Videlicet*,

Fees.

For measuring every Hundred Bushel of Wheat, Corn and other Grain, *Two Shillings and Eight-pence*, and so in Proportion for a greater or lesser Quantity; one Half of the said Fees to be paid by the Seller, and the other Half by the Purchaser or Buyer, to the Officer or Officers who shall inspect and measure such Wheat, Corn and other Grain as aforesaid.

Officers to inspect, &c. to be appointed.

6. AND BE IT ENACTED *by the Authority aforesaid*, That the Justices in every City, Town or District, are hereby authorized and required to appoint such Officer or Officers as they shall judge qualified for the inspecting and measuring such Wheat, Corn and other Grain as aforesaid;

said; and to tender an Oath or Affirmation to the following Effect: Qualification.  
*That he or they will well and truly execute the Office of Inspector and Measurer of Wheat, Corn and other Grain, that shall be exported from said City, Town or District, and a true and impartial Account thereof deliver to the Seller or Purchaser when he or they shall be thereunto required.*

7. AND BE IT ENACTED *by the Authority aforesaid*, That the Justices of every City, Town or District shall, upon Complaint made against such Officer or Officers appointed as aforesaid (if the same be thought reasonable) remove and displace such Officer or Officers, and appoint others in his or their Stead and Room, who are hereby directed and required to take the Oath or Affirmation as aforesaid. He may be removed on Complaint.

8. PROVIDED ALWAYS, That this Act, nor any Thing therein contained, shall be construed to the subjecting of any Lumber or Grain whatsoever to be measured or inspected that shall be shipped to the neighbouring Colonies. Exportation to neighbouring Colonies excepted.

9. PROVIDED ALSO, That nothing in this Act contained shall extend to the inspecting or culling of any Staves, Heading, Hoops, Shingles, Timber, Boards and Plank; or inspecting and measuring of any Corn, Wheat or other Grain to be exported as aforesaid, unless the said Inspectors, Cullers or Measurers, appointed by Virtue of this Act, shall be thereunto required by the Seller or Purchaser. Not to extend where no Application is made to inspect, &c.

10. PROVIDED ALSO, That this Act, and every Thing therein contained, shall be and continue in Force for Seven Years, from and after the first Day of *January* next, and from thence to the End of the next Session of General Assembly, and no longer. Limitation.

C H A P. DLXX.

*An ACT to prevent the holding of Fairs in the City of Burlington, Princeton and Township of Windsor.*

Passed Sept. 26, 1772.

**W**HEREAS the holding of Fairs in the City of *Burlington*, *Princeton*, and the Township of *Windsor*, within this Colony, hath, by Experience, been found to be inconvenient and unnecessary, as by the Petition of sundry reputable Inhabitants of said Places appears; Preamble.

*Sect. 1.* 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 hereof, no Fair shall be held in the said City of *Burlington*, or in the Township of *Windsor* or *Princeton*, any Law, Usage, Custom or Charter now existing to the contrary thereof in anywise notwithstanding. Fairs at Burlington, &c. suppressed.

2. PROVIDED ALWAYS, *and it is hereby Declared*, That nothing in this Act shall be construed or understood to abridge or any ways affect any other of the Liberties, Franchises or Privileges of the said City of *Burlington*, or of the said Township of *Windsor* and *Princeton*. This Act to affect no other Liberty.

C H A P.

## C H A P. DLXXI.

*An ACT for the better Preservation of Deer in the Township of Morris.*

Passed Sept. 26, 1772.

Preamble.

**W**HEREAS a Number of the Inhabitants of the Township of *Morris*, in this Colony, have by their Petition set forth many Inconveniencies arising to them and to the Publick in general, from the inconsiderate Practices of a Number of People who hunt and drive Deer in the said Township, and particularly in that Part of it called the *Great Swamp*, and praying a Law for restraining all Hunting or Driving of Deer in the said Township for the Term of five Years;

Persons in *Morris* not to hunt, &c. Deer.

*SECT. 1.* 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, for the Term of five Years, it shall not be lawful for any Person or Persons, in the Township of *Morris*, in this Colony, in any Manner to hunt or drive, or in any Manner wound, kill or destroy any Deer of any Kind whatsoever; and that each Person offending against this Act shall forfeit the Sum of *Six Pounds* Proclamation Money of this Province, to be recovered before any Justice of the Peace in this Colony; one Half to be applied to the Use of the Poor of the Township of *Morris* aforesaid, and the other Half to the Use of the Prosecutor.

Penalty on Disobedience. Application.

No Person to hunt in the *Great Swamp*.

*2.* AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Person or Persons shall, under any Pretence whatsoever, hunt in the said *Great Swamp* with Fire Arms or with Dogs under the Penalty before mentioned: And that it shall and may be lawful for any Person or Persons to kill any Dog he may find hunting in the said *Great Swamp*.

Obsolete.

CHAP. DLXXII. *A supplementary Act to the Act, entitled, An Act to empower certain Persons therein named to raise a Sum of Money by Subscription or by Taxation, to rebuild and keep in Repair the Bridge over Raritan River, near Bound Brook, known by the Name of Queen's Bridge.\**

Expired.

CHAP. DLXXIII. *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the first Day of October 1772, and to End the first Day of October 1773, and to discharge the publick Debts and contingent Charges thereof.*

Obsolete.

CHAP. DLXXIV. *An Act for defraying Incidental Charges.*

Expired.

CHAP. DLXXV. *A supplementary Act to an Act, entitled, An Act for the speedy recovering of Debts from Six Pounds to Ten Pounds in the Inferior Courts of Common Pleas of this Colony for small Fees. †*

Supplied and repealed by Chap. DXCIX.

CHAP. DLXXVI. *An Act to prevent Abuses in the packing of Beef and Pork, and for ascertaining the Size of Casks, and the Quantity that shall be put into each.*

\* Chap. DLIV.

† Chap. DLII.

CHAP. DLXXVII. *An Act for clearing and removing the several Obstructions of the free Course of the Waters in Passaick River, and the several Branches thereof, between the Little Falls in said River and the Mill-Dam across said River, near Day's Bridge over said River, and for other Purposes therein mentioned.* Private.

CHAP. DLXXVIII. *An Act to enable the Proprietors and Possessors of the Meadows, Swamps and low Lands of the Rivers Passaick and Dead River, to clear the same, and remove every Obstruction to the free Passage of the Waters from the Saw-Mill formerly belonging to Samuel Woodruff, Esquire, deceased, up the Stream of the said River Passaick to the Mill known by the Name of Boyle's Mill, and up Dead River to the Bridge commonly called and known by the Name of Grant's Bridge.* Private.

CHAP. DLXXIX. *A supplementary Act to an Act, entitled, An Act to enable the Owners and Possessors of the Meadow and Swamp lying on a small Branch of Alloway's Creek, in the County of Salem, to keep up and maintain the Dams, Banks, and other Waterworks in the said Meadow, and to keep the Watercourses thereof open and clear.* † Private.

CHAP. DLXXX. *An Act to enable the Owners and Possessors of Meadows and Tide Marsh lying on Affiscunk Creek, within the Limits of the City of Burlington, to erect and maintain a Bank, Dam and other Waterworks across the said Creek, in order to prevent the Tide from overflowing the same.* Private.

CHAP. DLXXXI. *An Act to enable sundry of the Owners and Possessors of Meadows and Tide Marsh lying on English's Creek, in the County of Burlington, to erect and maintain a Bank, Dam and other Waterworks across the said Creek, in order to prevent the Tide from overflowing the same, and to keep the former Watercourse of said Creek open and clear, and to make the said Dam, when erected, a publick Landing.* Private.

CHAP. DLXXXII. *An Act to enable the Owners and Possessors of a Tract of Marsh and Meadow at Elsinborough, in the County of Salem, to uphold and maintain a certain Bank for draining the same Meadow, and for other Purposes therein mentioned.* Private.

CHAP. DLXXXIII. *An Act for raising the Sum of Four Hundred and Fifty Pounds Proclamation on the Inhabitants of the Counties of Somerset and Middlesex, to be applied to the completing the Bridge over Raritan River at the Landing.* Obsolete.

Two Months were allowed to raise the Monies. The Bridge is completed.

CHAP. DLXXXIV. *An Act to enable certain Persons to erect and draw a Lottery for raising the Sum of One Thousand and Fifty Pounds, to be applied for the Purposes therein mentioned.* Private.

This Act had a suspending Clause, but received the Royal Assent the thirteenth Day of April 1774. It was for covering with Gravel a very long Causeway through a Swamp and over the Meadows and Marshes on New Barbados Neck, in the County of Essex, in the Road to and from New-York by Paulus-Hook, erected by Col. John Schuyler at a very great Expence.

Private. CHAP. DLXXXV. *An Act for the Relief of Richard Stevens, with Respect to the Imprisonment of his Person.*

Private. Disallowed Sept. 1, 1773. CHAP. DLXXXVI. *An Act for the Relief of Benjamin Ayars, now a Prisoner in the Gaol of the County of Cumberland.*

Private. Disallowed Sept. 1, 1773. CHAP. DLXXXVII. *An Act to naturalize John George Felthausen.*

Private. Disallowed Sept. 1, 1773. CHAP. DLXXXVIII. *An Act to dissolve the Marriage of David Baxter with Margaret his Wife, late Margaret Mac Murtry.*

These Acts were passed the 26th Day of Sept. 1772.

At a GENERAL ASSEMBLY held at Burlington from the Tenth Day of November 1773, and continued on an Adjournment to the Eleventh Day of March 1774, in the Fourteenth Year of the Reign of King George the Third, the following Laws were passed.

SESSION THE SECOND.

CHAP. DLXXXIX.

*An ACT for regulating Roads and Bridges.*

Passed March 11, 1774.

Preamble. **W**HEREAS the several Acts of the General Assembly of this Province relating to the laying out, altering and keeping Roads in good Repair, and the building and repairing of Bridges, have, on Experience, been found to stand in Need of Amendment; therefore,

All Roads of six and four Rod heretofore laid out confirmed. Sect. 1. 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 all Roads and Highways of six and four Rods broad, which have been laid out and ascertained by any Act or Acts of Assembly of this Colony, before the passing of this Act, shall be and remain publick Highways until altered by Virtue of this Act; and that it shall not be lawful to and for any Surveyor or any other Persons to alter any Part of the Great Road leading from *Perth-Amboy* to *Salem*, or the Great Road leading from *Elizabeth-Town* to *Trenton* as the same now goes, or any other Roads laid out six Rods wide, or the new Road laid out by Act of Assembly from *Burlington* to *Cooper's Ferry*.

Surveyors to be chosen. 2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Freeholders and Inhabitants of each respective City, Township and Precinct within this Province, shall, at their annual Town-Meeting yearly and every Year, by Plurality of Voices, elect and choose two Persons, being Freeholders, for Surveyors of the Highways; which Persons so elected, within five Days thereafter, shall be notified of such Election by the Clerk of every such City, Township or Precinct; which Clerk

Clerk shall likewise, within the Time aforesaid, return their Names to the Clerk of the Peace of the same County: And they the said Persons thus elected and notified thereof, within five Days after such Notice, shall respectively repair to any one Justice of the Peace of the said County, City or Town-corporate, and then and there take an Oath or Affirmation, as the Case may require, for the just and impartial Performance of the Duty of his Office to the best of his Skill and Knowledge; a Certificate of which Qualification, or in case of his Refusal, a Declaration thereof in Writing, signed by the said Person so elected, shall also, within five Days thereafter, be served by him on the Clerk of such City, Township or Precinct for which he may be so elected. And if any such Surveyor shall, within five Days after such Notice given as aforesaid, neglect or refuse to take upon him the Office, and take the Oath or Affirmation as aforesaid, every such Surveyor so neglecting or refusing, shall forfeit and pay the Sum of *Five Pounds*, to be recovered by Action of Debt before any one Justice of the Peace of the County, City or Town-corporate where the Offence shall be committed; and every such Penalty, when recovered, shall be paid into the Hands of the Collector of the City, Township or Precinct for which the said Surveyor hath been so chosen as aforesaid, to be applied towards repairing and amending the Bridges and Causeways within the said City, Precinct or Township, not otherwise provided for by Law; and in case of the Neglect, Refusal or Death of any Surveyor, so appointed as aforesaid, of which the Clerk of the City, Township or Precinct aforesaid, is hereby directed to give Notice within five Days thereafter to any two Justices of the Peace, *Quorum Unus*, then such Justices are hereby empowered and required, within five Days after such Notification, to appoint another Surveyor in his Room, who shall be under the same Qualification, Restriction and Penalty as the Surveyors so nominated and appointed as aforesaid.

Penalty for Neglect to be qualified.

Application.

Officer how to be supplied in case of Refusal or Death.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when any Persons who are Freeholders, and not less than ten in Number, shall think a publick Road necessary in any City, Township or Precinct, within this Colony, where they dwell, or in either of the Cities, Townships or Precincts next adjoining, they shall apply in Writing to the two Surveyors of the City, Township or Precinct where the said Road is proposed to be laid, and to the Surveyors of the two nearest and adjacent Cities, Townships or Precincts, and two of the applying Persons, shall sign and affix up Advertisements in three of the most publick Places of the City, Township or Precinct where the said Road is to be laid, of the Time and Place of the Meeting of the said Surveyors, and therein intelligibly describe the Place where the said Road is to be laid; which Advertisements shall be affixed up at least ten Days immediately before the said Time of Meeting. And the six Surveyors, when met as aforesaid, on viewing the Premises, may proceed to lay out the said Road, as they or the major Part of them in their Discretion may think necessary, not exceeding four nor under two Rods wide, as the Nature of the Case may require, and to the best Conveniency of the City, Township or Precinct in which such Road shall be laid, and of the adjacent Cities, Townships or Precincts, and with as little Disadvantage as may be to the Owner or Owners of the Land; and if the said Road should be on a Line between two Tracts of Land, the said Surveyors

Method of obtaining a publick Road.

Surveyors Duty when met.

veyors shall lay the same equally as near as may be on such Tracts, with as little Disadvantage also as conveniently may be to the Owner or Owners of the Lands through which any Road shall be laid out, according as the aforesaid six Surveyors, or the major Part of them, shall judge proper and agree upon; and the said applying Persons shall procure a Surveyor with Chain and Compass to lay out the said Road or Roads solely at their own Expence. And the said Surveyors, or a major Part of them, including one of the Surveyors of the City, Township or Precinct in which the Road shall lie, so agreeing and affixing the said Road or Roads, shall draw a Return thereof, certifying the Courses, Distances and Boundaries of the same, together with the Time when the Overseers of the Roads shall open the same for publick Use; and shall sign the said Return with the Date affixed, and deliver the same to the Parties, or some of them, applying for said Road, to be delivered to the Clerk of the Peace of the County where the said Road is laid out; which said Clerk is required forthwith to enter the same in a Book kept for that Purpose, to be purchased at the County Charge; which Book shall be called the Road-Book; for which Service the said Clerk shall have and receive *Three Shillings*, and no more. And if the said Clerk of the Peace shall neglect or refuse to do and perform any Duty or Thing enjoined him by this Act, he shall forfeit and pay the Sum of *Five Pounds*, to be recovered and applied in Manner aforesaid; and every such Road and Roads so laid out as aforesaid shall be taken, deemed, and allowed to be free, open and lawful Highways from the Time they are so directed to be opened as aforesaid.

Roads to be recorded.

Penalty on Clerk neglecting.

Roads to be opened and Encroachments removed.

Penalty for stopping or encroaching on Roads.

4. AND WHEREAS many of the publick Roads in this Province, heretofore laid out, of six and four Rods wide and under, have been and are lessened and encroached upon by those owning the Land through or on each Side of which the same run, to the great Inconvenience of the Publick; and it being oftentimes difficult for the Overseer of the Roads to determine which of the Owners of Land adjoining have encroached upon the same, whereby the said Roads remain unopened to their original Width: To remedy which, BE IT ENACTED by the Authority aforesaid, That the Overseers of the Roads of any City, Township or Precinct, through which such Roads of six and four Rods wide and under were heretofore laid out, or which may hereafter be laid out, shall cause the same to be fully opened, and all Encroachments removed; and should any Doubts arise with the said Overseer, who have or have not encroached thereupon, then, and in such Case, the said Overseer, or the Party conceiving himself to be injured thereby, shall and may apply to any two Justices of the Peace of the County, City or Town-corporate, and to the two Surveyors of the City, Township or Precinct through which the said Road runs, who are hereby directed and empowered to determine the same, and when so determined, the said Overseers shall proceed to open the same as above directed; and if thereafter any Person or Persons shall presume to stop, (except according to the Directions of this Act) lessen, narrow or encroach upon any Road or Roads, so as aforesaid heretofore laid out, or that may hereafter be laid out, or commit any Nuisance therein, shall, for every such Offence or Delay of removing such Nuisance after Notice, forfeit the Sum of *Three Pounds*, to be sued for, recovered and applied in Manner and Form first aforesaid; and should it be doubtful to the said Justices and Surveyors

Surveyors which of the Proprietors of the Land adjoining have encroached, then, and in such Case, they the said Justices and Surveyors shall order and direct the said Road to be opened equally upon each.

5. PROVIDED ALWAYS, That nothing herein contained shall be construed to extend to altering and widening the Streets in any of the Cities, Towns or Villages in this Colony, by pulling down or removing any Dwelling-House, Market-House or other publick Building that may heretofore have been erected and may encroach on any publick Road.

Not to alter Streets.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all Roads and publick Highways of four Rods broad or under (except as herein excepted) which, on Experience, have been or hereafter may be found inconvenient or unnecessary to any City, Township or Precinct in this Province, through which the said Roads are laid out, or may be much prejudicial to the Owner or Owners of the Lands through which they pass, shall be subject to Alteration and Regulation by the Surveyors of the Highways; *That is to say*, by Six of the Surveyors of the Highways of the County where the Alteration is to be made, joined with six of the Surveyors of the next County, chosen for the Townships nearest the Line of the Place where the Alteration is to be made; eight of whom agreeing may cause any Roads to be altered, laid, regulated or shut up at their Discretion.

Alterations of Roads, how to be made.

7. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, That publick Notice be given of every such Alteration, intended Regulation, or Shutting up of any Road, by Advertisements affixed up in common View in three of the most publick Places of the County, City or Town-corporate, where the said Alteration, Relaying, Regulation or Shutting up is applied for, at least twenty Days before the Meeting of the Surveyors as aforesaid, setting forth the Time and Place of their Meeting; and that the said eight Surveyors so agreeing to the Alteration, Relaying or Regulation of the said Roads, shall draw a Return of the Road so altered or relaid, certifying the Courses, Distances and Boundaries of the same, with the Date affixed, or a Declaration in Writing of any Road by them thought proper to be shut up; which said Return or Declaration shall be delivered by one of the said Surveyors to the Clerk of the County wherein the said altered and relaid or shut up Road doth lie, to be by him entered in the Road-Book aforesaid, within ten Days thereafter; for which the Party applying for such Alteration shall pay the Sum of *One Shilling*. All which being done, the said Road so altered or relaid as aforesaid shall be taken, deemed and allowed to be a lawful Highway.

Notice to be given before Alteration.

Return of Road to be made,

and record-ed.

8. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when at any Time hereafter any Person or Persons shall have Occasion to make Application to the said Surveyors for any of the Purposes aforesaid, on such Application made, and due Notice in Writing 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 given as aforesaid, shall neglect, delay or refuse to do the Duty here enjoined them, or any

Surveyors to attend on Notice.

Penalty for Neglect;

Application. other Service required of them by this Act, each Surveyor so offending shall forfeit and pay the Sum of *Five Pounds* for every such Offence, to be recovered by any Person who will sue for the same before any one Justice of the Peace; and the Money when recovered shall be paid one Half to him who shall sue for the same to Effect, and the other Half to the Collector of the City, Township or Precinct where the Road so intended to be laid out, relaid, regulated or shut up, doth lie, for the Purposes first afore-mentioned.

Allowance to distant Surveyors. 9. AND WHEREAS it is highly reasonable that some Allowance should be made to the Surveyors coming out of their Counties to perform the Services enjoined them by this Act, BE IT THEREFORE ENACTED by the Authority afore-mentioned, That whenever any of the Surveyors out of a neighbouring County shall be called for any of the foregoing Purposes, each of the said Surveyors shall be allowed *Six Shillings* per Day for every Day he or they shall be employed in any such Services as afore-mentioned, to be paid by the Person or Persons applying therefor.

Overseers to be chosen; Penalty on refusing the Office. How supplied on Refusal or Death. 10. AND BE IT FURTHER ENACTED by the Authority afore-mentioned, That it shall and may be lawful for the Inhabitants of every City, Township and Precinct within this Colony, at their annual Town-Meeting, yearly and every Year, by Plurality of Voices of the Persons so met and assembled, to elect and choose two or more Persons for each respective City, Township or Precinct, to be Overseers of the Highways for making and keeping in good Repair all publick Roads and Highways within each respective City, Township or Precinct for which they are chosen; and if any of the Overseers of the Highways so elected and chosen as afore-mentioned shall neglect or refuse to take upon him the said Office, after due Notice given him thereof by the Clerk of said Town in Manner afore-mentioned, every such Overseer, so neglecting or refusing, shall forfeit and pay the Sum of *Five Pounds*, to be recovered in the same Manner and Form, and to be applied in Manner afore-mentioned. And upon any such Neglect or Refusal as afore-mentioned, or in case of the Death or Removal of any of the Overseers of the Highways chosen by Virtue of this Act, any two Justices of the Peace in any County, City, Township or Precinct, upon Application made to them by the Town-Clerk, or by any Freeholder of the said Place, shall appoint another in the Room of him so dead, removed or refusing; which Appointment being entered in the Town-Book, the Overseers so appointed shall, upon Notice thereof by the said Justices or Town-Clerk, be under the same Restrictions, subject to the same Penalties, and vested with the same Powers and Authorities, as those elected and chosen at their annual Town-Meetings as afore-mentioned.

Lists of Officers to be put up. 11. AND WHEREAS the good Intentions of several of the Laws of this Colony have been evaded and neglected by many of the Officers elected and chosen at the annual Town-Meeting as afore-mentioned, or otherwise appointed according to Law, pretending they have not had due and timely Notice of such Election or Appointment; for the more effectual Remedy whereof, BE IT ENACTED by the Authority afore-mentioned, That every Town-Clerk shall, and he is hereby required and commanded to make out, on the Day of Election, three Lists of the Names of all the Officers chosen for the said City, Township or Precinct, and affix them in three of the most publick Places in the said City, Township or Precinct,

inct, for the Information of the Inhabitants thereof, under the Penalty of *Forty Shillings*, to be recovered and applied in Manner aforesaid.

12. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Overseer so elected or appointed as aforesaid, shall at least once in two Months view and carefully inspect all the publick Highways, Roads, Bridges and Causeways within his District; and whenever he shall perceive any of them decaying or wanting Reparation, he shall give Notice and call together so many of the Inhabitants of the District (including single Men above the Age of twenty-one Years, and Men that work for Hire) wherein he is Overseer (the Surveyors of the Highways only excepted) as he in his Discretion shall judge sufficient to repair and amend the said Roads, Bridges and Causeways; and every Person so noticed shall come to such Place or Places which the said Overseer shall appoint, or send a sufficient Hand (such Hand being above the Age of Sixteen and under Sixty Years) in his Room, at or before the Sun shall be two Hours high in the Morning, with a Spade, Mathook, Axe or such other Instrument as the said Overseer shall think proper to order him to bring, fit for amending the said Roads, Bridges and Causeways, and shall continue at work upon the same (if the said Overseer shall think there is Occasion for it) until Sun-set, Dinner-time only excepted, for which they shall be allowed one Hour: And every Person so noticed as aforesaid, who shall not be and appear as aforesaid at the Time above appointed, shall forfeit and pay the Sum of *Six-pence* per Hour, and the like Sum for every Hour he shall absent himself during the said Service, Sicknes excepted, or some reasonable Excuse to be allowed by the said Overseer; and if any such Person so noticed as aforesaid shall absent himself for the whole Day, upon which the Notice is given, he shall forfeit and pay the Sum of *Five Shillings*, and so for every Day he shall be absent and not appear when summoned as aforesaid. PROVIDED ALWAYS, That the said Overseers shall give the Inhabitants two Days Notice of the Time and Place when and where, and with what Instruments of Labour they are to appear as aforesaid; and that no Overseer shall be hereby empowered to command or compel the Inhabitants of any City, Township or Precinct to work upon any publick Roads, Bridges or Causeways in Time of Harvest without a special Occasion. All which Forfeitures the Overseer of every such Road is required and enjoined to sue for and recover before any one Justice of the Peace of the County, City or Town-corporate where the Offence is committed; and when recovered, the same shall be applied, one Half to the Overseer who shall sue for the same to Effect, and the other Half in Manner aforesaid.

Overseers  
Duty.

Time of La-  
bour.

Penalty for  
Neglect when  
noticed.

Time of No-  
tice.

Application  
of Penalties.

13. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Overseer so elected and chosen or appointed as aforesaid, shall refuse or neglect to do any Duty enjoined him by this Act (for which no specific Fine is herein imposed) he shall forfeit and pay the Sum of *Three Pounds*, to be recovered in Manner aforesaid; and when recovered, one Half shall be applied to the sole Use and Benefit of the Person or Persons prosecuting the same to Effect, and the other Half in Manner first aforesaid.

Penalty on  
Overseer ne-  
glecting any  
Duty.

14. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every

Estimate of  
Labour with  
Horses and  
Carriages.

every Person attending and labouring with a Cart drawn by one Horse for one Day, shall be esteemed equivalent to two Days Labour of one Man; and with a Cart or Waggon drawn by two Horses or Cattle, equivalent to three Days Labour; and with four Horses or Cattle, to four Days; and the Forfeiture of either, not coming and performing the Duty and Service required by the respective Overseers, shall be in Proportion to *Five Shillings* per Day, or the Labour of a single Man, and to be recovered and applied in the same Manner and Form as is before first prescribed by this Act.

Penalty for  
asking Liquor  
on the Road.

15. AND WHEREAS the too free Use of Liquor by Persons working on the Road is of mischievous Consequence, BE IT THEREFORE ENACTED *by the Authority aforesaid*, That if the Overseer, or any Person whatever working on the Road, or being with them as a Spectator, shall ask of any Traveller any Money, Drink or other Reward, or shall by any Contrivance extort or receive any Thing from any Traveller, he shall forfeit and pay for every such Offence the Sum of *Ten Shillings*, to be recovered by the Overseer, or any other Person who shall prosecute the same, one Third for his own Use, and the remaining two Thirds to be applied in Manner first aforesaid: And in case any Overseer shall connive at any Person's asking or receiving any Reward from any Traveller, or shall for Drink excuse any Person from working, or shall neglect prosecuting before a Justice of Peace any Person who shall have incurred Forfeitures and Penalties by Virtue of this Act, or for getting drunk when he should work, he shall forfeit and pay for each Offence the Sum of *Ten Shillings*, to be recovered by any Person whatsoever; one Half to the Use of the Prosecutor, the other Half to be applied in Manner first aforesaid.

Overseer to  
keep a Book,

and summon  
the Inhabi-  
tants equally  
in Proportion.

16. AND, as it is the Intention of this Act that the Inhabitants of every City, Town or Precinct shall be employed and labour equally in Proportion to their Circumstances, not less than one Day, nor more than three Days each, on any one Notice given them, or any of them, by any Overseer or Overseers of any City, Township or Precinct, BE IT THEREFORE ENACTED *by the Authority aforesaid*, That every Overseer of the Roads in every City, Township and Precinct, shall keep a Book, which he shall transfer to his Successor in Office, in which he shall enter the Names of all the Inhabitants within his City, Township, Precinct or District, and keep a fair Account of all the Labour done by each Inhabitant; and when, and as often as it shall be necessary to repair the Roads, the several Inhabitants of the City, Township or Precinct, shall, by the said Overseer, be summoned to labour on the Roads in Proportion to their Circumstances, not less than one Day, nor more than three Days: And if the Roads are not then sufficiently repaired and amended, the said Overseer or Overseers shall again give Notice as before is directed by this Act, always observing the Proportion as aforesaid.

Roads to be  
cleared.

17. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the respective Overseers aforesaid shall cause the Inhabitants of every City, Township and Precinct, through which any publick Roads and Highways are already laid out or hereafter shall be laid out or altered, to clear the same by lopping off the Limbs of the Trees that hang

hang over the same to a sufficient Height, and cutting and grubbing up the Stubs, Stumps and Roots that lie above Ground, and pulling up the Stones that can be moved, to the Width of at least two Rods.

18. AND WHEREAS there are several Places in Roads that from Gullies, Springs or Rain, remain ponded or mirey for Want of proper Outlets; for Remedy whereof, BE IT ENACTED *by the Authority aforesaid*, That it shall and may be lawful to and for the Overseer of the Roads, or any other Person or Persons by his Order, to enter upon any Lands adjoining to any Highway or Road, and to cut such Drains or Ditches as shall be necessary completely to drain such Road, with the least Disadvantage that may be to the Owner of such Land; which Drains shall not be filled up by the said Owner, or any Person whatever, under the Penalty of *Forty Shillings* for every such Offence, to be sued for, recovered and applied as other Penalties are herein before first directed, but the same shall be kept open by the Inhabitants working on said Road for the good Purposes aforesaid. And the Overseers of the Roads are hereby directed to cut such and all other necessary Drains and Ditches, and at all Times keep the same open, lay a Trunk, or make a Bridge, as may be most proper, and make Causeways at such Places as may be necessary, under the Penalty of *Forty Shillings*, to be sued for, recovered and applied as first aforesaid.

Drains to remove Ponds.

Penalty for filling them up.

19. AND, for the more effectual keeping the Highways dry, and conveying the Water from off the same, BE IT FURTHER ENACTED, and the Overseers are hereby required and directed where-ever the Nature and Situation of the Ground of the said Highways will admit of the same, to cause Ditches, Drains and Watercourses of a sufficient Depth and Breadth to be dug on each Side the said Highways at the Distance of at least twenty-five Feet from each other, and the Earth and Soil so to be dug out of such Ditches, Drains and Watercourses, or that may be brought thereon, to cause to be thrown into the Middle of the said Highways the better to raise the same, and fill up Hollows as may be necessary, and shall from Time to Time, as often as Occasion may be, open, cleanse and scour such Ditches, Drains and Watercourses, and spread the Earth so to be thrown into the Middle of the Highways as aforesaid, in the most effectual Manner to cause the Water to pass without Obstruction from off the said Highways, always observing to keep the Road highest in the Middle where the Ground will admit thereof.

Ditches to make Causeways.

20. AND WHEREAS several Persons in clearing of their Lands through which the publick Highways run, have killed the Trees and left them standing, which Trees so killed, upon every high Wind, are subject to fall across the Roads, and are thereby dangerous to Persons who are travelling along the said Roads, and Beasts that are feeding in the same, BE IT THEREFORE ENACTED *by the Authority aforesaid*, That whenever any Tree or Trees shall be girdled and killed on or within two Rods of any publick Road or Highway, and shall remain standing for two Years after such girdling, the Owner or Possessor so girdling the same, shall cut down or cause to be cut down such Tree and Trees, or on Failure thereof shall forfeit and pay the Sum of *Five Shillings* for every such Tree so girdled and left standing as aforesaid; which said Forfeiture the said Overseer is hereby required to sue for and recover, to be applied in Manner first aforesaid.

Penalty on girdling Trees.

Penalty for removing Road-Marks.

21. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if the Inhabitants of any City, Township or Precinct, or any other Person or Persons whatsoever, that have already or may hereafter think proper to set up and affix any Posts, Road-Marks or Mile-Stones in any publick or cross Roads directing Travellers in their Way, and any mischievous Person or Persons shall pull down, deface or destroy the same, every such Person and Persons so offending shall forfeit and pay the Sum of *Five Pounds* for every Post or Road-Mark or Mile-Stone so pulled down, defaced or destroyed, to be recovered in Manner aforesaid, and to be applied one Half to the Informer, or the Person who shall prosecute the same to Effect, and the other Half in Manner first aforesaid.

Roads to be straight.

22. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That any Road laid out, altered or running through any Man's Plantation or improved Lands shall, at the Request of the Owner, be laid out straight through the same, where the Nature of the Soil will admit of it, and not to run crooked, whereby more Land may be taken up than Necessity requireth.

Roads how to be laid out or altered.

23. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when any Person or Persons are desirous and think it necessary for a Road to be laid out or altered from his or their Plantation or Plantations to any publick Landing Place, or to a Mill or Market, or to any publick Road, every such Person or Persons shall apply to four of the Surveyors of the Cities, Townships or Precincts next adjacent, and to the two Surveyors of the City, Township or Precinct where the Road is intended to be altered or laid out; which said six Surveyors shall, if they think such Road necessary, proceed to lay out or alter the same one or two Rod wide, where they or the major Part of them agreeing shall think most convenient, in such Manner and Form as may be most commodious for the adjacent Plantations, and with as little Disadvantage as may be to any of the Owners of the Lands through which the said Road is required to be laid out: And all such Roads that already are, or hereafter shall be so laid out, agreeable to this Act, of one Rod wide only, shall be cleared and maintained by the Inhabitant or Inhabitants who have or shall apply for the same; and if of two Rods wide, to be maintained as other publick Roads are: And if the Owner or Owners of any of the Lands through which any of the said Roads of one or two Rods wide so laid out shall pass, may conceive it for his Advantage to hang swinging Gates in said Road, he shall have Liberty to do the same; and all the said Roads of one or two Rods wide shall be taken, deemed and esteemed to be lawful Roads: And any Person or Persons who shall presume to stop or lessen the same shall be subject to the same Penalties and Forfeitures, and to be recovered and applied in the same Manner and Form, as is before prescribed by this Act for lessening and stopping the publick Highways.

Roads of one or two Rods how to be maintained.

Owners may fix swinging Gates.

Penalty for stopping such Roads.

Penalty for leaving Gates open, &c.

24. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons shall stake or shore open any such Gate or Gates so hung by Virtue of this Act, and leave the same open, or shall cut or pull down and destroy the said Gate or Gates, or shall ride over, or drive through any Lands, Meadow-Grounds or Corn-Fields, lying out of the common Road within the said Gates, to the Damage of the  
Owner

Owner or Owners thereof, all and every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of *Ten Shillings*, and shall also pay such Damages, with the Costs of Suit, which the Owner of the Soil, or his Tenant, shall or may sustain thereby, the said Damages to be appraised and valued by three Freeholders, or the Majority of them, in the Neighbourhood where the Offence shall be committed; which Damages so appraised, with the Forfeiture, shall be recovered by Action of Debt before any one Justice of the Peace of the County, City or Town-corporate, where the Cause of Action shall or may arise; and when recovered, the Damages shall be paid to the Possessor of the Lands so trespassed upon, and the Forfeiture to the Overseer of the Highways of that City, Township or Precinct where the Offence shall be committed, to be applied in Manner first aforesaid.

25. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That each Overseer of the Highways of every City, Township and Precinct within this Province, at the End of every Year, and before he shall be discharged from his Office, shall make up an Account of what Monies he hath disbursed by Virtue of his Office, and of what Monies still remain in his Hands for Forfeitures or otherwise, and deliver the same, together with the Book in which the Names of the Inhabitants within his City, Township or Precinct, together with the Labour done by each Inhabitant, is entered, to the Overseer for the ensuing Year, and shall pay the Remainder into the Hands of the new Overseer, to be applied to the Uses herein directed.

Overseer to  
account.

26. AND WHEREAS several Sums of Money may lie in the Hands of some of the Constables, or in the Hands of some other Persons who were formerly Constables of the several Cities, Townships and Precincts within this Province, that have been taken by Distress or otherways from several Persons neglecting to work on the Highways, or for any Forfeitures by him or them received; and it is fitting and necessary such Monies should be paid to the proper Officer, to be applied to such Purposes as are directed by this Act, BE IT THEREFORE 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 Highways for the Time being, of the City, Township or Precinct where such Money or Goods have been 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 or deliver the same, it shall and may be lawful for the Overseer or Overseers of the Highways in any City, Township or Precinct within this Province, to commence an Action of Debt against him or them so neglecting or refusing, in any Court of Record of this Province where the same is cognizable, or before any one Justice of the Peace, and recover all such Money or Goods with double Costs of Suit, and the same, when recovered by the Overseers, shall be applied to the Purposes herein first before directed.

Monies, &c.  
in Constables  
Hands for Pe-  
nalties, how  
to be recover-  
ed.

27. AND WHEREAS there are many Bridges within this Province which belong to particular Towns and Precincts to amend and repair, which cannot be sufficiently repaired by Day Labour without  
the

Bridges requiring Handicraftsmen in Burlington, &c. how to be repaid.

the Assistance of particular Handicraftsmen; BE IT THEREFORE FURTHER ENACTED by the Authority aforesaid, That where there are any Bridges in any of the Cities, Townships and Precincts within the Counties of *Burlington, Gloucester, Salem, Cumberland and Cape-May*, which cannot well be repaired by Day Labourers, that the Overseers of the Highways 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 the said City, Township or Precinct by Virtue of an Act, entitled, *An Act for raising of Money for building and repairing of Gaols and Court-Houses within each respective County of this Province*,\* in which the said Bridge or Bridges do lie, together with the Surveyors of the same, to assemble and meet together at such Time and Place as the said Overseer shall appoint, and then and there shall contract and agree with such Tradesmen 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, and every such Bridge shall be made and kept strong and substantial, and shall be railed in on each Side at least three Feet high, and rendered fit for all Travellers to pass and repass the same without Danger; and the Sum and Sums of Money agreed for and expended in building, rebuilding or amending the said Bridge and Bridges, shall be assessed and collected in the said Towns or Places to which said Bridge or Bridges do belong, by the Assessors and Collectors chosen according to an Act of Assembly of this Province, entitled, *An Act for the more regular choosing Assessors and Collectors in the respective Towns and Counties of this Province*, † and shall be paid by the said Collector to the Person and Persons so employed in building, rebuilding or repairing the said Bridge and Bridges by Virtue of an Order or Orders drawn on the said Collector for paying the same, by such Justices, Surveyors and the two Freeholders aforesaid, or the major Part of them who contracted and agreed with the Person or Persons so employed as aforesaid; which Order or Orders, with the Workman's Receipt endorsed thereon, shall be the said Collector's Discharge for the Payment of so much Money; and when any such Bridge or Bridges are to be built, rebuilt, repaired or amended between two Cities, Townships or Precincts, which is to be done at the Charge and Expence of both Towns, the Overseers of the Highways 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 Freeholders of each Town as aforesaid, and if they lie between two Counties, then to two Justices of each County, together with the Surveyors of both said Towns, and the two Freeholders chosen by each Town as aforesaid, to meet together to build, rebuild, repair and amend such Bridge and Bridges, and for assessing and collecting such Sum and Sums of Money as shall be found necessary for defraying the Charge and Expence thereof in Manner as is before-mentioned in this Act; and the said Charges and Expences shall be equally defrayed by the Inhabitants of both Cities, Townships and Precincts between which the said Bridge and Bridges do lie. PROVIDED ALWAYS, That nothing herein contained shall be construed to affect the Toll-Bridge over *Newtown Creek*, in the County of *Gloucester*, or the Toll-Bridge at *Stony-Island*, in the County of *Salem*.

28. AND

\* Chap. XXXVII.

† Chap. LXXVII.

28. AND WHEREAS it is highly proper and necessary that all Bridges which heretofore have been built on publick Roads by Subscription or otherwise, or hereafter may be built in the Counties of *Middlesex, Monmouth, Somerset, Essex, Bergen, Morris, Hunterdon and Sussex*, and requiring the Labour of Artificers, should be deemed necessary Bridges, and be built, rebuilt, repaired and amended at the sole Charge and Expence of the County wherein any such Bridge or Bridges do lie; BE IT THEREFORE ENACTED by the Authority aforesaid, That where it is or may be necessary to erect, repair, rebuild or amend any such Bridge or Bridges on publick Roads within the Counties of *Middlesex, Monmouth, Somerset, Essex, Bergen, Morris, Hunterdon and Sussex*, that the Overseers of the Highways of the City, Township or Precinct wherein the said Bridge or Bridges do lie, shall give Notice in Writing to three Justices of the Peace of the County, one whereof being of the Quorum, and to every of the Freeholders chosen for each respective City, Township or Precinct in any of the Counties above-mentioned wherein such Bridge or Bridges may be wanting to be built, rebuilt, repaired or amended, to meet together at such Time and Place as they the said Overseers of the Highways shall appoint, who, or the Majority of them met, by which is to be understood a Majority of all the Freeholders chosen as aforesaid, in every such County, 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 afore-mentioned, by Days Work, or for such Sum or Sums of Money as shall by them be thought proper; and all and every such Sum and Sums of Money so contracted for as aforesaid, or expended shall be from Time to Time assessed, raised and levied upon all the Inhabitants of each respective County last mentioned, after the same Manner and Form as is directed and appointed by Virtue of an Act passed in the twelfth Year of the Reign of Her late Majesty Queen *Anne*, entitled, *An Act for the raising of Money for the Building and Repairing of Gaols and Court-Houses within each respective County of this Province*;\* and also by Virtue of one other Act made and passed in the tenth Year of His present Majesty's Reign, entitled, *An Act to settle the Quotas of the several Counties in this Colony for the levying Taxes*.† And by such Assessors and collectors as are or shall be appointed by Virtue of one other Act made and passed in the third Year of the Reign of His late Majesty King *George the First*, entitled, *An Act for the more regular choosing and electing Assessors and Collectors in the respective Towns and Counties in this Province*;‡ and every Collector of any of the Cities, Townships and Precincts in each respective County last before mentioned, shall pay all such Monies as he is directed to collect by Virtue of this Act, in thirty Days after every such Assessment shall be delivered unto him, into the Hands of the Collector of any of the Counties aforesaid; which County Collector shall retain the said Monies in his Hands until he shall receive Orders from the Justices and Freeholders of every such County as aforesaid.

Ditto in *Middlesex, &c.*

29. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if there shall remain any Money in the Hands of any Collector or Collectors of any County within this Province over and above what is expended in building, rebuilding and amending any such Bridge and Bridges, every such Collector or Collectors shall give an Account thereof,

Collector to account for overplus Monies.

5 E

and

\* Chap. XXXVII.

† Chap. CCCCXCV.

‡ Chap. LXXXVII.

and pay all such overplus Money to the succeeding Collector or Collectors of such County under the Penalty of *Five Pounds*, to be sued for by the succeeding Collector or Collectors, and to be recovered and applied in the same Manner and Form as is before first prescribed by this Act; and the said succeeding Collector is hereby required and empowered to sue for and recover the said overplus Money with Costs of Suit.

Mode of Payment for Work.

Collectors to account.

30. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when and as soon as any Person or Persons, so contracted with as aforesaid, shall produce to the Justices and Freeholders, at any of their Meetings, a sufficient Voucher or Vouchers that the Work contracted and agreed for by them is completely finished and accomplished, according to the Conditions and Tenor of every such Contract and Agreement aforesaid, it shall and may be lawful for either of the said Justices, and two of the said Freeholders, to give an Order upon the County Collector to pay to every such Person or Persons, so contracted with as aforesaid, such Sum and Sums of Money as shall be specified in the said Order; which County Collector is required and enjoined to pay the same forthwith: And all and every such County Collector and Collectors as aforesaid shall account with the said Justices and Freeholders, at their annual Meeting in *May*, or at any other Time they shall think proper to appoint, for all such Sum and Sums of Money as shall, from Time to Time, be paid into his or their Hands by Virtue of this Act, and shall produce proper Vouchers or Receipts, endorsed on every such Order and Orders as aforesaid, of their Disbursements of the same; and all and every such Order and Orders so endorsed as aforesaid shall be a sufficient Discharge to them and each of them for so much of the Monies by him or them received or paid into their Hands as aforesaid; and if any Money assessed and collected by Virtue of this Act shall remain in the Hands of any County Collector or Collectors over and above what shall be applied to the Uses for which it was assessed and collected, the said overplus Money shall be and remain in every such Collector and Collectors Hands, during the Time of his being Collector; and, at his quitting the said Office, all such overplus Money that may then remain in his Hands shall be paid to the next succeeding County Collector, and no Part of any such overplus Money shall be made use of for any other Services of the said County and Counties, but shall always be applied to and made use of for the building, rebuilding, repairing and amending all and every such Bridge and Bridges as aforesaid. And if any of the Collectors as aforesaid shall pay away, disburse, or otherwise make use of any such Sum or Sums of Money assessed and collected by this Act, or contrary to the true Intent and Meaning thereof, no such Sum or Sums of Money shall be allowed to such Collector in passing his Accounts as aforesaid, but the said Money shall be replaced out of every such Collector's private Estate, and to be recovered therefrom by the succeeding Collector, by Action of Debt, before any one Justice of the Peace, or in any Court of Record in the County, City or Town-corporate where the same is cognizable, with Cost of Suit, any Law, Usage or Custom to the contrary hereof in anywise notwithstanding.

31. AND, to prevent the unnecessary Expence in calling the Justices and Freeholders together when Bridges require small Repairs, BE IT ENACTED, That whenever it shall be necessary to build a new Bridge,  
or

or repair any Bridge already built, or that shall hereafter be built by Virtue of this Act, in any of the Counties of *Middlesex, Monmouth, Somerset, Essex, Bergen, Morris, Hunterdon and Sussex*, it shall and may be lawful for the chosen Freeholders of the Cities, Townships or Precincts in which any Bridge or Bridges do lie, in Conjunction with the chosen Freeholders of the two next adjacent Cities, Townships or Precincts, with two Justices of the County, and the major Part of them the said Freeholders, to order and direct the immediate Building, Reparation and Amendment thereof, and to draw an Order for defraying such Expence upon the County Collector, who is hereby directed and required to pay the same forthwith out of the County Monies in his Hands. PROVIDED ALWAYS, That the Sum so laid out and drawn for shall not exceed the Sum of *Twenty Pounds*, for any one Bridge. PROVIDED ALSO, That whenever it shall be necessary to repair any Bridge or Bridges already built, or which shall be hereafter built in any of the said Counties of this Province, where the Expence of such Reparation, including necessary Materials for that Purpose, shall not exceed the Sum of *Five Pounds* for each respective Bridge, it shall and may be lawful for the Overseer of the Roads, in Conjunction with the two chosen Freeholders, or a Majority of them, of such City, Township or Precinct in which any such Bridge or Bridges do lie, to order and direct the immediate Reparation and Amendment thereof, and to draw an Order for defraying such Expences upon the County Collector, who is hereby directed and required to pay the same forthwith out of the County Monies in his Hands.

Small Repairs  
in *Middlesex,*  
&c. how to  
be made.

Where not to  
exceed £. 20

where not ex-  
ceeding £. 5.

32. AND BE IT FURTHER ENACTED by the Authority aforesaid, That where-ever it may be necessary to place any small Bridge or Bridges in the publick Highways of this Province, the same shall be at least twelve Feet in Breadth; and that all such small Bridges to be made of Logs, Poles or Slabs, shall have four Sleepers at least, and that the Logs, Poles or Slabs covering such Bridge, shall be sufficiently squared, fixed down, and as closely joined as the Nature of such Materials will admit.

Width of  
small Bridges.

33. AND BE IT ENACTED by the Authority aforesaid, That the Inhabitants of each City, Township and Precinct, who are Freeholders, and shall meet on the second *Tuesday* in *March* yearly, to choose their Town or Precinct Officers, or at any Time afterwards when summoned by any Judge or two Magistrates of the County, shall, by Plurality of Voices, direct so much Money to be raised on the Inhabitants of the said City, Township or Precinct, as they shall find necessary for procuring such Materials as cannot easily be procured by Day Labour, so always as to have Money in Bank for repairing such Roads, Causeways and small Bridges as do not require the Work of Artificers, and make an Order in Writing for that Purpose: And the Clerk of the said Town shall deliver said Order to the Assessor of the said City, Township or Precinct, within ten Days after its being made, who is or shall be chosen to assess the Provincial Taxes, who is hereby commanded to assess the same on the Inhabitants of that City, Township or Precinct, in the same Proportion and Manner as the Provincial Taxes are or may be levied, and shall deliver the Duplicate thereof to the Town or Precinct Collector chosen to collect the aforesaid Provincial Taxes, who shall collect the same, and pay it out agreeable to the Order of the respective

Materials  
how to be  
procured.

Overseers

Overseers of the Roads, or the Order of any one of them ; which said Collector and Overseers shall severally account to the Inhabitants of the said City, Township or Precinct at their yearly Meeting on every second *Tuesday in March*, for all Monies received by them by Virtue of this Act: And if either of the said Overseers or Collector shall neglect to account as aforesaid, then either of the chosen Freeholders of the said City, Township or Precinct, shall and may in his own Name sue such Delinquent for all Monies remaining in his Hands, and recover with Costs of Suit; and on Recovery, the Monies to be applied to the Uses and Purposes as aforesaid intended by this Act; and the Assessor shall have *Eight-pence* per *Pound* for assessing; and the Collector *Eight-pence* per *Pound* for collecting and paying out the same.

Assessor and  
Collectors  
Fees.

Penalty on  
Assessor ne-  
glecting Du-  
ty.

34. AND BE IT ENACTED by the Authority aforesaid, That if the aforesaid Assessors or Assessor shall neglect to assess the Taxes as aforesaid, or either of the aforesaid Collectors shall neglect to collect and account as aforesaid, such Delinquent shall, for every Offence as aforesaid, forfeit the Sum of *Forty Shillings*, to be recovered by Action of Debt by the chosen Town or Precinct Clerk, with Costs of Suit, before any Justice of the Peace of that County, City or Town-corporate, and to be applied in Manner first aforesaid.

Bridges be-  
tween *Middle-  
sex, Mon-  
mouth, &c.*  
how to be  
built, &c.

35. AND BE IT FURTHER ENACTED by the Authority aforesaid, That when any Bridge or Bridges are necessary to be built, rebuilt, repaired or amended between any of the Counties last before-mentioned, the same shall be built, rebuilt, repaired and amended at the equal Expence of each County, except the Bridges herein after-mentioned; and the Money then wanting to defray the Expence of the same shall be equally assessed, levied, collected and paid in the same Manner as is before directed by this Act.

Roads and  
Bridges over  
Dams and  
Races to be  
railed, &c.

36. AND WHEREAS the Roads and Bridges over or near Dams and Races of Mills and Iron-Works have been of late much neglected, and the Waterwheels lie open and exposed to the said Roads and Bridges to the great Annoyance, Danger and Terror of His Majesty's Subjects passing and repassing the same; to prevent these Inconveniencies for the Future, BE IT ENACTED by the Authority aforesaid, That all Roads laid out, or to be hereafter laid out, near to, or across Dams for Mills or Iron-Works, shall be kept in good and sufficient Repair, and the Bridges over the Races and Floodgates shall be substantially built, repaired, amended and railed in on each Side, the Rails to be at least three Feet high, and the whole rendered easy, convenient and safe for the Passing and Repassing of Travellers, Horses and Carriages: And the Wheels of all such Mills or Iron-Works shall be completely covered in and hid, either by a sufficient Breast Work to be built between the said Road or Bridge and the said Waterwheels, or in such other Manner that no Annoyance, Fright or Damage may be given or happen to any Passengers, Horses, Cattle or Carriages passing the same. And where it shall so happen that a Dam hath been, or hereafter shall be erected, and a publick Road or Highway hath been, or hereafter shall be laid out near to or over the said Dam, and across the Races and Floodgates, every such Road shall be made and maintained, and the Bridge and Bridges over the same, and the Railing in thereof shall be built,

At whose Ex-  
pence.

built, rebuilt, repaired and amended, and the Wheels of the Mills and Iron-Works covered in and hid as aforesaid, under the Care and Inspection, Order and Direction of the Overseer of the Highways of every City, Township or Precinct where such Iron-Works, Mill and Dam already hath been or hereafter shall be built, according to the Directions of this Act; and where it shall so happen that any publick Road or Highway already hath been, or hereafter shall be laid out before the erecting of any such Dam, every such Road, if it shall go near to or over any such Dam, Races or Floodgates, shall be made and maintained, and the Bridge and Bridges over the same cut across the said Road for the Use of every such Iron-Work or Mill; and the Railing thereof shall be built, rebuilt, repaired and amended, and the Wheels covered in and hid as aforesaid, at the Charge and Expence of the Possessor or Possessors of every such Iron-Work or Mill so erected as aforesaid. PROVIDED ALWAYS, That if such Possessor be a Tenant paying Rent for the same, it shall and may be lawful for such Tenant to deduct the same out of the Rent that then is or shall thereafter become due: And if the said Possessor or Possessors of such Iron-Work or Mill shall refuse or neglect to do the Duty hereby required of him or them, he or they shall forfeit and pay the Sum of *Five Pounds* for every such Neglect or Refusal, to be recovered with Costs of Suit, before any Justice of the Peace of the County, City or Town-corporate wherein the said Iron-Work or Mill lies; and when recovered the same shall be paid one Half to the Person and Persons who shall sue for the same, and the other Half to the Overseers of the Highways of that City, Township or Precinct where the Offence shall be committed, to be applied in Manner first aforesaid.

Penalty on  
Owner for  
Neglect.

Application.

37. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if the Owner or Owners of such Dam shall not uphold and maintain his Mill or Iron-Works to go, he shall not at such Times be obliged to keep in Repair the said Bridges, until the said Mill or Iron-Works are again set to work.

When Owner  
not bound to  
repair.

38. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Justice of the Peace, or other Officer or Officers, Person or Persons, shall neglect or refuse to do and perform any Part of the Duty required of him or them by Virtue of this Act relating to Bridges, every such Person so neglecting or refusing for every such Offence shall forfeit and pay the Sum of *Five Pounds*, to be recovered by Action of Debt before any Justice of the Peace of the County, City or Town-corporate where the Person neglecting resides, with Costs of Suit; and to be applied when recovered one Half to the Use of him who shall prosecute the same to Effect, and the other Half in Manner first aforesaid.

Penalty on  
Officers ne-  
glecting Duty.

Application.

39. AND WHEREAS the Main or High Street in the Town of *Greenwich*, and the Main or High Street in the Town of *Bridgetown*, both in the County of *Cumberland*, are by the Proprietors laid out to the Width of one Hundred Feet, which being a greater Width than by the Laws of this Colony any Surveyors of the Highways are authorized to lay out Roads, BE IT ENACTED *by the Authority aforesaid*, That the said High or Main Streets in the said Towns of *Greenwich* and

Streets in  
*Greenwich* and  
*Bridgetown*  
publick Roads.

*Bridgetown* shall, after the Publication of this Act, be deemed and esteemed publick Highways, and as such repaired and amended by the Overseers of the Roads in the same Manner and Form, and under the same Penalties, that other Highways are herein before directed to be repaired and amended.

*Great-Timber-Creek Bridge* how to be upheld.

40. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Bridge over *Gloucester River*, commonly called *Great-Timber-Creek Bridge*, shall be as heretofore maintained, amended or rebuilt at the general Expence and Charge of the County of *Gloucester*, to be paid for out of such Money as shall be raised by Virtue of Acts of Assembly of this Colony now in Force for the general Use of said County.

*Bound-Brook Bridges and Causeways* how to be supported.

41. AND WHEREAS two Stone Bridges and a Causeway have been built near the Mouth of *Bound-Brook*, one third Part at the Expence and Charge of the County of *Middlesex*, and two third Parts at the Expence and Charge of the County of *Somerset*; BE IT ENACTED, That the said Bridges and Causeway near the Mouth of *Bound-Brook* shall hereafter be kept up, amended or rebuilt, one third Part at the Expence and Charge of the Inhabitants of the County of *Middlesex*, and two third Parts at the Expence and Charge of the Inhabitants of the County of *Somerset*.

*Bridge at Trenton* how to be maintained.

42. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Bridge leading from the Mills late of *Robert Lettice Hooper* to *Trenton* shall at all Times hereafter be repaired, amended or rebuilt, two third Parts at the Expence and Charge of the Inhabitants of the County of *Hunterdon*, and one third Part at the Expence and Charge of the Inhabitants of the Township of *Nottingham*.

This Act not to affect two Acts.

43. PROVIDED, That nothing in this Act shall anyways alter or affect the Act, entitled, *An Act for building and maintaining a Bridge over Coopers Creek, and rebuilding and maintaining other Bridges on the great Roads from Burlington County to Coopers Ferries, and for keeping the new Road from Burlington to the said Ferries in Repair*. PROVIDED ALSO, That nothing in this Act shall affect or alter the Act, entitled, *An Act for rebuilding, repairing and maintaining the Drawbridge over Crosswicks Creek in the County of Burlington, and for the repairing the Causeways adjoining said Bridge*.

*Nor Cedar-Swamp Bridge*.

44. PROVIDED ALWAYS, AND BE IT ENACTED *by the Authority aforesaid*, That nothing in this Act contained shall be construed in anywise to affect the *Great-Cedar-Swamp Bridge* leading on to *Cape-May*.

*Nor Township Road Laws*.

45. PROVIDED ALWAYS, That nothing in this Act contained shall be construed to extend to or affect any Cities, Townships or Precincts, which, by the Laws of this Colony, are authorized to repair their Roads and Bridges so far forth only as to prevent their doing it by Taxes.

Former Laws repealed.

46. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all the Laws of this Colony respecting Roads and Bridges, excepting as is before excepted, that were in Force before this present Session, shall be and they

they are hereby repealed and declared null and void to all Intent, Constructions and Purposes whatsoever.

47. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That this Act shall be and continue in Force for the Term of three Years, and from thence to the End of the next Session of General Assembly, and no longer. Limitation.

C H A P. DXC.

*An ACT for the Settlement and Relief of the Poor.*

Passed March 11, 1774.

**W**HEREAS the present Law of this Colony for the Settlement and Relief of the Poor, and for the Removal of Vagrants and other disorderly Persons, hath, by Experience, been found not to be attended with the good Effects designed by the Legislature, nor hath sufficiently pointed out the Manner to obtain a Settlement; for the better ascertaining what shall gain a Settlement, and for the more effectually providing for the Purposes aforesaid, Preamble.

*Sect. 1.* BE IT ENACTED *by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same*, That every Person who shall become seized of any Freehold Estate of the Value of Fifty Pounds in any City, Town-corporate, Township or Precinct, and shall dwell upon the said Estate, or in the City, Town-corporate Township or Precinct in which such Estate doth lie, for one full Year, shall thereby obtain a legal Settlement in such City, Town-corporate, Township or Precinct; and every Person who shall have served an Apprenticeship under Indenture, and every indented Servant legally and directly imported from *Europe*, or brought in from the neighbouring Colonies into this Province, shall obtain a legal Settlement in the City, Borough, Township or Precinct in which such Apprentice or Servant shall first serve with his or her Master or Mistress for the Space of one full Year; and if afterwards such Apprentice or Servant shall duly serve in any other Place for the Space of one full Year, such Apprentice or Servant shall obtain a legal Settlement in the City, Borough, Township or Precinct where such Apprenticeship or Service was last performed, either with his or her first Master or Mistress, or with the Assignee or Assignees on an Assignment of the said Indentures; and that all Mariners coming into this Province, and having no Settlement in this nor any of the neighbouring Colonies, and every other healthy Person directly coming from *Europe* into this Province, shall be legally settled in the City, Borough, Township or Precinct in which he or she shall first settle and reside for the Space of one Year. Terms of gaining a Settlement.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That, from and after the Publication of this Act, no Person or Persons whatsoever, other than those herein before-mentioned, coming into any City, Town-corporate, Township or Precinct within this Colony, shall be esteemed or deemed to have obtained a legal Settlement in the same, unless such Person or Persons within forty Days after his, her

or Notice in Writing.

or their coming into such City, Town-corporate, Township or Precinct, shall give Notice in Writing to the Overseers of the Poor of the City, Town-corporate, Township or Precinct into which he, she or they shall come to reside, of the House and Place where he, she or they do live or abide, and the Number of his or her Family if any he or she hath; a Copy of which said Notice shall be endorsed by the said Overseer, acknowledging his Receipt thereof, and delivered by the Person or Persons serving the same on the said Overseer as aforesaid, to the Town-Clerk of the City, Town-corporate, Township or Precinct in which he, she or they shall come to reside as aforesaid; which said Town-Clerk shall enter the same with the Endorsement thereon as aforesaid in the Town-Book by him kept, and return the Original to the Person or Persons so giving Notice as aforesaid, for which Service the said Clerk shall be entitled to receive the Sum of *One Shilling*, and no more, from the Person so giving Notice as aforesaid; and in case the said Overseer of the Poor shall not, within twelve Months after such Notice, cause such Person or Persons to be removed by Warrant under the Hand and Seal of at least one Magistrate of the County, City, Town-corporate, Township or Precinct, into which they shall so come to reside, that then, and in such Case, such Person or Persons so giving Notice, and entering the same in the Town-Clerks Books as aforesaid, shall be deemed, esteemed and taken to be legally settled in such City, Town-corporate, Township or Precinct, to all Intents, Purposes and Constructions whatsoever.

Servants procured from Gaols, &c. denied a Settlement.

3. AND WHEREAS Servants are purchased, hired or otherwise procured from the Gaols, Hospitals and Workhouses of the neighbouring Colonies, and Inconveniencies have arisen therefrom, BE IT ENACTED *by the Authority aforesaid*, That no Servant or Servants bought, hired or otherwise procured from the Gaols, Hospitals and Workhouses of the neighbouring Colonies, shall gain any Settlement in this Colony by Virtue of his or her being bought or hired as aforesaid, or otherwise assigned to any Person or Persons inhabiting in this Colony, any Thing herein before to the contrary notwithstanding.

Bastard Children where settled.

4. AND WHEREAS single Women with Child often remove from the Places of their Settlement, and are delivered of Bastard Children in distant Cities, Townships or Precincts, whereby such Cities, Townships or Precincts are unjustly liable to, and often made chargeable with the Support of such Bastard Children, BE IT THEREFORE ENACTED *by the Authority aforesaid*, That all Bastard Children shall hereafter be deemed, esteemed and taken to be settled in the Place of the last legal Settlement of the Mother of such Bastard Child or Children, any Law, Usage or Custom to the contrary notwithstanding.

Penalty on Inhabitants entertaining Persons not settled.

5. AND, for the more effectual preventing any Rogues, Vagabonds, Vagrants, Sturdy Beggars, and other idle, strolling disorderly Person or Persons concealing him, her or themselves within any City, Town-corporate, Township or Precinct within this Colony, BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Housekeeper or Inhabitant of this Colony shall, after Publication of this Act, take into, receive or entertain in his, her or their Dwelling Place or Places of Abode, House or Houses, any Person or Persons whatsoever, who have  
not

not gained a legal Settlement in some City, Town-corporate, Township or Precinct within this Colony; and shall not give Notice in Writing within the Space of ten Days next after his, her or their taking in, receiving or entertaining any such Person or Persons as aforesaid, to the Overseers of the Poor of every such City, Town-corporate, Township or Precinct where such Person dwelleth; every such Inhabitant or House-keeper, being thereof legally convicted by the Oath or Affirmation of one credible Witness, before any one Justice of the Peace of the County, City or Town-corporate where such Offence shall be committed, shall forfeit and pay the Sum of *Twenty Shillings* for every such Offence, the one Moiety or Half Part thereof to be applied to the Use of the Poor of the said City, Town-corporate, Township or Precinct, and the other Moiety to the Use of the Informer, or Person who shall prosecute the same to Effect, to be recovered in the usual Manner, by Process and Execution, as Actions of Debt before Justices of the Peace in this Colony are made cognizable and recoverable: And in case the Person or Persons, so entertained as aforesaid, shall become poor, and unable to maintain him, her or themselves, and cannot be removed to the Place or Places of his, her or their last legal Settlement, or shall happen to die and not leave wherewithal to defray the Charge of his or her Funeral, then and in such Case the Inhabitant or Housekeeper, convicted as aforesaid of entertaining such poor Person or Persons, shall be obliged to provide for and maintain such poor and indigent Person and Persons, and to pay for the Charges of such poor Person's Funeral; and, upon Refusal so to do, it may and shall be lawful for any one Justice of the Peace, together with any two or more of the Overseers of the Poor of every such County, City, Town-corporate, Township or Precinct where the said Offence shall be committed, and they are hereby required to assess such Sum or Sums of Money on the Person and Persons so convicted as aforesaid, by a weekly Assessment, from Time to Time, as shall be sufficient for the Maintenance of such poor indigent Person or Persons, according to the usual Allowance made for the Relief of the Poor; and also to assess in like Manner a certain Sum for defraying the Charges of every such poor Person's Funeral as aforesaid: And in case the Party, so convicted as aforesaid, shall neglect or refuse to pay the Sum and Sums of Money so assessed or charged as aforesaid, to the Overseers of the Poor for the Uses aforesaid, the same shall be levied upon the Goods and Chattels of the Offender by Warrant of Distress, to be issued by one of the Justices of the Peace of said County, City or Town-corporate, directed to one of the Constables of said County, City or Town-corporate, who shall, as near as may be, make Sale of so much of his or her said Goods and Chattels as shall be sufficient to pay the said Sum and Sums of Money so assessed; and the Overplus, if any be, after all legal Costs and Fees are deducted, shall be returned to the Owner: And if such Person, so convicted as aforesaid, hath no Goods and Chattels to satisfy and pay the Money so assessed for him or her to pay, then and in such Case it may and shall be lawful for such Justice of the Peace, and he is hereby required to commit such Offender to Prison, there to remain without Bail or Mainprize, until he or she have paid the same, or until he or she shall be discharged by due Order of Law.

6. AND WHEREAS it is found by Experience that many poor Persons belonging to this Colony cannot find Employment in the City,

Persons bring-  
ing Certifi-  
cates may re-  
side, &c.

Town-corporate, Township or Precinct where they are legally settled, yet might get Work for themselves and Families in other Places within the said Colony, but not being able to give Security, if required, upon their coming to settle in any other Place, that they and their Families shall not become chargeable and burdensome to such Place or Places within the said Colony where they intend to remove, and for Want of such Security may be confined to their own legal Place of Settlement, though their Labour may be wanted elsewhere; for removing every such Inconveniency, BE IT ENACTED by the Authority aforesaid, That if any Person or Persons shall think proper to remove out of any one City, Town-corporate, Township or Precinct within this Colony into another, there to inhabit and reside, and shall at the same Time procure, bring and deliver to the Overseers of the Poor of every such City, Town-corporate, Township or Precinct where he, she or they shall so come to inhabit, a Certificate under the Hands and Seals of the Overseers of the Poor, or any two of them, of his, her or their last legal Settlement, attested by two or more credible Witnesses, and allowed of and subscribed by two or more Justices of the Peace of the City or Town-corporate, or of the County wherein the Township or Precinct doth lie, from which he, she or they shall remove as aforesaid, thereby acknowledging the Person or Persons therein mentioned to be an Inhabitant and Inhabitants legally settled in such City, Town-corporate, Township or Precinct mentioned in such Certificate as aforesaid, then and in such Case it shall and may be lawful for every such Person and Persons, with their Families, upon the Delivery of such Certificate as aforesaid, to continue, abide and remain in any such City, Town-corporate, Township or Precinct to which he, she or they shall remove as aforesaid, and to follow any honest Employment within the same, he, she or they conforming to the Laws and Custom of any such Place and Places to which they shall so remove; and the Overseers of the Poor shall deliver every such Certificate to the Clerk of the City, Town-corporate, Township or Precinct to which any such Person shall come to reside as aforesaid; and the said Clerk is hereby required and commanded to file and take Care of every such Certificate.

Certificate to  
be filed.

Persons under  
Certificates,  
becoming  
chargeable,  
may be re-  
moved.

7. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That whenever it shall happen that the said Person or Persons with their Families, so removing by Virtue of the Certificate or Certificates aforesaid, shall become chargeable, or be obliged by Sickness or otherwise to ask Relief of the City, Town-corporate, Township or Precinct to which such Certificate was given, and into which he, she or they were received as aforesaid, that then and not before it shall and may be lawful for the Overseers of the Poor of the last-mentioned Place and Places to remove and convey all and every such Person or Persons, with all and every of their Family and Families and Children, though born within the last-mentioned Place and Places, together with his, her or their Servants and Apprentices to the City, Town-corporate, Township or Precinct from which such Certificate was brought as aforesaid, who are hereby required and obliged to receive and provide for every such Person and Persons with his, her or their Family and Families as aforesaid, as Inhabitants of that Place. PROVIDED NEVERTHELESS, That every such Servant and Apprentice, who shall have duly served his Apprenticeship and Servitude in the said City, Town-corporate,  
Township

Township or Precinct in which his Master or Mistress shall have so settled by Certificate as aforesaid, and who shall thereby have gained a legal Settlement in such Place agreeable and according to the Laws of this Colony, shall not be liable to be removed as aforesaid.

Servant and Apprentice gaining a Settlement under the Certificate not to be removed.

8. PROVIDED ALSO, That the afore-mentioned Clauses, relating to the obtaining temporary Settlements by Certificates, shall not be deemed or construed to extend to any Person or Persons who have not already obtained, or shall not hereafter obtain, a legal Settlement or Settlements in some Part of this Colony; and also that no Person or Persons, who shall be required to bring such Certificate or Certificates as aforesaid, shall be deemed or esteemed by any Act or Acts of him, her or them to have gained a legal Settlement in any City, Town-corporate, Township or Precinct during the Time he, she or they shall reside there, by Virtue of the said Certificate or Certificates.

Above Clauses relative to Certificates to extend only to Persons settled in this Province.

9. AND WHEREAS it often happens that Persons having a Residence in a Township, City or Precinct in this Colony, come out of the Places of their legal Residence into other Parts of this Colony, and there become sick, lame, or otherwise so infirm that they cannot be removed, and many Times die before they can be legally sent back, whereby the Inhabitants of such Places where such Persons become sick, lame or die, are put to Charges and Expences in the Maintenance or Burying such Persons: AND WHEREAS it is highly just and reasonable that such Charges and Expences should be repaid, BE IT THEREFORE ENACTED by the Authority aforesaid, That if any Person or Persons shall come out of any of the Place or Places where they are legally settled into any City, Town-corporate, Township or Precinct within this Colony, and shall happen to be taken sick or lame, so that they cannot be conveniently moved back to the Place of their last legal Settlement, then the Overseers of that Place into which such Person or Persons shall so come as aforesaid, or one of them, shall give Notice to the Overseers of the City, Town-corporate, Township or Precinct, or one of them, out of which such Person or Persons shall so come as aforesaid, of the Name, Circumstances and Condition of such Person or Persons, and request such Overseers, or one of them, to take Care to relieve and maintain such sick or lame Person during his or her Illness, and also to provide for the Funeral of such Person, if he or she should happen to die; and if such Overseer or Overseers shall neglect or refuse so to do, upon such Notice given as aforesaid, that then and in such Case it shall be lawful for any two Justices of the Peace of the County, City or Town-corporate where such Person had last gained a legal Settlement, and they are hereby authorized and required, upon Complaint made to them, to cause all such Sum and Sums of Money as shall be necessarily expended in the Maintenance of such poor Person in his or her Sickness or Lameness, or on his or her Funeral, by Warrant under their Hands and Seals, to be directed to some Constable of the said County, City or Town-corporate, to be levied in the usual Manner, by Distress and Sale of the Goods and Chattels of the said Overseer or Overseers of the Poor so neglecting or refusing to take care and provide for any such Person as aforesaid, after such Notice given to them, or to one of them, as aforesaid; and such Sum or Sums of Money so recovered, shall be paid to the Overseers of the Poor, or to one of them, of such City, Town-

Who to pay the Expence of Persons becoming infirm or dying out of their Townships.

corporate

corporate, Township or Precinct where such Person shall happen to be sick, lame or die as aforesaid; and the Overplus of the Money arising by the Sale of such Goods and Chattels, after the lawful Costs and Charges are deducted, if any be, shall be paid to the Owners.

Overseers of  
the Poor to be  
chosen.

Penalty for  
refusing the  
Office.

How to be  
supplied in  
case of  
Death.

10 AND, that the indigent Poor within this Colony may be taken Care of and provided for, BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the several Inhabitants of this Colony at their annual Town-Meeting, to choose such and so many Overseers of the Poor, not exceeding four, to serve for each and every respective City, Town-corporate, Township and Precinct within the said Colony for the Year ensuing; and in case any Person or Persons so elected and chosen to be Overseer or Overseers of the Poor of any such respective City, Town-corporate, Township or Precinct, shall refuse to take upon him or them the said Office, he or they shall forfeit and pay the Sum of *Five Pounds* each; which said Forfeitures shall be applied to the Use of the Poor of such Place where such Refusal shall be made, and shall be recovered in the same Manner and Form as other Fines and Forfeitures accruing by this Act are directed to be levied and paid. And if any Overseer or Overseers shall by Refusal, Death or other Disqualification be rendered incapable of performing the said Office, then any one Justice of the Peace of the County, City or Town-corporate where such Vacancy shall happen, is hereby required to issue his Precept to the Constable or Constables of every such Place, to summon the Inhabitants Householders to meet together on a short Day in the said Precept to be appointed, and there to choose an Overseer and Overseers to serve in the Room of him or them so disqualified as aforesaid; which Overseer or Overseers so elected as aforesaid are hereby required to take upon them the said Office, and to perform the Duties in this Act required, under the same Penalties and Forfeitures as are prescribed by this Act; to which, upon Refusal, Negligence or Nonperformance, they are hereby made subject and liable, and to be recovered, levied and applied in the same Manner and Form as is directed by this Act.

Mode of  
granting Re-  
lief.

11. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when and so often as any poor Person belonging to any City, Town-corporate, Township or Precinct within this Colony, shall apply for Relief to any Overseer or Overseers of such Place where he or she may reside, that the said Overseer or Overseers shall make Application to a Justice of the Peace of any such City or Town-corporate, or to a Justice of the County to which any such Township or Precinct shall belong, which said Justice and the Overseer or Overseers shall inquire into the State and Circumstances of such Person so applying as aforesaid; and if it shall appear to said Justice that such Person is in such poor Circumstances as to deserve Relief, then the said Justice shall give an Order in Writing to the said Overseer or Overseers to make such Allowance weekly or otherwise to every such poor Person as they in their Discretion shall think his or her Necessities may or shall require; and the said Overseer or Overseers shall make no other or further Allowance to such poor Persons than what by the said Order shall be directed; which said Order shall be a sufficient Voucher for the Payment or Expending of so much Money by the said Overseer or Overseers, and shall be allowed in adjusting his or their Accounts.

12. AND

12. AND WHEREAS many Inconveniencies may arise, especially in Places where the Inhabitants are numerous, and the Cities, Towns-corporate, Townships or Precincts are large and extensive, by Reason of the unlimited Power of Overseers of the Poor, who may frequently, upon frivolous Pretences, and for their own private Ends, grant Relief to what Persons they think fit, and may continue the same longer than there may be a real Occasion for granting such Relief, by which Means the Rates for the Poor may be greatly augmented, contrary to the true Intent and Meaning of this Act; for remedying of which Abuses, BE IT FURTHER ENACTED *by the Authority aforesaid*, That, from and after the Publication of this Act, as soon as conveniently may be, the Overseer and Overseers of the Poor shall procure, at the publick Charge, a handsome Folio Book of good Paper and well bound, wherein the Name and Names of all poor Persons applying for Relief, and being ordered the same as aforesaid, shall be registered with the Day and Year when they were first admitted to have Relief, the weekly or other Sum or Sums of Money allowed by the said Order for their Relief, and the Occasion which brought them under that Necessity; and no Person or Persons shall be entered into the Poor's Books, or receive Relief from the Overseer or Overseers of the Poor, without such Order procured as aforesaid; and in case any Overseer or Overseers shall enter into the Poor's Books, and relieve any such poor Person or Persons without such Order, he or they shall forfeit all such Money and Goods paid and distributed to such poor Person or Persons, nor shall any Allowance be made unto him or them for the same in passing his or their Account and Accounts; and the said Overseer and Overseers are hereby ordered and required to enter, or cause to be entered in the said Poor's Books, all Monies received, laid out and disbursed by him or them for the Use of the Poor, and also all Matters and Things which shall be transacted by him or them relating to their said Office; and the said Overseer and Overseers shall lay the said Poor's Books before the Inhabitants at their aforesaid annual Town-Meeting, or any other of their Meetings before appointed by this Act, that they may then examine and look into the State of the Poor Accounts, and make such further Provision for them as they upon such Inspection shall find necessary.

Overseers to keep a Book, and make fair Entries.

13. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when and so often as Money shall be wanting for the Relief of the Poor, the Overseer or Overseers shall apply to a Justice of the Peace of the City or Town-corporate, or to a Justice of the Peace of the County to which the Township or Precinct doth belong; which Justice, upon Notice from the said Overseer or Overseers, that Money is wanting for the Relief of the Poor, shall forthwith issue his Precept or Precepts to the Constable or Constables of the said District, commanding him or them to summon the Inhabitants Housholders of every such City, Town-corporate, Township or Precinct, to assemble and meet together at such Time and Place as the said Precepts shall appoint, who shall agree upon the Sum or Sums to be raised for the Purpose aforesaid, by Plurality of Voices then present; which said Sum or Sums shall be assessed by the same Assessor of each City, Town-corporate, Township or Precinct, and in such Manner and Form as the Provincial Taxes within the said Colony are directed to be assessed, with all the convenient Speed that may be; and the said Assessor shall deliver every such Assessment so made by

Mode of raising Money.

him as aforesaid to the said Overseer or Overseers, who shall collect the Money according to every such Assessment: And the said Assessor shall also assess the Taverns, and all other poor Taxes whatsoever; and the said Overseer or Overseers of the Poor shall collect the said Sum and Sums so assessed, any Thing in any former Act notwithstanding.

Persons refusing or neglecting to pay their Tax, how to be compelled.

14. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons shall, upon Demand, refuse or neglect to pay his, her or their Tax and Taxes so assessed for the Relief of the Poor, then the said Overseer or Overseers shall make out a List of the Name or Names of such Delinquent or Delinquents, and deliver the same to any one Justice of the County, City or Town-corporate wherein such Delinquents live, who is hereby required to make out his Warrant without any Fee or Reward, directed to the Constable of any such City, Town-corporate, Township or Precinct, to make Distress of every such Offender or Offender's Goods and Chattels, and to make Sale of the same at publick Vendue within ten Days after such Distress, and to pay the Tax and Taxes for which such Distress and Sale are made, to the Overseer or Overseers of any such City, Town-corporate, Township or Precinct, deducting out of the Money arising from such Sale *Eighteen-pence* to the Constable for every Distress and Sale so made; all which being paid and deducted, the Overplus, if any there be, shall be returned to the Owner and Owners: And, where Goods and Chattels cannot be found, the Constable and Constables aforesaid, are hereby directed and required to take the Body and Bodies of him, her or them so delinquent as aforesaid, and deliver him, her or them into the Custody of the Sheriff of any such City, Town-corporate or County, who is hereby required and empowered to receive and keep every such Person and Persons in close Gaol until Payment be made of such Tax and Taxes as aforesaid, and all Costs and Charges accrued thereby defrayed.

Goods of the Paupers to be inventoried, and sold.

15. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when any poor Person or Persons shall apply for Relief from any City, Town-corporate, Township or Precinct within this Colony, the Overseer or Overseers of the same shall take an Inventory of every such poor Person or Person's Goods and Chattels before he, she or they shall be admitted to Relief; and in case of the Death of any such poor Person so obtaining Relief as aforesaid, the said Overseer or Overseers shall cause such Goods and Chattels to be sold at publick Vendue; and out of the Money arising therefrom shall reimburse the City, Town-corporate, Township or Precinct, all such Charges and Expences which they may have been put to in maintaining all and every such poor Person or Persons, or their Families; and all Sales and Bills of Sale, made or given for any such poor Person or Person's Goods and Chattels during the Time they shall become chargeable to any such City, Town-corporate, Township or Precinct, are hereby declared to be null and void and of none Effect.

Badge to be worn by Persons relieved.

16. AND, to the End that the Money raised for the Relief of such as are impotent Poor may not be misapplied and bestowed upon idle, sturdy, disorderly Beggars, BE IT FURTHER ENACTED *by the Authority aforesaid*, That, from and after the Publication of this Act, all and every Person or Persons who shall be ordered to receive Relief as aforesaid,

faid, and the Wife and Children of him or them cohabiting in the same House, such Child only excepted as may be appointed by the Overseer to take care of and nurse an impotent helpless Parent, if it shall be thought expedient by the Overseer or Overseers of the Poor of any City, Town-corporate, Township or Precinct within this Colony, in Concurrency with one Justice of the Peace as aforesaid, upon the Shoulder of the right Sleeve of the upper Garment of every such Person in an open and visible Manner, wear such Badge or Mark as is herein after mentioned and expressed, *That is to say*, a large P, together with the first Letter of the Name of the City, Town-corporate, Township or Precinct whereof such poor Person is an Inhabitant, also in a large Capital Letter, cut either in red or blue Cloth as by the said Justice and Overseer or Overseers of the Poor shall be directed and appointed: And if any such poor Person shall at any Time neglect or refuse to wear such Badge or Mark, in Manner and Form as aforesaid, then the Relief, ordered to such poor Person as aforesaid, shall be and is hereby ordered to be suspended and withdrawn, until he or she shall comply and agree to wear such Badge as aforesaid.

17. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Father and Grandfather, Mother and Grandmother, and the Children and Grandchildren, severally and respectively, of every poor, old, blind, lame and impotent Person, or other poor Person not able to work, being of sufficient Ability, shall at his, her or their Charges and Expences, relieve and maintain every such poor Person as aforesaid, in such Manner as the Justices of the Peace at their General Quarter-Sessions shall order and direct, on the Penalty of forfeiting and paying *Ten Shillings* for each Person so ordered to be relieved, for every Week they shall fail therein, to be sued for, levied and recovered in the usual Manner, and to be applied for the Use of the Poor.

What Relations are to maintain each other.

18. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the Overseers of the Poor, or any two of them, with the Assistance and Approbation of two Justices of the Peace of any County, City or Town-corporate of this Colony, and they are hereby enjoined and commanded to put forth and bind out any poor Child or Children who have no Parents, or whose Parents shall apply to the said Overseer or Overseers for Relief, or the Child or Children of any poor Parents whatsoever who shall bring up their said Children in Sloth, Idleness and Ignorance, and upon Advice and Direction given by the said Overseer or Overseers shall, for three Months after such Advice and Direction, refuse or neglect to put forth and bind out such poor Child or Children, for such a Number of Years as the said Justices and Overseers in their Discretion shall think proper, for a Male Person till they shall arrive at twenty-one Years of Age, and for a Female till they arrive at eighteen-Years of Age, and no longer; and the said Justices, in Conjunction with said Overseers, or any two of them, amongst the common Covenants in the Indenture and Indentures made and agreed upon between the Parties, shall always insert the following Clause, *That every such Master and Mistress, to whom such poor Child or Children shall be bound out as aforesaid, shall cause every such Child and Children to be taught and instructed to read and write.* And the said Justices, Overseers, or any two of them, are hereby appointed the Guardians of all  
and

Poor Children to be bound out and how

and every such poor Child and Children so put forth and bound out as aforesaid, to take Care that the Terms of the Indenture or Indentures, Covenant and Covenants agreed upon between them and the Master or Mistress of every such poor Child be performed and fulfilled, and that he, she or they be not abused or ill used; which said Justices, Overseers, or any two of them, as aforesaid, or the major Part of them, are hereby empowered and directed to inquire into the same, and to redress any such Grievance or Grievances in such Method as the Law hath prescribed.

Estate of Persons absconding may be seized to defray a publick Charge.

19. AND WHEREAS it sometimes happeneth, that Persons run away or abscond from their Places of Abode and legal Settlement, and leave their Wives and Families a Charge to the Publick, although such Persons may have some Estate Real or Personal, whereby the Place might be eased in Whole or in Part, which is most just and reasonable; BE IT THEREFORE ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the Overseer or Overseers of the Poor of any City, Town-corporate, Township or Precinct within this Colony where any Father shall run away or absent from his Wife and Children, or any Widow shall run away or absent from her Children, and leave them a publick Charge, to apply to two Justices of the Peace, and by Warrant under the Hands and Seals of the said two Justices, to take and seize the Goods and Chattels, and to let out and receive the annual Rents and Profits of the Lands and Tenements of such Father or Mother so absconding as aforesaid, for and towards the maintaining, bringing up and providing for such Wife, Child or Children so left as aforesaid; and so soon as the said Seizure shall be allowed of and confirmed by the Justices in their General Quarter-Sessions of the Peace, it shall and may be lawful for the said Overseers, or any two of them, from Time to Time, and as often as the Case may require, to sell and dispose of so much and so many of the said Goods and Chattels at publick Vendue to the highest Bidder, and to apply the Money arising thereby towards the Maintenance of such poor Family so left as aforesaid.

Overseers accountable therein.

20. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, That the said Overseer or Overseers shall be accountable to the Justices of the Peace in their said General Quarter-Sessions for all such Monies as shall or may arise by every such Sale or Sales, and for the Rents, Issues and Profits of such Lands and Tenements.

Poor Houses may be hired or built.

21. AND, for the greater Ease of the Publick in the Relief of the Poor, BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the Overseers of the Poor of any City, Town-corporate, Township or Precinct, with the Approbation and Consent of the major Part of the Inhabitants Householders of such City, Town-corporate, Township or Precinct, if they shall think it convenient and necessary, at any publick Town-Meeting for that Purpose met and assembled, of which timely Notice shall be given in the usual Manner, to build, purchase or hire any House or Houses in such City, Town-corporate, Township or Precinct, and also to purchase necessary Materials for that Purpose out of the Money provided, or to be provided, for the Relief of the Poor, and there to keep, maintain and employ all and every such poor Person and Persons, and to take the Benefit of the Work,

Work, Labour and Service of any such poor Person or Persons who shall be kept and maintained in any such House or Houses, for the better Maintenance and Relief of such poor Person or Persons who shall be there kept and maintained; and in case any poor Person or Persons, claiming Relief of any City, Town-corporate, Township or Precinct within this Colony where such House or Houses shall be so built, purchased or hired, shall refuse to be lodged, kept to work and maintained in such House or Houses, such poor Person or Persons so refusing shall be put out of the Book where the Names of the Poor are ordered to be registered by Virtue of this Act, and shall not be entitled to ask or receive any Relief from the Overseer or Overseers of any such City, Town-corporate, Township or Precinct. And where any City, Town-corporate, Township or Precinct may be too small to build, purchase or hire such House or Houses as aforesaid, it shall and may be lawful for two or more of them, with the Consent and Approbation of the major Part of the Inhabitants Householders of each respective Place, at a publick Town-meeting for that Purpose met and assembled, of which timely Notice shall be given in the usual Manner, to join together and unite in building, purchasing or hiring such House or Houses for the Lodging, Keeping and Maintaining of the Poor of such Places so joining together and uniting, and there to keep, maintain and employ the Poor of such united Places as aforesaid, and to take and have the Benefit of the Work, Labour or Service of any Poor there kept and maintained, for the better Maintenance and Relief of the Poor there kept, maintained and employed. And in case any poor Person or Persons, claiming Relief of any such united Places as aforesaid, shall refuse to be lodged, kept to work, or maintained in the House or Houses built, purchased or hired for such united Places as aforesaid, such poor Person or Persons so refusing shall be put out of the Book where the Names of the Poor are ordered to be registered by Virtue of this Act, and shall not be entitled to ask or receive any Relief from the Overseer or Overseers of any such City, Town-corporate, Township or Precinct; and it shall and may be lawful for the Overseers of the Poor of any City, Town-corporate, Township or Precinct within this Colony, with the Consent and Approbation of the major Part of the Inhabitants Householders of such Place or Places where such House or Houses shall be built, purchased or hired for the Purposes aforesaid, at a publick Town-meeting for that Purpose met and assembled, of which timely Notice shall be given in the usual Manner, to contract with the Overseers of the Poor of any other Place for the Lodging, Maintaining and Employing of any poor Person or Persons to such other Place belonging, as to them shall seem meet; and in case any such poor Person or Persons belonging to any other City, Town-corporate, Township or Precinct within this Colony, shall refuse to be lodged, maintained and employed in such House or Houses so contracted for as aforesaid, such poor Person or Persons so refusing shall be put out of the Book where the Names of the Poor are ordered to be registered by Virtue of this Act, and shall not be entitled to ask or receive any Relief from the Overseer or Overseers of any such City, Town-corporate, Township or Precinct.

Poor refusing to be lodged in those Houses to be struck off the List.

22. PROVIDED ALWAYS, AND BE IT ENACTED, That no Person or Persons, his, her or their Child or Children, shall acquire or gain a Settlement in the City, Town-corporate, Township or Precinct to which

No Settlement to be gained on certain Removals.

he, she or they shall or may be so removed by Virtue of this Act, but his, her or their Settlement shall be and remain in the same Place where it was before such Removal, any Thing in this Act to the contrary notwithstanding.

Mode of Removals.

23. 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 have not obtained a legal Settlement in any City, Town-corporate Township or Precinct in this Colony, according to the Directions, true Intent and Meaning of this Act, herein before specified, is or are likely to become chargeable, such Overseer or Overseers shall and may apply to any two Justices of the Peace of such County, City or Town-corporate, and inform them thereof, who are hereby required and empowered 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; and they shall examine every such Person or Persons when brought before them, upon Oath or Affirmation, relating to his, her or their last Place or Places of legal Settlement, and thereby finding the Information given to them to be true and reasonable, they shall order and direct such Person or Persons, by a certain Day by them to be prefixed, to remove to the Place of his, her or their former Settlement; and, on Neglect or Refusal to comply with the said Order, the said Magistrates shall issue their Warrant to a Constable, thereby commanding him to convey and deliver such Person or Persons to the Constable of the next City, Town-corporate, Township or Precinct, and so the nearest and most direct Way from Constable to Constable until he, she or they be conveyed to the Place of his, her or their legal Settlement: For all which Services the said Constable shall be paid so much Money as a Justice of the Peace and the Overseer and Overseers of any such County, City, Town-corporate, Township or Precinct shall judge he or they reasonably deserve.

Persons returning after Removal to be sent back, &c.

24. 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 given to that Purpose, by any one Overseer of the Poor of such Place; in that Case it shall and may be lawful for such Overseer to make Complaint to some Magistrate of the County, City or Town-corporate where such Persons do return, who is hereby required to order any Constable of the City, Town-corporate, Township or Precinct, to whip such Person or Persons on the bare back with not less than ten, or more than fifteen Lashes, being a Male; and if a Female, in the Discretion of the Magistrate either to send her away again or to commit her to close Confinement, to be fed at the Expence of the Township on Bread and Water only, for such Time as the said Magistrate shall think proper, and then to send him, her or them back again to the Place whither he, she or they were first ordered and removed to in Manner aforesaid, and so as often as the Case shall happen: And if any Constable shall refuse to perform the Service herein directed, he shall forfeit and pay the Sum of *Forty Shillings*, to the Use of the Poor of such Place; and, on Refusal to pay the same, such Magistrate shall

shall issue Execution against him for the Penalty and Costs as in other Cases is provided and directed. PROVIDED ALWAYS, That if any Person or Persons complained 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 indemnify, and save Harmless the City, Town-corporate, Township or Precinct from all Charges and Expences to which the same may be liable by such Person or Persons being resident there, then in such Case he, she or they shall not be removed as herein before is directed, any Thing in this Act to the contrary thereof in anywise notwithstanding; which Bond shall be taken before a Magistrate, who shall deliver the same to one of the Overseers of the Poor of the Place so intended to be kept Harmless, and he shall safely keep the said Bond, and deliver it to his next Successor.

25. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person be removed by Virtue of this Act from one City, Town-corporate, Township or Precinct to another within this Colony by Warrant under the Hands and Seals of two Justices of the Peace as above, the Overseer or Overseers of the Poor of that Place, to which such poor Person shall be so removed as aforesaid, are hereby required to receive the said Person; and if he or they shall refuse so to do, such Overseer or Overseers so refusing or neglecting, upon Proof thereof by one credible Witness upon Oath or Affirmation before any Justice of the Peace of the County, City or Town-corporate in which the Place is situated whereto such Person shall be so removed, shall forfeit and pay for each Offence the Sum of *Five Pounds*, to the Use of the Poor of the Place from which the said Person was removed; to be levied by Distress and Sale, in the usual Manner, of such Offender or Offenders Goods and Chattels by Warrant under the Hand and Seal of the said Justice, directed to the Constable of the Place where such Offender or Offenders do dwell.

Overseers required to receive the Pauper on Removal.

26. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, That all and every such Person or Persons, who shall think him or themselves aggrieved by any such Warrant of Removal, granted by two Justices of the Peace, or by such Removal of any poor Person as aforesaid, may appeal to the next General Quarter-Sessions of the Peace of the County, City or Borough wherein such Removal shall happen, and the poor Person be removed from: And that no Justice of the Peace who shall reside in any City, Town-corporate, Township or Precinct where the Dispute or Debate shall happen, shall sit in Court upon any such Appeal; and no Appeal as aforesaid shall be proceeded upon in such Court of Quarter-Sessions, unless reasonable Notice be given in Writing by the Overseer or Overseers of the Poor, who shall make such Appeal to the Overseer or Overseers of the Poor of such Place from which the poor Person shall be removed, the Reasonableness of which Notice shall be determined by the Justices of the Peace at the Quarter-Sessions to which the Appeal is made: And if it shall appear to them that reasonable Time of Notice was not given, then they shall adjourn the said Appeal to the next Quarter-Sessions, and then and there hear and determine the same.

Appeal given.

What Justice may not sit on the Appeal.

Notice of Appeal how to be given.

27. AND BE IT ENACTED *by the Authority aforesaid*, That upon all Appeals

Defects of  
Form to be  
amended.

Appeals to be made to the Justices of the Peace at their respective Courts of General Quarter-Sessions of the Peace to be holden for any County, City or Borough within this Province of *New-Jersey*, against Judgments or Orders given or made by any Justices of the Peace for the Removal of any Pauper or Paupers, such Justices so assembled at any Court of General Quarter-Sessions of the Peace shall, and they are hereby required, from Time to Time, upon all and every such Appeals so made to them, to cause any Defect or Defects of Form that shall be found in any such original Judgments or Orders to be rectified and amended without any Cost and Charge to the Party concerned; and, after such Amendment made, to proceed to hear and determine the same in the usual Manner, and to make such Determination thereon as by Law they ought to have done in case there had not been such Defect or Want of Form in the original Proceedings; and in case the said Courts of Quarter-Sessions shall not rectify and amend such original Judgments or Orders, and the same Judgments or Orders shall be removed into the Supreme Court, such Supreme Court shall and may have equal Authority, and are hereby enjoined to amend any such original Orders or Judgments, any Law, Usage or Custom to the contrary notwithstanding.

Charges and  
Costs given  
upon undue  
Removals.

28. AND, for the preventing vexatious Removals and frivolous Appeals, BE IT ENACTED by the Authority aforesaid, That, from and after the Publication of this Act, if the Justices of the Peace shall at their Quarter-Sessions, upon an Appeal before them there had, concerning the Settlement of any poor Person or Persons, determine in Favour of the Appellant or Appellants that such poor Person or Persons was or were unduly removed; that then the said Justices shall, at the same Quarter-Sessions, order and award to such Appellant or Appellants so much Money as shall appear to the said Justices to have been reasonably paid and expended by the City, Town-corporate, Township or Precinct on whose Behalf such Appeal was made for or towards the Relief of such poor Person or Persons between the Time of such undue Removal and the Determination of such Appeal; and, upon any Appeal before them there to be had for and concerning the Settlement of any poor Persons, or upon any Proof before them there to be made of Notice of any such Appeal to have been given by the Overseer or Overseers of the one Place to the Overseer or Overseers of the other, though they did not afterwards prosecute such Appeal, the said Justices shall, at the same Quarter-Sessions, award and order to the Party for whom, and in whose Behalf, such Appeal shall be determined, or to whom such Notice did appear to have been given as aforesaid, such Costs and Charges in the Law, as by the said Justices in their Discretion shall be thought most reasonable and just, to be paid by the Overseer or Overseers of the Poor against whom such Appeal shall be determined, or who gave Notice of such Appeal as aforesaid, and did not prosecute the same.

29. AND WHEREAS the Person or Persons against whom such Award and Order shall be made may reside in some County, City or Town-corporate, out of the Jurisdiction of the said Court of Quarter-Sessions, whereby the Recovery of the Sum or Sums of Money so awarded and ordered may be rendered difficult and precarious; therefore, BE IT ENACTED by the Authority aforesaid, That all such Sum and Sums of Money, which shall be awarded and ordered to be paid by  
the

the Justices in their said Quarter-Sessions in the Case and Cases aforementioned, shall and may be sued for and recovered with Costs of Suit, by Action of Debt, in any Court of Record of any County, City or Town-corporate in this Colony, where the Person or Persons shall reside, against whom such Determination shall be given as aforesaid; and a true Copy of such award and Order of such Justices in their Quarter-Sessions, signed and sealed by the Clerk of the Court, when produced, shall be sufficient Evidence for the Recovery of such Sum or Sums of Money so awarded and ordered as aforesaid.

Persons may  
be sued where  
they reside.

30. AND WHEREAS the Overseers of the Poor of the respective Cities, Towns-corporate, Townships or Precincts within this Colony, at going out of their Office and Offices, not only frequently neglect or refuse to deliver a fair and true Account of the Monies by them received for the Use of the Poor, but likewise leave considerable Sums of Money assessed for the Maintenance of the Poor uncollected, by which Means it often happeneth, that the Monies remaining uncollected are lost, and the Burden of maintaining the Poor thereby falleth heavy on those who have paid their Taxes; therefore, for Remedy of this Inconvenience for the Future, BE IT ENACTED by the Authority aforesaid, That, from and after the Publication of this Act, all and every the Overseer and Overseers of the Poor of the respective Cities, Towns-corporate, Townships and Precincts within this Colony, shall, at their going out of their Office and Offices, render a fair and true Account to any one Justice of the Peace of the County, City or Town-corporate in which he or they do live and reside, and to the succeeding Overseer or Overseers, of all the Monies collected and received by him or them, or which have otherwise come to his or their Hand or Hands, and how the same have been disposed of, and also what Part doth still remain in his or their Hand or Hands, and shall pay the Balance to such succeeding Overseer or Overseers, and shall, at the said Time of Accounting, deliver up to the said next succeeding Overseer or Overseers all Books of Accounts and other Papers relating to the Poor as aforesaid; and if any Overseer or Overseers within this Colony shall refuse or neglect to render such Account or Accounts as aforesaid, and to pay what shall be remaining in his or their Hand or Hands as aforesaid, within fifteen Days after such Accounting as aforesaid, every such Overseer or Overseer shall forfeit and pay, for every such Neglect or Refusal, the Sum of *Five Pounds* over and above the said Balance remaining in his or their Hands; and if any Overseer or Overseers of the Poor of any City, Town-corporate, Township or Precinct within this Colony, shall neglect or refuse to collect such Sum or Sums of Money as may remain uncollected at the Time of his or their going out of his or their Office and Offices, or to prosecute such Delinquent or Delinquents, who shall, upon Demand, neglect or refuse to pay the Monies assessed upon him, her or them for the Space of ten Days after his or their going out of such Office or Offices, every such Overseer or Overseers shall forfeit and pay for every such Neglect and Refusal, the Sum of *Five Pounds*; all and each of which Fine and Fines shall and may be prosecuted and recovered in any Court of Record where the same are or may be cognizable; one Half of which shall be paid to the Person who shall prosecute the same to Effect, and the other Half to the Overseers of the Poor where the Offence is committed, for the Use of the Poor.

Overseers to  
account.

Penalty for  
neglecting to  
pay Balance.

Penalty for  
not collecting  
all Monies  
assessed.

Application.

Appeal given  
from Justices  
Judgment, or  
Poor Tax.

31. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons shall find him, her or themselves aggrieved by any Judgment or Determination, which any Justice or Justices of the Peace shall give or make in any of the Cases afore-mentioned, or by any Tax or Taxes assessed upon him, her or them, the said Person or Persons shall have Liberty to appeal to the next General Quarter-Sessions of the Peace, to be held for any County, City or Town-corporate within this Colony where any such aggrieved Person or Persons shall dwell or reside, who, upon hearing such Appeal, shall have Power and Authority finally to determine the same.

Former poor  
Laws repeal-  
ed, but all  
Settlements  
under them  
confirmed.

32. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all former Acts and Laws of this Colony relating to the Settlement and Relief of the Poor, and every Matter, Article and Thing therein contained, are and shall be hereby repealed and declared to be null and void and of none Effect, excepting such Acts and Laws as have been for building of a Workhouse, and setting the Poor to work, and Labour in any of the Counties, Cities, Towns-corporate or Townships within this Colony. PROVIDED ALWAYS, That if any Person or Persons have, by Virtue of any former Act or Acts of this Colony, gained a Settlement in any City, Town or Precinct of this Colony, such Settlement shall not be altered by any Thing herein contained.

Vagrants how  
to be treated.

33. AND WHEREAS the Number of idle Vagrants, Vagabonds and Beggars do daily increase, who infest the publick Highways, Cities and Townships in this Colony, infomuch that they are become a publick Nuisance, and a dangerous Annoyance to honest industrious People; to prevent therefore the Increase and Continuance of this pernicious Evil, BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the Constable or Constables, or any of the Inhabitants of this Colony, to apprehend any idle Vagrants, Vagabonds and Beggars who shall be found wandering, strolling and begging about the Country, and to carry him, her or them forthwith before any one Justice of the Peace of the County, City or Town-corporate where they shall be apprehended, who is hereby required to examine every such Person and Persons so brought before him, upon Oath or Affirmation of his, her or their Place of Settlement, and shall take the Examination in Writing, and oblige the Examinant to sign the same: And the said Justice shall also sign the same, and shall transmit it to the Clerk of the City, Town-corporate, Township or Precinct where such Person or Persons shall be apprehended, to be filed, and to be kept on Record: And in case it shall appear that any such idle Vagrant, Vagabond or Beggar hath any Place of Settlement, then the Justice of the Peace is required to make out a Pass Warrant, and to give it to the Constable of the City, Town-corporate, Township or Precinct where such Person or Persons shall be apprehended, commanding him to deliver such Vagrant, Vagabond or Beggar to the Constable of the next Place, and so from Constable to Constable the readiest Way to his, her or their Place of Settlement; but if such Vagrant, Vagabond or Beggar hath no Place of Settlement in this Colony, then the said Justice of the Peace shall order, by his Pass Warrant, that he, she or they shall be conveyed back by every City, Town-corporate, Township or Precinct through which they have been suffered to stroll and wander unapprehended,  
and

and so to be transported out of this Colony, and to be set on shore in that Province from which he, she or they strolled and wandered first into this Colony; and if such idle Vagrant, Vagabond or Beggar shall return into this Colony after having been so passed out as aforesaid, he or she shall be apprehended and carried before any Justice of the Peace of the County, City or Town-corporate where he or she shall be so apprehended; which Justice of the Peace shall order the Constable of the said Place to carry him, her or them to the Whipping-Post, and to strip him, her or them to the bare Back, and to give them a Number of Lashes, not exceeding twenty; after which he, she or they shall be passed out of the Colony again, in the same Manner and Form as before directed, and so to be whipped and passed away as often as they shall return. And if any Justice of the Peace or Constable shall neglect or refuse to do and perform the Duties hereby required of him, every such Justice of the Peace or Constable, shall forfeit and pay the Sum of *Forty Shillings* for every such Neglect or Refusal, which shall be recovered by Action of Debt in the usual Manner, and shall be applied one Moiety to the Use of the Poor where the Offence shall be committed, and the other Moiety to the Person who shall prosecute the same to Effect.

34. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all poor indigent Persons strolling from their Places of legal Settlement, and craving Alms; all Persons coming out of other Colonies, and begging about this Colony, under Pretence of Losses by Fire, or having their Goods and Effects destroyed by the Indians, and not being able to produce a License to ask Charity, under the Hand of the Commander in Chief of this Colony; all Persons peddling about without a legal License for that Purpose; all straggling Persons who shall practise any unlawful Gaming to trick and deceive the People; all Persons who shall run away from their Families, and leave them to be maintained by the Publick; are and shall be deemed and esteemed Vagrants and Vagabonds, within the true Intent and Meaning of this Act.

Who shall be deemed Vagrants.

35. PROVIDED ALWAYS, That in case any Appeal as aforesaid shall be offered to the second Court of Quarter-Sessions, after such Judgment or Removal as aforesaid, and the said Court shall be satisfied with the Reasons given for every such Delay, that then it shall and may be lawful for the said Court to hear and determine such Appeal in the same Manner as if the same had been made to the next Court of Quarter-Sessions as above, any Thing in this Act to the contrary thereof notwithstanding.

Appeal to the second Sessions given.

C H A P. DXCI.

*An ACT for striking One Hundred Thousand Pounds in Bills of Credit, and directing the Mode for sinking the same.*

Passed March 11, 1774.

WHEREAS through the great Scarcity of Gold and Silver within this Province, daily increasing from the Purchase of the Manufactures necessarily imported from *Great-Britain*, and the constant Sinking of the Bills of Credit emitted during the late War for His Majesty's

Preamble.

Majesty's Service, the Inhabitants of this Colony are greatly obstructed in extending their Settlements, improving and cultivating their Lands, and lie under great Difficulties in paying their just Debts; We, the House of Representatives, for Remedy thereof, do pray that it may be Enacted;

£. 100,000 to  
be printed.

*Seçt.* 1. AND BE IT ENACTED by the Governor, Council and General Assembly of this Colony of New-Jersey, and it is hereby Enacted by the Authority of the same, That One Hundred Thousand Pounds, of equal Value with the Proclamation Money of this Colony, shall be printed, made and prepared in Bills of Credit, as follows, *Videlicet*,

Two Thousand Five Hundred Bills each of the Value of *Six Pounds*, Money aforesaid.

Five Thousand Bills of *Three Pounds* each, Money aforesaid.

Ten Thousand Bills of *One Pound Ten Shillings* each, Money aforesaid.

Twenty Thousand Bills of *Fifteen Shillings* each, Money aforesaid.

Thirty Thousand Bills of *Twelve Shillings* each, Money aforesaid.

Thirty Thousand Bills of *Six Shillings* each, Money aforesaid.

Forty Thousand Bills of *Three Shillings* each, Money aforesaid.

Fifty Thousand Bills of *One Shilling and Six-pence* each, Money aforesaid.

Sixty-five Thousand Bills of *One Shilling* each, Money aforesaid.

£. 25,000 to  
be printed.

2. AND BE IT FURTHER ENACTED, That there shall be in like Manner printed in Bills of Credit, to the Value of *Twenty-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 Numbers of each Sort of the said Bills, which Bills shall be disposed in Manner hereafter to be directed.

Form of the  
Bills.

3. 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 Size and Form of the said Bills shall, as near as may be, resemble those that were made for His Majesty's Service in the late War, and near the Top and Bottom the Value of each Bill, so hereby struck, shall be expressed; and the said Bills shall contain the following Words:

**T**HIS Bill of Proclamation, is emitted by a Law of the Colony of *New-Jersey*, passed in the Year of the Reign of His Majesty King *George* the Third, Dated, &c.

Inspectors of  
the Press

4. AND BE IT ENACTED by the Authority aforesaid, That *Hendrick Fisher, Stephen Crane, John Wetherill, James Kinsey, Thomas Polgreen Hewlings, Henry Paxson and Richard Smith*, or any two of them, are hereby appointed Inspectors of the Press, to oversee the printing the said Bills; and they, or either of them, shall have Power to agree with a Printer to print the said Bills; and also to agree with him to print the Mortgage Deeds, Bonds and Warrants of Attorney, bind the Books, and procure the Papers necessary for all the Service as hereafter is mentioned;

tioned: And when the said Printer has performed his Duty, according to the Directions of this Act, such Inspectors shall state a regular Account of the several Articles of Expences, Costs and Services attending the said Work, and make Duplicates thereof, therein certifying the Sum due to the said Printer, according to their Agreements, and both Parties to sign the same, the one of them to be laid before the House of Assembly for their Inspection, and the other directed to the Governor or Commander in Chief of this Colony for the Time being, in order to obtain a Warrant, signed by said Governor or Commander in Chief in Council, directed to the Treasurers of this Colony, or either of them, for the Payment thereof.

5. AND BE IT ENACTED by the Authority aforesaid, That out of the said *Twenty-five Thousand Pounds* in Bills hereby ordered to be printed to exchange ragged and torn Bills, the said Treasurers shall pay to the said Printer, his Executors or Administrators, such Sum as in his Warrant, to be obtained in Manner aforesaid, shall be expressed to be his due for the Expences and Services aforesaid; and the said Treasurers, or either of them, by Virtue of Warrants to be signed by the said Governor or Commander in Chief in Council, out of the Bills last above-mentioned, shall pay the Sum of *Sixty Pounds* to each of the Signers of the said Bills; and shall also, on like Warrants, pay to the Inspectors of the Press such Sum and Sums as the General Assembly shall hereafter allow: All which said respective Sums shall be replaced out of the first Interest Money arising on the Loan of the Bills of Credit hereby made current, which shall be paid into the Treasury by Virtue of this Act; and the Warrants to be obtained as aforesaid for the said Sums, and endorsed by the Person receiving the same, shall be sufficient Vouchers to discharge the said Treasurer making such Payment, his Executors and Administrators of and from so much of the Interest Money out of which the said Payment shall be made.

Printer's Fees.

Signers Fees.

Inspector's Fees.

6. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Sum of *One Hundred and Twenty-five Thousand Pounds* in Bills of Credit aforesaid, when printed, and likewise all the Overplus Bills and Blotters to be printed at that Time, shall be by the Printer thereof delivered, together with the Stamps for the Indents and Arms, to *John Johnston* and *Robert Smith*, Esquires, two of the Signers thereof, who shall, and are hereby directed and empowered, 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 as follows:

Signers Names.

*I A B do declare, That from the Time the Letters were set and fit to be put into 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 into the Boxes again, I went at no Time out of the Room in which the said Letters were, without locking them up, so as that 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*

Printer's Qualification:

*Arms; and that I have not at any Time been privy or consenting to any 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 myself according to the true Intent and Meaning of the Act of General Assembly of New-Jersey, entitled, An Act for striking One Hundred Thousand Pounds in Bills of Credit, and directing the Mode for sinking the same, to the best of my Knowledge and Understanding.*

Printer to  
have a Copy  
thereof.

Which said Printer, at the Time he has Orders to print the said Bills, shall have a Copy of this Oath or Affirmation delivered to him by the Inspectors, that he may govern himself accordingly. PROVIDED ALWAYS, That if any unforeseen Accident has happened he may have Liberty to make an Exception thereof in his Oath, he declaring fully how it was.

Signers Qua-  
lification.

7. AND BE IT FURTHER ENACTED, That all the Signers appointed by this Act, before they receive any of the said Bills into their respective Hands, shall take an Oath, or if *Quakers* an Affirmation, before one of the Justices of the Supreme Court in this Colony, in the following Words:

*I A B will well and truly sign the Bills of Credit made current by an Act of the General Assembly of New-Jersey, entitled, An Act for striking One Hundred Thousand Pounds in Bills of Credit, and directing the Mode for sinking the same, or such Parts thereof as shall be allotted for me to sign, and that I will sign no more than by the said Act is directed; and that to the best of my Skill and Knowledge, I will perform what, by the said Act, is enjoined as my Duty.*

Mode of Sign-  
ing.

8. AND BE IT FURTHER ENACTED, That when the said *John Johnston* and *Robert Smith* have received the said Bills, each of them may then carry his Part, being one Moiety or Half Part of the said *One Hundred and Twenty-five Thousand Pounds*, to his own Home, there to be numbered and signed by him, with all possible Expedition; which being done, they shall meet at a Day and Place by them to be appointed and agreed on, and each deliver the Part numbered and signed by him to the other, in order for him to sign the same; and they shall then together burn and destroy the Blotters and overplus Bills, if any be, over and above the Number hereby appointed to be issued; and having so exchanged, shall proceed to sign the whole Sum, and deliver it to the Treasurers of this Province, *Videlicet*, *John Johnston* shall deliver his Part, with the Stamps by him received, to the Treasurer of the Eastern Division, and *Robert Smith* shall deliver his Part, with the Stamps by him received, to the Treasurer of the Western Division of this Colony, each taking Receipts of the respective Treasurers for the Sums and Stamps so delivered; which, when produced, shall be sufficient to discharge them, the said *John Johnston* and *Robert Smith*, their Executors and Administrators respectively from that Part of the said Bills.

Provision in  
case of the  
Death, &c. of  
the Signers.

9. AND BE IT FURTHER ENACTED, That if the said *John Johnston* should die, refuse or otherwise be disabled from performing the Duties enjoined by this Act, then *Jonathan Deare*, Esquire, is hereby appointed a Signer in his Room; and in case of the Death, Refusal or other Disability,

Disability of the said *Robert Smith*, then *Richard Smith*, Esquire, is appointed a Signer in his Stead; which said *Jonathan Deare* and *Richard Smith*, in case of the Disabilities before-mentioned happening, shall be, and are hereby vested with all the Powers and Authorities, receive the same Rewards, and be subject to the same Duties which by this Act is vested in the first-mentioned Signers.

10. AND BE IT FURTHER ENACTED, That when the Treasurer of each Division respectively have received the said Bills, they being first qualified as above is directed as Signers, shall proceed and sign each one such Parts of the said *One Hundred and Twenty-five Thousand Pounds* of the said Bills as shall be delivered into their Hands; for which said Service the said Treasurer shall receive, and be allowed *Forty Pounds* each, and no more, any Thing before to the contrary notwithstanding.

Treasurers to sign;

Their Allowance.

11. PROVIDED ALWAYS, And the said Treasurers are hereby directed and enjoined to sign no more of the said *Twenty-five Thousand Pounds* than as they from Time to Time shall have Occasion for the same, to exchange ragged and torn Bills, or any other the Purposes by this Act directed.

The Treasurers to sign the £.25,000 only when wanted.

12. AND BE IT FURTHER ENACTED, That in Case of the Death, Refusal or other Disability of the Honourable *Samuel Smith*, Esquire, the present Treasurer of the Western Division, then *Joseph Smith*, Esquire, is hereby appointed a Signer in his Stead; and in case of the Death or Disability of *John Smith*, Esquire, the present Treasurer of the Eastern Division, then the Treasurer of the Eastern Division for the Time being, is hereby appointed a Signer in his Stead; with the same Powers and Authorities, and subject to the same Regulations as the present Treasurers are hereby subjected to, and in such Case shall receive the same Rewards for the Whole, or proportionably for so much as he or they may sign: And in case of the Removal of the said *Samuel Smith* or *John Smith* from the Office of Treasurer aforesaid, such Removal is hereby declared a Disability of being a Signer of the said Bills thereafter.

Death, &c. of the Treasurers provided against.

13. AND BE IT FURTHER ENACTED, That the said Treasurers shall set apart and retain in their Hands the said Sum of *Twenty-five Thousand Pounds* of the said Bills for exchanging the ragged and torn Bills of this Emission, as the same from Time to Time may become ragged, torn, defaced or otherwise unfit to pass, *Videlicet*, the Treasurer of the Eastern Division shall retain one Moiety thereof, and the other Moiety shall be retained by the Treasurer of the Western Division of this Colony.

Treasurers to retain the £.25,000 for exchanging ragged Bills.

14. AND BE IT FURTHER ENACTED, That the Treasurer of the Eastern Division of this Colony shall deliver to the Treasurer of the Western Division, or his Order, when called for, the Sum of *Two Hundred and Thirty-seven Pounds*, to make up the proper Quota of the Western Division.

£.237 to be delivered to the Western Treasurer.

15. AND BE IT FURTHER ENACTED, That of the before-mentioned *One Hundred Thousand Pounds* in Bills of Credit aforesaid, when the

Each County's Proportion of the £.100,000.

the same shall be prepared and signed, the Treasurer of the Eastern Division of this Colony, for the Time being, shall deliver to the Commissioners of the Loan-Office hereafter to be chosen by Virtue of this Act, in the several Counties immediately hereafter named, the respective Sums hereafter expressed, for the Use of the said Counties, *that is to say,*

- Bergen.* To the Commissioners of the County of *Bergen*, for the Use of the said County, the Sum of *Six Thousand Six Hundred and Forty-four Pounds.*
- Essex.* To the Commissioners of the County of *Essex*, for the Use of the said County, *Seven Thousand Four Hundred and Thirty Pounds.*
- Middlesex.* To the Commissioners of the County of *Middlesex*, for the Use of the said County, *Eight Thousand Seven Hundred and Twenty-four Pounds.*
- Monmouth.* To the Commissioners of the County of *Monmouth*, for the Use of the said County, *Ten Thousand Six Hundred and Ninety Pounds.*
- Somerset.* To the Commissioners of the County of *Somerset*, for the Use of the said County, *Nine Thousand and Forty-one Pounds.*
- Morris.* To the Commissioners of the County of *Morris*, for the Use of the said County, *Seven Thousand Two Hundred and Thirty-four Pounds.*

And that the Treasurer of the Western Division, for the Time being, shall, out of the said *One Hundred Thousand Pounds*, deliver to the Commissioners of the Loan-Office, to be chosen by Virtue of this Act, in the several Counties immediately hereafter named, the respective Sums hereafter expressed, for the Use of the said Counties, *that is to say,*

- Suffex.* To the Commissioners of the County of *Suffex*, for the Use of the said County, *Five Thousand Nine Hundred and Thirty-three Pounds.*
- Hunterdon.* To the Commissioners of the County of *Hunterdon*, for the Use of the said County, *Thirteen Thousand Six Hundred and Thirty-eight Pounds.*
- Burlington.* To the Commissioners of the County of *Burlington*, for the Use of the said County, *Ten Thousand Seven Hundred and Sixteen Pounds.*
- Gloucester.* To the Commissioners of the County of *Gloucester*, for the Use of the said County, *Seven Thousand Six Hundred and Thirty-two Pounds.*
- Salem.* To the Commissioners of the County of *Salem*, for the Use of the said County, *Six Thousand Seven Hundred and Ninety-six Pounds.*
- Cumberland.* To the Commissioners of the County of *Cumberland*, for the Use of the said County, *Three Thousand Eight Hundred and Fifty-three Pounds.*
- Cape-May.* To the Commissioners of the County of *Cape-May*, for the Use of the said County, *One Thousand Six Hundred and Sixty-nine Pounds.*

For which Sums the Commissioners of the said several Loan-Offices, to whom the said Bills shall be delivered, shall give their Receipts to the said Treasurer; which Receipts to them, their Heirs, Executors and Administrators shall be sufficient Discharges for the Bills so delivered.

Commissioners of the Loan-Office how to be chosen.

16. AND BE IT FURTHER ENACTED, That a Loan-Office shall be established in each and every County of this Colony, and that within sixty Days after His Majesty's Royal Approbation of this Act shall be published in this Province, the first Judge of the Inferior Court of Common Pleas in each respective County in this Colony, or in case of his Absence or Disability, then the next in Commission, shall issue his Precept to one of the Constables in the said County, commanding him  
to

to give Notice to every Justice of Peace in the said County; and also every one of the chosen Freeholders in the said County, who are or shall be chosen for that Year by Virtue of the Act of Assembly of this Colony, entitled, *An Act for raising of Money for building and repairing of Gaols and Court-Houses within each respective County of this Province,\** for them the said Justices and chosen Freeholders to meet together at the Court-House of the said County, on a Day in the said Precept to be fixed, which shall not be less than ten Days after the said Notice is actually served, and then and there, between the Hours of one and five of the Clock in the Afternoon, the said Justices and Freeholders shall proceed to the Election of so many Commissioners of the Loan-Office, for their respective Counties as is hereafter directed; which Election shall be made and determined in the Manner following, *videlicet*, To make the Election of any Commissioner legal, he must have the Voice of a Majority of all the Freeholders chosen in the said County for that Year; and also the Voice of at least three Justices of the said County, *Quorum unus*; and the Number of Commissioners to be chosen in each respective County in this Colony, shall be as follows, *videlicet*,

For the County of *Cape-May* two, for the County of *Cumberland* two, for the County of *Salem* two, for the County of *Gloucester* three, for the County of *Burlington* three, for the County of *Hunterdon* three, for the County of *Sussex* two, for the County of *Morris* two, for the County of *Somerset* two, for the County of *Monmouth* three, for the County of *Middlesex* three, for the County of *Essex* three, for the County of *Bergen* two.

Number of Commissioners for each County.

Each and every of which said Commissioners, when elected in Manner aforesaid, shall first give Bond to His Majesty, his Heirs and Successors, with such sufficient Security or Securities as shall be approved of by a Majority of all the Freeholders chosen in the said County for that Year, and also by at least three Justices of the said County, *Quorum unus*, in the full Sum by this Act committed to the Charge of the said Commissioner, *videlicet*, In those Counties for which three Commissioners are to be chosen, in the Sum of one third Part of the whole Sum allotted to the said County; and in those Counties for which two Commissioners are to be chosen, in the Sum of one Moiety of the whole Sum allotted to such County, with Condition for the true and faithful Performance of his Office and Duty, and that without Favour or Partiality, which Bond shall be in the Form following, *videlicet*,

Commissioners to give Bond.

KNOW all Men by these Presents, That We held and firmly bound unto in the Sum of to be paid unto our said Lord the King and his Successors; to the which Payment well and truly to be made and done, We bind ourselves, our Heirs, Executors and Administrators, and every of us and them, jointly 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

are Form of the Bond.

THE Condition of the above Obligation is such, That if the above bounden shall well and truly perform the Office  
5 M and

\* Chap. XXXVII.

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, and will obey the Orders and Instructions in taking the Mortgages and other Securities as they shall, from Time to Time, be directed by the Persons for that Purpose, named in the Act, entitled, *An Act for striking One Hundred Thousand Pounds in Bills of Credit, and directing the Mode for sinking the same*, then the above Obligation to be void, otherwise to remain in full Force and Virtue.

*Sealed and delivered }  
in the Presence of }*

Mode of filing and suing the Bond.

Which Bond, being taken and approved of as aforesaid, shall be lodged with the County Clerk; and in case of the Forfeiture thereof the Justices and Freeholders of the said County shall apply to the Governor or Commander in Chief, for the Time being, for his Order to put the said Bond in Suit; and, on Recovery thereof, the Monies recovered shall be applied 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 when such Commissioners respectively have been elected, and given Bond in Manner and Form aforesaid, they shall respectively repair to one of the Justices of the Peace for the said County, who shall administer to such Commissioner an Oath, or if a *Quaker*, then an Affirmation, in these Words, *I A B will well and truly perform the Office and Duty of one of the Commissioners of the Loan-Office for the County of \_\_\_\_\_ and will well, truly and faithfully demean myself therein without Fraud, Favour or Partiality.* Which Magistrate, who shall administer the said Oath or Affirmation, shall give to such Commissioner a Certificate under his Hand, that the said Oath or Affirmation hath by him been administered to, and taken by such Commissioner. And the said 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 Security, and that the same is filed with him; which Certificates, together with the Receipts of the said Commissioners, shall sufficiently warrant the said Treasurer to deliver to each of them, the said Commissioners, their proportional Parts of their Quotas, assigned to the several Counties for which they are respectively chosen. PROVIDED ALWAYS, that at least one of the said Commissioners shall always be elected for the County of *Effex* in that Part of the said County that is within the Borough of *Elizabeth*.

Commissioners Qualification.

*Elizabeth-Town* to have one Commissioner.

Penalty on Constables neglecting their Duty.

17. AND BE IT ENACTED *by the Authority aforesaid*, That, in case any Constable or Constables shall neglect, delay or refuse to do their respective Duties enjoined them by this Act, such Constable shall forfeit for each Offence *Five Pounds*, to be recovered by any Person who will sue for the same, before any Justice of the Peace in such County where the Offence was committed, by Action of Debt; one Half to the Use of our Sovereign Lord the King, his Heirs and Successors; the other Half to him who will prosecute the same to Effect, with Costs of Suit.

Judge and Constables Fees.

18. AND BE IT FURTHER ENACTED, That the Collectors of the said Counties respectively shall pay out of any Money in their Hands, not raised for Provincial Taxes, as follows, *Videlicet*, To the Judge who shall

shall grant the aforesaid Precept for summoning the said Justices and Freeholders *One Shilling*, and to the Constable *Two Shillings*, for every Person he shall so summon by Virtue thereof.

19. AND BE IT ENACTED, That the said Constable shall attend at the Time and Place of the Meeting of the said Justices and Freeholders, and if thereunto required, then and there render on Oath or Affirmation a true Account to any Justice there present in what Manner and how fully he has executed the said Precept.

Constable to attend the Meeting.

20. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in case any Commissioner or Commissioners, to be elected by Virtue of this Act, do or shall neglect, delay or refuse, or by Death or Removal omit performing the Duty required or enjoined 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 Counties to which they belong, *Quorum unus*, the said Justices are hereby required and commanded to issue their Precept to a Constable of the said County in Manner aforesaid, commanding him, in Manner aforesaid, to summon the Justices and Freeholders to meet as aforesaid, who, when met as aforesaid, shall proceed to hear and determine in a summary Way 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 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, in Manner aforesaid, a Person or Persons in the Room and Stead of such Defaulter or Defaulters; which 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 Act.

Commissioners neglecting, dying or removing, how to be supplied.

21. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any of the Commissioners, to be chosen by Virtue of this Act, shall at any Time desire to be discharged 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, *Quorum unus*, and the Majority of the Freeholders before-mentioned, and rendering 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 Execution 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 Freeholders discharged of and from the said Office, and another fit Person or Persons chosen in Manner before directed, who shall take the same Oath or Affirmation, give like Bond, and be subject to the same Restrictions and Regulations, and receive the same Salaries and Advan-

Commissioners desiring to be discharged another to be chosen.

tages

tages as the other Commissioners for that County may or ought to do by Virtue of this Act.

Commissioners declared to be Bodies Politick.

22. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said 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 one 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 one 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 *Monmouth*, shall be one 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 *Somerset*, shall be one Body Politick and Corporate, by the Name of the Commissioners of the Loan-Office of the County of *Somerset*.

The Commissioners for the County of *Morris*, shall be one Body Politick and Corporate, by the Name of the Commissioners of the Loan-Office of the County of *Morris*.

The Commissioners for the County of *Suffex*, shall be one Body Politick and Corporate, by the Name of the Commissioners of the Loan-Office of the County of *Suffex*.

The Commissioners for the County of *Hunterdon*, shall be one 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 one 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 one 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 one 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 *Cumberland*, shall be one Body Politick and Corporate, by the Name of the Commissioners of the Loan-Office of the County of *Cumberland*.

The Commissioners for the County of *Cape-May*, shall be one Body Politick and Corporate, by the Name of the Commissioners of the Loan-Office of the County of *Cape-May*.

Their Powers.

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

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 Colony, any Law, Usage or Custom to the contrary in anywise notwithstanding.

23. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when the said Commissioners respectively have qualified themselves as in this Act is directed, and received the 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 or Houses lying in the same County, they the said Commissioners first giving publick Notice by Advertisements, to be set up at least fifteen Days before the Time of Meeting, at the Courthouse in the said County, and two other of the most publick Places in the same County, that on a certain Day at the Courthouse in the said County, they will be ready to receive Borrowers qualified according to the Directions of this Act: And that Day, as Borrowers do offer their Names, and the 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 Objection be not against the Title or Value of the Lands offered to be mortgaged, or some other sufficient Reason, which shall be entered also in the Minute-Book of Proceedings.

How the Bills are to be let out.

24. 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; but if on the first Day of Attendance there does not offer Borrowers sufficient to take out the whole Sum to be let, then the said Commissioners shall thereafter enter down the Names of Borrowers when they do offer themselves, and they also shall be served according to their Priority.

Borrowers each to abate if too many apply.

25. AND BE IT ENACTED, That when the said Loan-Officers have attended one Day to receive Borrowers, and minute their Names and Sums, and proportion their Demands to the Sums to be lent, and so discovered what each one is entitled to receive out of their Office on Loan, they the said Loan-Officers shall attend the two Days next succeeding, to let Money and take Mortgages, and do the other Duties of their Office, and shall duly attend at the Place aforesaid, on every *Tuesday* and *Wednesday* in each Week, for the Space of two Months thereafter, if there be Occasion for their fitting so long.

When the Loan-Officers are to attend.

26. AND BE IT FURTHER ENACTED, That the said Commissioners respectively before they accept of any Lands, Lots or Houses in Mortgage for any of the said Bills, shall first view what is so offered in Mortgage, or make due Inquiry 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 empowered 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,

Commissioners to view, or find the Value of the Premises, and examine the Titles.

Qualification  
of the Bor-  
rowers

I A B am bona fide seized of the Lands, Tenements and Hereditaments by me proposed to be mortgaged, in my own or my Wife's Right, and to my own Use, and the same were not alienated in Trust to me for the 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 Gift, Grant, Sale, Mortgage, Judgment, Recognizance or other Incumbrance whatsoever to my Knowledge, except the Rent issuing thereout to our Lord the King, and the Proprietors Quitrent, if any be.

Bills to be let  
at five per  
Cent for twen-  
ty Years

in Sums not  
exceeding  
£ 100, nor  
under £ 15.

Loan-Officers  
Fees.

Mortgages  
not to be re-  
corded.

Loan-Office  
Books may be  
searched.

Fees.

Form of the  
Mortgages.

27. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Commissioners for each of the said Counties respectively, upon finding Borrowers qualified, and they the said Commissioners being satisfied as aforesaid, are hereby required, and by Virtue of this Act, have full Power to let out the said Bills to them delivered as aforesaid, at the Interest of Five per Cent per Annum, for the Space of twenty Years from the Date of the said Bills, in Sums not exceeding *One Hundred Pounds*, and not under *Fifteen Pounds*, 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 Rent as aforesaid, and in at least three Times the Value in Houses, within the said respective Counties as aforesaid, and administering an Oath or Affirmation to the Borrowers as aforesaid, which Mortgages shall be taken by filling up the Blanks in one of the printed Mortgage Deeds bound up in the Deed-Book, which is to be provided by Virtue of this Act, and shall be executed before two or more lawful Witnesses, who shall sign as Witnesses thereto, and minuted in the Minute-Book to be kept for that Purpose; and for which the said Loan-Officers shall take *Four Shillings*, and for the Bond and Warrant of Attorney herein after directed *One Shilling*, and no more, as their full Fees, an attested Copy of which Deed so executed and minuted, and certified under the Hands of the said Commissioners shall, and is hereby declared to be Matter of Record, and shall be good Evidences of the said Mortgages, any Law, Usage or Custom to the contrary notwithstanding.

28. PROVIDED ALWAYS, AND IT IS HEREBY ENACTED, That any Mortgage or Mortgages given and executed by Virtue of and in Pursuance of this Act, shall not be obliged to be recorded according to an Act of this Colony, entitled, *An Act for preventing Frauds by Mortgages, which shall be made and executed after the first Day of January One Thousand Seven Hundred and Sixty-six*. PROVIDED ALSO, AND IT IS HEREBY ENACTED, That the Mortgages in the Loan-Offices of this Colony, shall be subject to the Inspection of any Person or Persons applying to the Loan-Officers for that Purpose, upon Payment of *Six-pence* for every Search, any Thing in the said recited Act to the contrary in anywise notwithstanding.

29. AND BE IT FURTHER ENACTED by the Authority aforesaid, That for the greater Uniformity in the Securities to be taken in the Loan-Offices for the Bills to be lent by Virtue of this Act, the Mortgages for the said Bills shall be in such Form as shall be directed and settled by  
*Cortland*

*Cortland Skinner, Hendrick Fisher, Stephen Crane, James Kinsley, Henry Paxson, and Samuel Tucker, Esquires, or the Survivors of them.*

30. AND WHEREAS it may happen that the Titles of mortgaged Premises may prove defective, and thereby the Monies lent may be in Danger of being lost; to remedy which, BE IT ENACTED by the Authority aforesaid, That at the Time of executing such Mortgage as aforesaid, each respective Mortgagor shall execute a Bond of double the Mortgage Money to the Commissioners aforesaid, conditioned for the Payment of the Money borrowed, with the Interest, according to the Proviso or Condition in each such Mortgage mentioned; and also a Warrant of Attorney, empowering such Person or Persons as the said Commissioners shall appoint to confess or suffer Judgment; which the said Commissioners are hereby required to cause their Attorney to enter in any Court in this Colony, having Cognizance of such Sum, against such Mortgagor, and to issue immediate Execution thereon, whenever the said Commissioners shall have just Cause to suspect that the Title to the Lands mortgaged is defective; the Form of which said Bond and Warrant of Attorney shall be such as the said *Cortland Skinner, Hendrick Fisher, Stephen Crane, James Kinsley, Henry Paxson and Samuel Tucker, or the Survivors of them, shall direct.*

Bond and Warrant of Attorney to be executed with the Mortgage.

31. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Printer of the Bills of Credit shall print five Thousand Copies of the Mortgages so directed to be taken, 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 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 *One Hundred Pounds* to each of the Loan-Offices, in order therewith, if there should be Occasion, to give attested Copies of the original Mortgage to the Buyer of any of the mortgaged Lands; which Books, together with the said loose Sheets, shall be delivered by the Printer to the Treasurers of this Province respectively, by them to be delivered to the Commissioners at the Time the Bills are delivered to them.

5000 Copies of the Mortgages to be printed.

32. 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, and shall in nowise deface or cut out any of them, or any Part of them, except the Seal and Name when the Mortgagor has paid all the Money lent upon the same, and the Interest which shall have become due thereon, and number the Mortgages as they are taken, and shall in the Alphabet insert the Mortgagor's Name and Number.

No Mortgage to be taken but in the Book.

33. AND BE IT ENACTED by the Authority aforesaid, That the Printer shall also bind up thirteen Books of clean Paper, one for the Use of each Loan-Office, and to contain above 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.

Thirteen Books to be bound;

34. AND BE IT ENACTED, That the Commissioners shall, in one  
End

Which are to contain the Substance of the Mortgage,

End of the last Book, minute or insert the Substance of every Mortgage, *to wit*, the Number thereof, the Date, the Mortgagor's Name, the Sum lent, and the Boundaries of the Land mortgaged; and that when one of the Commissioners has the Custody of the Book of Mortgages, another 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 Mortgagor, he shall examine or shall see the Minute examined with the Original, and he with the Witnesses shall sign to the same.

And the Minutes of the Commissioners Proceedings.

35. 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 Demand has not been granted; 5. the last Day of their Meeting yearly shall enter whose Mortgages are foreclosed, and the Number of them; 6. shall enter the Orders for, and a Copy of the Advertisement of Sale, and Places at which they were to be set up, and Persons Names that are to set them up; 7. shall enter the Buyer's Name of Lands and Price sold for, and Payment of the Overplus to the Mortgagor, with the Time and Witnesses to such Payment; 8. shall enter the Causes of all Suits, and the Information they have received, at Length, or, if too long, refer to them, minuting the Substance; 9. shall enter their Meeting with the Justices and Freeholders and Persons present, together with the Minutes of all Things acted with them, particularly what Bills were cancelled, 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, except their Accounts.

Other thirteen Books to be bound

36. AND BE IT FURTHER ENACTED, That the Printer shall also bind up other thirteen Books of clean Paper, one 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.

for Accounts.

37. AND BE IT ENACTED *by the Authority aforesaid*, That therein shall be entered all the Accounts of the Loan-Office; that at the Beginning there shall be an Alphabet, wherein shall be inserted every Man's Name and the Leaf where his Account stands, and that this Book be kept in the fairest and best Manner the Commissioners can.

How Payments are to be made by Borrowers.

38. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the several Sums 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*, or within thirty Days thereafter in each Year, during the first ten Years, pay into the Loan-Office the Interest of the Sum lent, computed at the Rate of Five per Cent per Annum; and after the Expiration of the said first ten Years, one tenth Part of the Sum borrowed, together with the Interest computed at the Rate aforesaid

said, so that the last Payment, together with the Interest, shall be paid in on the twenty-fifth Day of *March*, twenty Years after the Date of the Bills aforesaid. PROVIDED ALWAYS, That the first Payment shall be made on the twenty-fifth Day of *March* next following the Time of letting out the said Bills.

39. AND BE IT FURTHER ENACTED, That the said Loan-Officers, on receiving any of the Sums aforesaid, shall enter a Receipt on the Back of the Mortgages for the same, and likewise give the Payer a separate Receipt if required; and also give Credit for the same in the Loan-Office Book of Accounts aforesaid, and that without Fee or Reward; and the said Loan-Officers shall also state and annually keep up one general fair Account between their Office and the Treasury of the Colony.

Receipts and Credit to be given.

General Account kept.

40. AND BE IT FURTHER ENACTED, That if any Borrower, his or her Heirs, Executors, Administrators or Assigns, or any other Person on their or either of their Behalf, shall see cause to pay in all the Principal and Interest which shall be due from Time to Time to the said Loan-Office, the said Commissioners are hereby required and empowered 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 a Release of the said Mortgage in the Name of the said Borrower, his Heirs or Assigns, and deliver the same to the Payer, and take off the Seal and Name from the Mortgage Deed, and make an Entry in the Margin of the Mortgage, and in the Margin of the Minute made thereof, of the Day and Year of such Payment, Release and Discharge, for which they shall be paid by the Mortgagor or the Person who pays the Money, the Sum of *One Shilling*, and no more; and, when any such Monies are paid in, then the said Commissioners are hereby directed and empowered 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, at the Interest of Five per Cent, taking the Deed, so that such Borrower or Borrowers shall pay in such equal and proportional Part thereof that the whole Sum so again let out may be repaid with Interest as aforesaid, on the twenty-fifth Day of *March*, twenty Years after the Date of the said Bills.

Money paid in Part may be let out again.

41. AND BE IT FURTHER ENACTED, That at all Times, on full Discharge of any Mortgage Deed, the above Method of taking off the Name and Seal, and making the Entry in the Margin of the Mortgage Deed and Minute Book and Book of Accounts, and giving a Release, shall be punctually observed.

Method of discharging Mortgages.

42. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons, who shall borrow 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 twenty-fifth Day 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,

Foreclosure of the Mortgage how occasioned.

said, 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 and indefeasible Estate in the Lands, Houses, Tenements or Hereditaments thereby mortgaged to them, their Successors and Assigns, to the Uses in this Act mentioned; and the Mortgagor or Mortgagors, his, her or their Heirs and Assigns, shall be utterly foreclosed 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.

Advertisement of the Lands forfeited.

43. AND BE IT ENACTED *by the Authority aforesaid*, That the said Commissioners respectively shall forthwith, 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 situate, of all the Lands contained in the Mortgages, whereof the Equity of Redemption is foreclosed as aforesaid, describing the Quantities and Situations of the same; and that on the second *Tuesday* in *June* thereafter they are to be sold at the Courthouse of the respective County where the Lands lie, by Way of publick Vendue, to the highest Bidder.

Commissioners to sell them, and make a Title.

44. AND BE IT ENACTED *by the Authority aforesaid*, That the Commissioners of the respective Counties shall, on the second *Tuesday* in *June* yearly, expose the Lands contained in the Mortgage or Mortgages (whereof the Equity of Redemption is foreclosed 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 Deed 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 Mortgagor, his or her Heirs or Assigns, and such Sales shall be available in Law or Equity.

45. 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 foreclosed, shall be in Form following, *to wit*,

Form of the Deed.

THIS INDENTURE made the \_\_\_\_\_ Day of \_\_\_\_\_ in the \_\_\_\_\_ Year of the Reign of our Sovereign Lord \_\_\_\_\_ by the Grace of God of *Great-Britain, France and Ireland*, King, Defender of the Faith, &c. Anno Domini One Thousand Seven Hundred and \_\_\_\_\_ Between the Commissioners of the Loan-Office of the County of \_\_\_\_\_ on the one Part, and \_\_\_\_\_ of the County of \_\_\_\_\_ 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 for-ever, HAVE, pursuant to an Act of the General Assembly of this Province, entitled, *An Act for striking*

*striking One Hundred Thousand Pounds in Bills of Credit, and directing the Mode for sinking the same,* 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 for-ever, all that TOGETHER with all and all Manner of Woods, Underwoods, Trees, Mines, Minerals, Quarries, Hawkings, Huntings, Fowlings, Fishings, Buildings, 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 Premises, and every Part thereof, To HAVE AND TO HOLD the above bargained Premises and every Part thereof, with the Appurtenances to the said his Heirs and Assigns for-ever. 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 jointly take off the Seal from the Wax, and sign their Names.

46. AND BE IT FURTHER ENACTED *by the Authority aforesaid,* That the Money or Price for which the same Lands shall be sold, upon the Sale thereof, shall be paid unto 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 Mortgagor, his or her Heirs or Assigns.

Consideration  
Money paid  
on Sale, how  
to be disposed  
of.

47. 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, and 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.

Buyer may  
borrow the  
Money.

48. AND BE IT FURTHER ENACTED *by the Authority aforesaid,* That if any Person or Persons whatsoever shall counterfeit, or be aiding or assisting in counterfeiting any of the said Bills of Credit, emitted by Virtue of this Act, or utter or cause to be uttered any Bill or Bills, knowing the same to be counterfeit as aforesaid, and be thereof legally convicted, he, she or they shall incur the Pains and Penalties of Felony without Benefit of Clergy, and shall suffer Death accordingly; and the Discoverer or Informer shall have, as an Encouragement for his Discovery, the Sum of *Fifty Pounds*, to be levied out of the Goods and Chattels, Lands and Tenements of the Person convicted; and if no such

Punishment  
for counter-  
feiting the  
Bills.

Reward to  
the Informer.

Punishment  
for altering  
the Bills.

such Goods and Chattels, Lands and Tenements can be found, then the said Commissioners of the Loan-Office, for the County wherein the Offender shall be convicted, shall pay to such Informer or Discoverer, his Executors, Administrators or Assigns, the Sum of *Ten Pounds*. And if any Person or Persons shall alter any of the said Bills of Credit, emitted by Virtue of this Act, so as to make them pass or appear to be of greater Value than they were made current for, or shall utter such Bills, knowing them to be so altered as aforesaid, and shall be thereof legally convicted in the Supreme Court or Court of Oyer and Terminer and General Gaol Delivery in any of the Counties of this Colony, such Person or Persons shall be pilloried, cropped, whipped or fined, or suffer all or any of the said Punishments in the Discretion of the Justices of the Court in which he or they shall be convicted as aforesaid: And the Offender or Offenders so convicted, shall moreover pay to the Party grieved, double the Value of the Damages thereby sustained, with the Costs of Prosecution: And in case the Offender hath not sufficient to pay the Damages and Costs aforesaid, then and in such Case such Offender shall, by Order of any two Justices of the County wherein the Offender is confined, be sold for any Term of Time not exceeding seven Years, for Satisfaction of the Damages and Costs aforesaid.

Where the  
Loan-Offices  
are to be  
kept, &c.

49. AND BE IT FURTHER ENACTED, That the respective Loan-Offices in this Colony shall be kept at the Courthouse of each respective County, or at some other convenient Place near the same: And the said Commissioners shall attend the Loan-Offices every Year, to receive the Monies 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.

How the In-  
terest is to  
be disposed  
of.

50. AND WHEREAS it is directed by this Act, that the Interest of Five per Cent per Annum shall be paid annually to the Commissioners for all the Monies 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 Salaries appointed by this Act; and the Remainder of the said Interest Money shall be annually paid unto the Treasurers of this Colony on or before the first Day of *August* yearly; which Treasurer shall give a Receipt for the Sum received, which Receipt shall be to the Commissioners, and every of them, their Heirs, Executors and Administrators, a sufficient Discharge for the Sum so paid.

*Morris* in the  
Eastern, and  
*Suffex* in the  
Western Di-  
vision.

51. AND BE IT FURTHER ENACTED, That in the Payment to be made as aforesaid, the County of *Morris* shall be included in the Eastern Division, and *Suffex* in the Western Division of this Colony.

Salaries of the  
Commission-  
ers.

52. AND BE IT ENACTED by the Authority aforesaid, That the yearly Salaries of the Commissioners aforesaid, for the Services required of them by this Act, shall be as follows, *to wit*,

For each of the Commissioners of the County of *Bergen*, the Sum of *Fifteen Pounds*.

For

For every of the Commissioners of the County of *Essex*, the Sum of *Twelve Pounds*.

For every of the Commissioners of the County of *Middlesex*, the Sum of *Twelve Pounds Ten Shillings*.

For every of the Commissioners of the County of *Monmouth*, the Sum of *Fifteen Pounds*.

For each of the Commissioners of the County of *Somerset*, the Sum of *Sixteen Pounds*.

For each of the Commissioners of the County of *Morris*, the Sum of *Fifteen Pounds*.

For each of the Commissioners of the County of *Suffex*, the Sum of *Fifteen Pounds*.

For every of the Commissioners of the County of *Hunterdon*, the Sum of *Eighteen Pounds*.

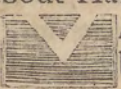
For every of the Commissioners of the County of *Burlington*, the Sum of *Fifteen Pounds*.

For every of the Commissioners of the County of *Gloucester*, the Sum of *Twelve Pounds*.

For each of the Commissioners of the County of *Salem*, the Sum of *Fifteen Pounds*.

For each of the Commissioners of the County of *Cumberland*, the Sum of *Nine Pounds*.

For each of the Commissioners of the County of *Cape-May*, the Sum of *Eight Pounds*.

53. ANDBE 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 of the Peace of the respective Counties, or any three of them, *Quorum unus*, and the Majority of the Freeholders elected for the same County, by Virtue of an Act of the General Assembly of this Colony, entitled, *An Act for raising Money for building and repairing Gaols and Court-houses within each respective County of this Province*,\* the Accounts relating to the Sums annually received 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 first ten 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 by the said Justices and Freeholders be carefully examined, inspected and accounted; the Bills shall be cancelled by laying some Number of them orderly one above another, and cutting a Triangle out of the Top of the said Bills, whose Base may be about Half the Length of the said Bills, and whose Depth may be about Half the Width of the said Bills, leaving the two Ends of the said Bills joined together at Bottom by about Half their Width, which Pieces separated will appear in Form thus  And all the Bills being so cut, the Triangles cut out shall be burned and destroyed in Presence of said Justices and Freeholders; and the Bottom of the said Bills joined as aforesaid, shall be carefully put up, and tied and sealed with the Seals of the Justices, Freeholders 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

How the Bills  
are to be  
funk.

Certificate under the Hands of the said Justices and Freeholders of the Sum of the Bills so cancelled, shall be sufficient for the Commissioners to account with the General Assembly in that Affair; and which Bundles, so tied and sealed as aforesaid, shall be by the said Commissioners yearly delivered to the Treasurer of the Division to which they belong, on or before the first Day of *August* yearly and every Year; which Treasurer shall give his Receipt for the said Bundles of cancelled Bills, mentioning therein the Number and Marks of the Bundles, and shall carefully preserve them in order that they may be inspected by the General Assembly of this Colony, and compared with the said Certificates of the said Justices and Freeholders; and if any Suspicion should thereafter arise of Fraud or Counterfeits, that the same may be detected, and such Course taken therein, as to the General Assembly shall seem meet, and finally by the said General Assembly burned and destroyed: And the said Treasurers of this Province, for the Time being, and also every of the said Commissioners of the respective Counties in all Things relating to the Duties enjoined them by this Act, are hereby made accountable to the Council and Assembly of this Colony, before whom they are hereby commanded to submit their Accounts of all Monies emitted by Virtue of this Act, which shall come into their Offices respectively for the Inspection and Approbation or Disallowance of the said Council and Assembly; and that as often as they shall be thereunto by the said Council and Assembly required, that such Course may be taken in the Premises as shall be found needful.

How Deficiencies and Failures may be supplied.

54. AND BE IT FURTHER ENACTED, That if through any Deficiency of the said Borrowers, or any of them, the Bills brought in after the first ten Years as aforesaid to be cancelled, shall be less in Quantity or Value than by this Act are directed to be cancelled, or in Cases wherein any Failure or Failures at any Time shall happen to be made in the 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 shall cause the same to be levied on the Inhabitants of that County where such Deficiency shall happen, in such Manner as other Taxes shall be assessed and levied on the Inhabitants of this Colony; and, the same being levied, shall cause to be cancelled in Manner aforesaid, on the second *Wednesday* in *May* then next to come: And in case the said Justices and Freeholders shall, on any Pretence whatsoever, neglect causing the whole Sum that is wanting, to be levied, every of them, neglecting their Duty therein, shall forfeit to His Majesty *Ten Pounds*, to be recovered in any Court of Record within this Colony where the same is cognizable; one Half to the Use of such Justices and Freeholders 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 Part to be applied towards cancelling the Bills of Credit in such Manner as shall be directed by the Governor, Council and General Assembly: And in case none of the Justices and Freeholders aforesaid shall, within three Months after such Neglect, sue and inform against the Rest, or shall by Covin or Collusion delay prosecuting their said Suit to Effect, then every of the said Justices and Freeholders are hereby declared to be equally guilty of the said Neglect, and every of them shall forfeit the said Sum of *Ten Pounds*, to be recovered by any Person or Persons who will  
sue

Penalty on Justices and Freeholders neglecting their Duty.

due for the same in any Court of Record within this Colony where the same shall be cognizable, one third Part to the Use of the Prosecutor, and the other two Thirds to be applied towards cancelling the said Bills of Credit. PROVIDED ALWAYS, That no such Sum or Sums of Money shall be levied to make good any such Deficiency or Deficiencies upon the Inhabitants of any County before a Sale or Sales shall be made of the Premises mortgaged (Cases where it appears the Mortgagees, or any of them have no Title to the Premises mortgaged, only excepted) pursuant to the Direction 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 the said Commissioners on or before the twenty-fifth Day of *March* next following such Sale or Sales.

Deficiencies not to be made up until after Sale.

55. AND BE IT FURTHER ENACTED, That in case any of the Bills emitted by this Act shall remain three Months in the Commissioners Hands for Want of Borrowers, the same Commissioners are hereby empowered 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 notwithstanding.

When £. 200 may be let to one Person.

56. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons shall falsely swear or affirm, in any of the Cases where an Oath or Affirmation is required to be taken by this Act, or shall wilfully act contrary to the Oath or Affirmation he, she or they hath before taken, such Offender or Offenders, being convicted of such Offence, shall suffer all the Pains and Penalties of wilful and corrupt Perjury.

Penalty on swearing falsely.

57. AND, to prevent Fraud 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 any Person or Persons that shall borrow any of the Bills of Credit by this Act emitted, and shall thereafter make his or her Last Will and Testament in due Form of Law, thereby devising the Premises 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, 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 Premises were mortgaged, then it shall be understood that the Testator's Intent was (unless otherwise expressed in the said Will) that 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 Premises mortgaged, such Devisee

Frauds by Executors or Administrators provided against.

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 Premises so mortgaged, or any other in Trust for him or for his Use, or such Executor shall thereafter purchase it or any Part thereof from any other Person, he or they shall be deemed duly seized of the Premises 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.

Mortgagor dying intestate, Personal Estate to be applied to Payment.

58. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in case any such Mortgagor shall die Intestate, the Mortgage Money aforesaid, or any Part thereof, being in Arrear and unpaid, and having 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 shall be paid out of the Personal Estate if sufficient, and the Profits of the Premises mortgaged shall be applied 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 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 or she comes of Age; and when 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 under Age, in such Case the Money arising by such Sale, after the Deduction of the Principal, Interest and Cost 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.

Treasurers to exchange ragged Bills.

59. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That, out of the *Twenty-five Thousand Pounds* aforesaid, the Treasurers of this Colony respectively are hereby required and commanded, as often as Application shall be made to either of them at any convenient Time, without Fee or Reward, to issue the same to any Person or Persons so applying for any other Bills of Credit of this Emission which shall become ragged, torn, defaced, or otherwise unfit to pass; and the said ragged or defaced Bills so by the said Treasurers received in Exchange, shall, by the Eastern Treasurer, be laid before the Justices and chosen Freeholders aforesaid, of the County of *Middlesex*; and by the Western Treasurer, before the Justices and chosen Freeholders of the County of *Burlington*, on some of the usual Days of their Meeting; by the said Justices, Freeholders and Treasurer to be inspected, accounted, cancelled, bundled up, numbered and sealed in Manner as touching the other Bills are directed; and the said Bundles of cancelled Bills, and a Certificate of the Quantity or Sum in each Bundle left with the said Treasurer, by him to be laid before the General Assembly, to whom they are hereby made accountable, by them to be inspected and

and burned; which Treasurers shall have one per Cent for attending the cancelling the said Bills.

60. AND BE IT FURTHER ENACTED, That as for and concerning the Residue of the Interest Money that from Time to Time shall, by Virtue of this Act, be payable into the Treasuries of this Colony, or either of them, the same shall be applied to the Support of the Government of this Colony, or to such other publick Uses, and in such Sort, Manner and Form as by Acts of the General Assembly of this Colony shall hereafter be directed; and if all the said *Twenty-five Thousand Pounds* shall not be used for exchanging ragged and torn Bills as aforesaid, by or before the second *Tuesday* in *June* next ensuing the twenty-fifth Day of *March* which will be twenty Years after the Date of the said Bills, the Treasurers of this Colony, for the Time being, are hereby directed to lay the Balances remaining in their respective Hands before the Council and Assembly of this Colony for the Time being, by them to be inspected and burned; and the said Treasurers shall at all Times, when thereunto required by the said Council and Assembly, render and lay before the said Council and Assembly, for the Time being, just, true and stated proper Accounts of all the Monies which, by Virtue of this Act, shall come into their Hands respectively, by the said Council and Assembly to be allowed or disallowed, as they shall esteem just.

Residue of  
the Interest  
how applied.

Treasurers  
accountable  
to the Council  
and Assembly.

61. PROVIDED ALWAYS, That nothing in this Act contained shall be in Force until His Majesty's Royal Assent be obtained thereto. This Act was confirmed by the King in Council the 20th Day of *February* 1775.

Suspending  
Clause.

C H A P. DXCII.

*An ACT more effectually to punish the Counterfeiters of foreign Gold or Silver Coin current within the Colony of New-Jersey, and the Utterers thereof, knowing the same to be counterfeit.*

Passed March 11, 1774.

WHEREAS evil-disposed Persons have lately counterfeited the foreign Gold and Silver Coins imported into this Colony, to the great Hurt and Damage of the Inhabitants; for Prevention whereof for the Future,

Preamble.

*Sect. 1.* BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That any Person or Persons who shall hereafter be found guilty of counterfeiting any of the Gold or Silver Coins of any foreign Kingdom or Country, current within this Colony, with an Intention to deceive or defraud any Person or Persons whatsoever, or shall utter or pass any such counterfeit Coin, knowing the same to be counterfeit, such Person or Persons shall, for such Offence, being thereof for the first Time convicted in the Supreme Court, any Court of Oyer and Terminer and General Gaol Delivery, or in any Court of General Quarter-Sessions of the Peace within this Colony, be whipped, branded with the Letter *R* in the Brawn of the left Thumb, by an Iron sufficiently hot to make a

Punishment  
for Counter-  
feiters.

lasting Mark, fined, imprisoned, pilloried or cropped, or shall have any one or more of these Punishments, at the Discretion of the Court in which such Person or Persons shall be convicted.

Second Offence, Death.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons shall be convicted in the Supreme Court, or the Courts of Oyer and Terminer and General Gaol Delivery in this Colony, of any or either of the Offences herein before-mentioned, and it shall appear to the Justices of the said Courts before whom such Conviction shall be had, by the Record of a Supreme Court, Court of Oyer and Terminer and General Gaol Delivery, or General Quarter-Sessions of the Peace, in this or any of the neighbouring Colonies, that such Person or Persons had before been duly convicted of the Crimes aforesaid, or either of them, that then, and in such Case, such Person or Persons, for such second Offence, and being thereof so convicted as aforesaid, shall be adjudged guilty of Felony, without Benefit of Clergy, and suffer Death accordingly.

Continuance.

3. AND BE IT ENACTED *by the Authority aforesaid*, That this Act shall be and continue in Force for and during the Term of seven Years, and from thence to the End of the next Session of General Assembly thereafter, and no longer.

Disallowed Feb. 20, 1775.

CHAP. DXCIII. *An Act for lowering the Interest of Money to Six per Cent within this Colony.*

Passed March 11, 1774.

At the Entrance on this Work, and for some Time after, when the Chapters were fixed, and many of them referred to, it was expected this Chap. would have appeared at full Length, which occasions it to stand among those that are in Force, but a Disallowance having since arrived, suppresses it, and revives Chap. CLXI, which this Act repealed. See the Note on that Chapter.

C H A P. DXCIV.

*An A C T for the more speedy Recovery of Legacies in this Province, and for affirming such Acts of Administrators bona Fide done before Notice of a Will.*

Passed March 11, 1774.

Preamble.

**F**ORASMUCH 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 whereof,

How Legatees may sue.

*Sect. 1.* 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, 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, Action on the Case, or Detinue for such Legacy after it becomes due, if it amounts to the Value of  
*Fifteen*

*Fifteen Pounds* or upwards in the Supreme Courts of this Province, or any other Court of Record; and if under *Fifteen Pounds*, in any Court where the same may be cognizable; 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.

2. 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 empowered, 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.

Auditors to  
be appointed.

3. 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 Executors, otherwise the same Process, for Want thereof, shall abate.

Demand and  
Security first  
to be made.

4. AND

Costs how  
to be award-  
ed.

4. 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 Costs, 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.

All *bona Fide*  
Acts of Ad-  
ministrators  
before Notice  
of a Will  
good.

5. 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 unadministered, as he, she or they might have had before the making of this Act.

Legatees  
when to re-  
fund.

6. 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.

Executors to  
have a Year  
to pay Lega-  
cies.

7. 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.

Creditors to  
be first paid,  
&c.

8. 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.

Repeal of  
former Laws.

9. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Act passed in the fourth Year of the Reign of King George the Second, entitled, *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*, † and the Act passed in the twelfth Year of the Reign of King George the Second, entitled, *An Act for continuing an Act, entitled, 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 they are hereby repealed.

C H A P.

† Chap. CXLV.

\* Chap. CLXII.

## C H A P. DXCV.

*A supplementary ACT to an Act, entitled, An Act for the more effectual Discovery and Punishment of the Crime of Horfe Stealing.*

Passed March 11, 1774.

**W**HEREAS by the Act, entitled, *An Act for the more effectual Discovery and Punishment of the Crime of Horfe Stealing*, passed in the tenth Year of his present Majesty's Reign, the first Offence of Horfe Stealing cannot be tried in any Court but the Supreme Court and Courts of Oyer and Terminer and General Gaol Delivery; whereby it often happens that Offenders against the said Act lie long confined in Gaol, as well to the great Delay of Justice, as a very great Expence upon the County wherein the Fact was done and the Offender is committed; therefore,

Preamble,

*Sect. 1.* BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That whenever any Person or Persons shall, after the Publication of this Act, be committed to any of the Gaols of this Colony for Horfe Stealing, and the same shall appear to be the first Offence of the Kind by such Person committed, that then, and in such Case, it shall and may be lawful for, and the Justices of the several Courts of General Quarter-Sessions of the Peace in the several Counties, Cities and Boroughs in this Colony, shall and may try any such Person or Persons as aforesaid, and, upon due Conviction before them, shall and may order such corporal Punishment to be inflicted upon such Person or Persons (not extending unto Loss of Life) as they, in their Discretion, shall judge proper, according as the Circumstances of the said Crime shall appear to them to be more or less aggravated, any Thing in the before-recited Act to the contrary notwithstanding.

Horfe Stealers may be tried in the Sessions,

## C H A P. DXCVI.

*An ACT more effectually to prevent the erecting of Lotteries, and selling of Lottery Tickets within this Colony.*

Passed March 11, 1774.

**W**HEREAS the Laws heretofore passed for preventing of Lotteries in this Colony, and the Sale of Tickets of Lotteries erected out of the Colony, have not proved effectual for the Purposes thereby intended; therefore,

Preamble,

*Sect. 1.* 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 no Person or Persons, from and after the Publication of this Act, shall erect, set up, make or draw any Lottery or Lotteries whatsoever within this Colony; and if any Person or Persons shall hereafter erect, set up, make or draw any Lottery or Lotteries for Money, Goods, Wares or Merchandize, Lands, Tenements or other Matter or Thing whatsoever

Forfeiture for erecting Lotteries,

ever within this Colony, contrary to the true Intent and Meaning of this Act, every such Person or Persons so offending shall forfeit the Sum intended to be raised by such Lottery, or the Value of such Lands, Tenements, Goods, Wares, Merchandizes or other Thing intended to be disposed of by such Lottery, to be sued for and recovered by the Overseers of the Poor of any City, Borough, Township or Precinct within this Colony, or by any one of them, who, and each of them are hereby empowered, directed and commanded to sue for and recover the same in any Court of Record in this Colony, by Action of Debt, Bill, Plaint or Information, wherein no Effoine, Protection or Wager of Law, or any more than one Imparlance, shall be allowed, any Law, Usage or Custom to the contrary notwithstanding; which said Forfeiture, when recovered as aforesaid, shall be applied one Half for the Use of the Poor of the City, Borough, Township or Precinct where the Offence was committed, and the other Half to the Overseer or Overseers aforesaid, who shall sue for and recover the same with Costs of Suit.

Penalty for  
selling Lot-  
tery Tickets.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That, from and after the Publication hereof, no Inhabitant or Inhabitants of this Colony, or any Person or Persons coming within the same, shall sell or offer to sell any Lottery Ticket or Tickets under any Pretence whatsoever; and every Person or Persons that shall sell or otherwise dispose of any Lottery Ticket or Tickets, under whatsoever Name the same may be coloured or distinguished, State Lottery Tickets of *Great-Britain* only excepted, shall forfeit and pay for every Ticket so sold the Sum of *Three Pounds*, Money aforesaid, to be recovered by the Overseers or Overseer of the Poor as aforesaid, or by any other Person who will sue for the same before any Justice of the Peace of any County, City or Borough in this Colony, where the Offence shall be committed; and the Money, when recovered, shall be paid one Half to the Overseer or Overseers of the Poor aforesaid, for the Use of the Poor of the said City, Borough, Township or Precinct, and the other Half to the Person or Persons who shall prosecute the same to Effect, any Law, Usage or Custom to the contrary notwithstanding.

Officers to  
inform the  
Magistrates.

3. AND WHEREAS the good Intentions of the Legislature in the former Laws passed in this Colony for the preventing of Lotteries, have been in a great Degree frustrated by the Inattention and Disinclination of the Inhabitants to give Information against the Person and Persons who have infringed the same; for the Prevention whereof in Future, BE IT ENACTED *by the Authority aforesaid*, That every Sheriff, Coroner, Overseer of the Poor, and Constable, within this Colony shall be, and are hereby commanded to be vigilant in their Searches and Inquiries respecting the erecting Lotteries and selling of Lottery Tickets in this Province, and, upon Discovery of the same, to give immediate Information to a Justice of the Peace, or to such other Court where the same may be cognizable, at the next Meeting of such Court; and if any Sheriff, Coroner, Overseer of the Poor or Constable, shall neglect to give such Information upon discovering the same, he or they shall severally forfeit the Sum of *Five Pounds*; to be recovered by Action of Debt by any Person who will sue for the same; one Half to the Use of the Prosecutor, and the other Half to the Use of the  
Poor

Poor of such City, Town-corporate, Precinct or Township where the Fact shall be committed.

4. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons, possessing any publick or other House within this Colony, shall knowingly and wittingly permit or suffer any Lottery to be drawn in such publick or other House, or upon the Land, or in any Outhouse belonging to the same, or shall knowingly permit or suffer any Scheme or Advertisement of any Lottery whatsoever (except as before excepted) to be put up at or within the same House or Premises, or shall, after Knowledge thereof, suffer such Scheme or Advertisement to remain up, such Person or Persons shall severally forfeit and pay the Sum of *Five Pounds*: And that all, or any Person or Persons who shall presume to set up, shew or expose to publick View (with Intention of promoting such Lottery) in any Place within this Colony, any Scheme or Schemes or Advertisements of any Lottery whatsoever (except as before excepted) shall also forfeit and pay the Sum of *Five Pounds*; which said last mentioned Fines are hereby made recoverable before any one Justice of the Peace, by Action of Debt, and to be applied one Half to the Use of the Prosecutor or Informer, and the other Half to the Use of the Poor where such Fact or Facts shall or may be committed. PROVIDED ALWAYS, That nothing in this Act shall in anywise affect any Lotteries heretofore erected or authorized by any Law of this Colony, any Thing herein contained to the contrary in anywise notwithstanding.

Penalty for suffering Lotteries to be drawn or advertised.

Not to affect those heretofore erected by Law.

5. AND BE IT FURTHER ENACTED by the Authority aforesaid, That so much of the Act, entitled, *An Act for the more effectual preventing of Lotteries, playing of Cards and Dice, and other Gaming for Lucre of Gain, and to restrain the Abuse of Horseracing within this Colony for the Future*,\* passed in the twenty-second Year of his late Majesty King George the Second; and also so much of an Act, entitled, *An Act to prevent the Sale of Tickets in Lotteries erected out of this Province, and more effectually to prevent Gaming, and to revive three publick Lotteries appointed by a former Law of this Colony*,† passed in the first Year of his present Majesty's Reign, as respects erecting of Lotteries and the Sale of Tickets, be, and they are hereby repealed, any Thing in the before-recited Acts to the contrary notwithstanding.

Repeal of former Laws.

C H A P. DXCVII.

*An ACT to oblige the Treasurers of the Colony of New-Jersey to give Security for the due Execution of their Offices, and to prescribe the Mode in which the same Security shall be taken.*

Passed March 11, 1774.

WHEREAS it is of the greatest Importance to His Majesty's Service, and to the Interest of the Colony, that the publick Monies should be properly secured, We, the House of Representatives of the Province of *New-Jersey*, do pray that it may be Enacted;

Preamble.

Sec<sup>t</sup>.

\* Chap. CCXXVI.

† Chap. CCCXXI.

Treasurers to  
give Bond.

*Sect. I. AND BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That each of the Treasurers of this Colony, who now is or shall hereafter be appointed to that Office, shall immediately after the Publication of this Act, or as soon as he shall be appointed to that Office, and before any publick Money be put into his Hands, enter into a Bond, either by himself, or with one or more good and sufficient Sureties, unto our Sovereign Lord the King, his Heirs and Successors, in the penal Sum of Ten Thousand Pounds Proclamation Money of New-Jersey, with a Condition in the Words, or to the Effect following, that is to say,*

Form of the  
Condition.

**T**HE Condition of this Obligation is such, That if the above-bounden \_\_\_\_\_ does well, truly and faithfully execute the Office of Treasurer of the \_\_\_\_\_ Division of the Colony of *New-Jersey*, and shall from Time to Time, and at all Times hereafter, render a just and true Account to the Council and Assembly, when thereunto by them required, of all publick Monies that now are, or hereafter shall be committed to his Charge; and shall deliver up all the publick Monies in his Hands, together with all Instruments in Writing belonging to, and for the Use of the Colony, to his Successor in Office; then the above Obligation to be void, otherwise to be and remain in full Force and Virtue.

Which Bonds shall be executed before His Excellency the Governor, or the Commander in Chief for the Time being, or one of the Justices of the Supreme Court of this Colony, and shall be deposited in the Secretary's Office, there to be safely kept for the Purposes aforesaid.

Who shall be  
Judges of the  
Security.

**2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Governor or the Commander in Chief for the Time being, the Council and General Assembly, shall be, and each of them are hereby authorized to be the Judges of the Sufficiency of the Bond so to be given by the said Treasurer himself, or with Sureties as aforesaid; and that it shall be lawful for them, or either of them, as often as they, or either of them, shall suspect any Security taken by Virtue of this Act to be insufficient, to call upon the said Treasurers or either of them to give such further Security as by the Governor or the Commander in Chief, the Council and General Assembly, shall be approved of as good, and to procure a new Bond in the Manner and for the Purposes aforesaid.**

Succeeding  
Treasurer or  
his Executors  
to account.

**3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That when and as often as any Treasurer of this Colony shall cease to hold his Office by Death or otherwise, it shall and may be lawful for the said Treasurer, or his Heirs or Executors or Administrators, and he and they are hereby required to make up his or their Accounts honestly and fairly with the succeeding Treasurer, and to deliver up to him all such publick Monies in his or their Hands as shall be found due to the Colony on the Settlement of the said Accounts; and that the Accounts so made up, when settled and reported to the Council and Assembly, and agreed to by them, shall discharge the said Treasurer, his Heirs, Executors and Administrators; and that the Bond so as aforesaid taken, by Virtue of this Act, shall be void, and shall be delivered**

up

up to the said Treasurer, so divested of his Office if living, or if dead, to his Heirs, Executors or Administrators.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That whenever the Council and Assembly, or either of them, shall think such Treasurer not to have rendered a just or true Account, or otherwise to have misbehaved himself in his said Office, and shall make Application to the Governor or Commander in Chief for the Time being, it shall and may be lawful for the said Governor or Commander in Chief, and he is accordingly, upon such Application, to order the said Bond to be immediately prosecuted for any such Omission or Misbehaviour as aforesaid.

When the Bond is to be prosecuted.

5. AND WHEREAS the Honourable *Samuel Smith*, Esquire, the present Treasurer of the Western Division, hath heretofore entered into Bond with Sureties, bearing Date the fourth Day of *December* One Thousand Seven Hundred and Sixty-nine, for the due Performance of his Office as Treasurer, BE IT ENACTED *by the Authority aforesaid*, That upon his entering into a new Bond in Pursuance of this Act, the said former Bond shall be void and of none Effect, to all Intents, Constructions and Purposes whatsoever, and the said Bond shall be cancelled, and delivered up to him again.

Former Bond of the Western Treasurer void, on his giving a new one.

## C H A P. DXCVIII.

An ACT to authorize the present Treasurer of the Eastern Division to bring an Action against the late Treasurer of the said Division, for the Sum of Six Thousand Five Hundred and Seventy Pounds Nine Shillings and Fourpence, for which the said late Treasurer claims Allowance in his Accounts, alledging the same to have been stolen from the Treasury, and for other Purposes therein mentioned.

Passed March 11, 1774.

WHEREAS the Honourable *Stephen Skinner*, Esquire, late Treasurer of the Eastern Division of *New-Jersey*, doth alledge, That in the Month of *July*, in the Year of our Lord One Thousand Seven Hundred and Sixty-eight, the Sum of *Six Thousand Five Hundred and Seventy Pounds Nine Shillings and Fourpence*, Money belonging to the Publick, was stolen out of his Custody, which Sum he does not deem himself liable to pay, and has often, and does now pray an Allowance for from the Colony: AND WHEREAS many Doubts have arisen from the peculiar Circumstances attending this extraordinary Case, whether the Laws of this Colony as they now stand are sufficient to bring the Merits of this Controversy, between the Colony and the said *Stephen Skinner*, to a fair and legal Decision, upon any Action or Suit which may be commenced against the said *Stephen Skinner*, without the Aid of the Legislature, by a Law for that Purpose to be Enacted;

Preamble.

Present East-  
ern Treasurer  
authorized to  
demand and  
sue.

*Sect. 1.* BE IT THEREFORE ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That it shall and may be lawful for *John Smyth*, Esquire, the present Treasurer of the Eastern Division aforesaid, to demand and receive of and from the said *Stephen Skinner*, the Sum of *Six Thousand Five Hundred and Seventy Pounds Nine Shillings and Four-pence*, for which the said *Stephen Skinner* prays Allowance as aforesaid: And that in case the same *Stephen Skinner* shall refuse or neglect to pay the said Sum of Money for the Space of one Month after such Demand, he the said *John Smyth* shall be and is hereby authorized to bring and prosecute an Action on the Case in his own Name, and to the Use of the Colony, for the said Sum of *Six Thousand Five Hundred and Seventy Pounds Nine Shillings and Four-pence*, any Law, Usage or Custom to the contrary in anywise notwithstanding.

Managers of  
the Suit ap-  
pointed and  
authorized  
to draw  
£. 200.

2. BE IT FURTHER ENACTED by the Authority aforesaid, That in case any Suit or Suits shall be so brought for said Sum of Money, that *John Wetherill*, *James Kinsey* and *Robert Friend Price*, Esquires, and the Survivors of them, be, and are hereby appointed Managers of the Suit or Suits aforesaid; and that they or any two of them shall, and they are hereby authorized to draw and receive from either of the Treasurers of this Colony, on a Warrant or Warrants for that Purpose to be drawn, under the Hand of the Governor or Commander in Chief of this Colony in Council, any Sum or Sums of Money to carry on the said Suit or Suits, in the Whole not exceeding the Sum of *Two Hundred Pounds* Proclamation Money; and that the said Warrant or Warrants endorsed by them the said Managers, or any two of them, shall be a sufficient Discharge to the said Treasurers, or either of them, for the Sum so paid.

Judges and  
Jurors who  
try the Cause  
Exempt from  
Taxes, &c.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the Judges of the Court, and that the Jurors who shall try any Issue or Issues, joined in the Action or Actions so to be brought as aforesaid, all Witnesses examined in such Suit or Suits, and all Officers who shall nominate or return the said Jurors, shall be, and are hereby declared for-ever hereafter to be exempt from the Payment of any Tax or Taxes which shall or may be raised for or on the Account of the Suit or Suits so as aforesaid to be commenced and prosecuted, or for the making good the said Sum of *Six Thousand Five Hundred and Seventy Pounds Nine Shillings and Four-pence*.

C H A P. DXCIX.

*An ACT to regulate the Packing of Beef and Pork, and to ascertain the Size of Casks.*

Passed March 11, 1774.

Preamble.

**W**HEREAS an Act passed in the twelfth Year of the Reign of His present Majesty, entitled, *An Act to prevent Abuses in the Packing of Beef and Pork, and for ascertaining of the Size of Casks, and the Quantity that shall be put in each*, does not answer the good Purposes intended; for Remedy whereof,

*Sect.*

*SECT. I.* BE IT 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, all Casks made or used in this Province for Beef or Pork for Exportation, or for Sale, shall be made tight, and of good, sound well-seasoned Whiteoak Timber; and each Barrel shall contain thirty-one Gallons and a Half Wine Measure, and not Half a Gallon more or less; and each Half Barrel sixteen Gallons, and not one Quart more or less; and on every such Barrel and Half Barrel shall be put twelve good Hoops: And in order that the above Particulars may be better observed, every Cask made in this Province for the Purposes aforesaid, shall be branded on the Quarter by the Cooper or Coopers who shall make and dispose of the same, with the initial Letters of the Christian and Sir Name of such Cooper or Coopers; and on Failure in all or any of the above Particulars the Person or Persons so offending shall for each Offence forfeit and pay the Sum of *Three Shillings*.

Casks how to be made, and their Contents.

To be marked with the Maker's Name.

2. AND BE IT ENACTED *by the Authority aforesaid,* That all Pork designed for Exportation, or to be disposed of within this Province by the Barrel or Half Barrel, shall be sound and merchantable Meat, well cured with Salt and Pickle, and each Barrel well secured, and containing of such Meat Two Hundred and Ten Pounds, and each Half Barrel One Hundred and Five Pounds, and not including more than two Hogs Heads in a Barrel, nor more than one Hog's Head in a Half Barrel.

Pork Barrels, what weight to contain.

3. AND BE IT ENACTED *by the Authority aforesaid,* That all Beef designed for Exportation shall be sound and merchantable Meat, well cured with Salt and Pickle, and each Barrel well secured, and containing of such Meat Two Hundred and Twenty Pounds, and each Half Barrel One Hundred and Ten Pounds, and not including more than two Legs or Shins in a Barrel, nor more than one Leg or one Shin in a Half Barrel.

Beef Barrels, what weight to contain.

4. AND BE IT ENACTED *by the Authority aforesaid,* That each Barrel and Half Barrel of Pork, which shall be packed in this Colony for Exportation or for Sale, shall be branded on the Outside of one of the Heads with the Name of the County at large wherein such Pork shall be put up, and well salted in Bulk at least ten Days before it is packed, and with the Letters *N. J.* for *New-Jersey*, and also with the Brandmark of the Trader or Traders who shall direct the Packing of the same, and with the initial Letters of the Christian and Sir Name at large of the Packer of the said Pork.

Pork Barrels to be branded.

5. AND BE IT ENACTED *by the Authority aforesaid,* That every Packer of Beef and Pork within this Colony shall, before he takes upon himself the Execution of that Office, be well recommended by at least six reputable Freeholders of the Neighbourhood, to the Mayor or Recorder of the City or Borough, or to a Justice of the Peace of the County where the said Packer doth reside; which Magistrate is hereby directed and required to administer to him an Oath or Affirmation as the Case may require, in the Words or to the Effect following:

Packer to be recommended.

Packer's  
Qualification,

*I* A B do swear (or affirm) That I will execute the Office of Packer of Beef and Pork, within the City, Borough or County of faithfully and truly to the best of my Ability and Knowledge, agreeably to an Act of Assembly of this Colony, entitled, An Act to regulate the Packing of Beef and Pork, and to ascertain the Size of Casks.

their Fees.

6. AND BE IT ENACTED by the Authority aforesaid, That each Packer of Beef and Pork so qualified shall be entitled to demand and receive of his Employer for Packing, Pickling, Pinning, Bunging and Nailing, and for providing Pins and Bungs, the Sum of *One Shilling* for each Barrel, and *Nine-pence* for each Half Barrel, and no more; and if any Person or Persons within this Colony shall pack any Beef or Pork for Sale or Exportation, unless appointed and qualified to the Office of Packer by Virtue of this Act, or by Direction and under the Inspection of a Person so appointed and qualified, he or they so offending shall for each Offence forfeit and pay the Sum of *Forty Shillings*.

Penalty on  
non-qualified  
Packers

Penalty on  
Packers and  
Traders dif-  
regarding this  
Act.

7. AND BE IT ENACTED by the Authority aforesaid, That for every Offence committed by the Packer or Packers appointed as aforesaid, against the true Intent and Meaning of this Act, he or they so offending shall forfeit and pay the Sum of *Twenty Shillings*; and if any Trader or Traders shall brand, or cause to be branded, his or their Barrels or Half Barrels of Pork with the Name of any County other than the County in which such Pork was put up and packed, he or they so offending shall forfeit and pay, for each Barrel and Half Barrel so branded, the Sum of *Five Shillings*; or if any Trader or Traders shall cause or procure his or their Pork to be packed and exported, or deliver the same out to be exported, the Casks not being branded as directed in the fourth Section of this Act, he or they so offending shall forfeit and pay the Sum of *Ten Shillings* for every Cask in that Case deficient; all and every of which Fines and Forfeitures shall be recovered on the Oath or Affirmation of two or more credible Witnesses, before any Justice of the Peace, or in any Court in this Colony where the same shall be cognizable; one Half thereof to the Informer who shall prosecute the same to Effect, and the other Half to be paid to the Overseers of the Poor of the City, Borough or Township where the Offence shall be committed, to be applied to the Use of the Poor.

Mode of re-  
covering the  
Penalties.

Not to affect  
Beef and  
Pork sent to  
*New-York*.

8. PROVIDED ALWAYS, That nothing in this Act contained shall be construed to affect the Packing or Repacking of Beef and Pork transported to the City of *New-York*, any Thing herein before to the contrary notwithstanding.

Repeal of  
former Acts.

9. AND BE IT ENACTED by the Authority aforesaid, That the before-recited Act, entitled, *An Act to prevent Abuses in the Packing of Beef and Pork, and for ascertaining the Size of Casks, and the Quantity that shall be put into each*; † as also every Clause, Article and Thing contained in an Act, entitled, *An Act to ascertain the Size of Casks, and the Standards of Weights and Measures, and to empower 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*, \* passed in the twelfth Year of the Reign of his late Majesty  
King

† Chap. DLXXXVI.

\* Chap. CXVII.

King *George* the first, as far as the same relates to packing and re-packing of Beef and Pork, and to tight Casks, shall be, and the same are hereby repealed.

10. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, Continuance. That this Act shall be in Force during the Term of seven Years from and after the Publication hereof, and from thence to the End of the next Session of the General Assembly of this Colony thereafter, and no longer.

C H A P. DC.

*An ACT to postpone the Payment of the Provincial Taxes into the Treasury of this Colony for one Month, and for other Purposes therein mentioned.*

Passed March 11, 1774.

**W**HEREAS by an Act passed in the tenth Year of the Reign of Preamble. his present Majesty, entitled, *An Act to settle the Quotas of the several Counties of this Colony for the levying Taxes*, † among other Things it is Enacted, That the Provincial Taxes shall be paid into the Treasury on or before the twenty-first Day of *November* yearly, which, on Experience, is found inconvenient to many of the Inhabitants ;

*Sect. 1.* BE IT THEREFORE ENACTED *by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same*, Collectors may postpone Payment of the Taxes. That, from and after the Publication hereof, it shall and may be lawful for the Town and Precinct Collectors to pay the Provincial Taxes to the County Collector at any Time within ninety Days after the Receipt of their respective Duplicates ; and also for the several County Collectors to postpone the Payment of the said Taxes into the Treasury to the twenty-first Day of *December*, during the Continuance of the above-recited Act, any Thing in the said Act to the contrary notwithstanding.

2. AND WHEREAS by the twelfth Section of the before-recited Act, the Assessors are enjoined, within thirty Days, to prosecute the Delinquents there mentioned, which Time is found by Experience to be too short ; BE IT ENACTED *by the Authority aforesaid*, Time for prosecuting Delinquents. That the said Assessors shall and may prosecute the Delinquents aforesaid, at any Time before the Assessment is returned into the Treasury, any Thing in the before-recited Act to the contrary notwithstanding.

3. AND, inasmuch as large Improvements have been made in this Colony since the last Settlement of the Quotas, it becomes necessary more equitably to assess the Inhabitants ; Therefore, BE IT FURTHER ENACTED *by the Authority aforesaid*, Collectors to deliver Duplicates. That the several County Collectors within this Colony shall deliver to the respective Treasurers for the Time being, by the first Day of *November* next, exact Duplicates of the Assessments of the Provincial Taxes for the Years One Thousand Seven Hundred and Seventy-three, and One Thousand Seven Hundred and Seventy-four, in order that the said Treasurers may lay the same before the next General Assembly.

† Chap. CCCCXCV.

Affessors to  
deliver in  
Duplicates.

4. AND, that the said County Collectors may deliver in the said Duplicates, BE IT ENACTED, That the several Affessors within this Colony shall, within twenty Days after Demand made, deliver in Duplicates of the Assessments of the Provincial Taxes by them made for the Year One Thousand Seven Hundred and Seventy-three; and shall, within twenty Days after making the Assessments for the Year One Thousand Seven Hundred and Seventy-four, deliver to the said County Collectors Duplicates thereof; and in case of Neglect or Refusal, such Assessor, so neglecting or refusing, shall forfeit and pay the Sum of *Five Pounds*, to be recovered and applied in the same Manner and Form as other Fines and Forfeitures are directed to be recovered and applied in the before-recited Act.

C H A P. DCI.

*A supplementary ACT to an Act, entitled, An Act for the regulating Fences.\**

Passed March 11, 1774.

Preamble.

**W**HEREAS Difficulties have arisen, and may hereafter arise, touching Division Fences where Brooks are Boundaries between Plantations, and also concerning Ditches in Salt Meadows and Marshes; therefore,

Division  
Fences along  
Streams of  
Water, how  
to be fixed.

*Sect. 1.* BE IT 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 hereof, it shall and may be lawful for the Surveyors of the Highway of the Township or Precinct or Townships or Precincts where the Lands lie, on Application to them made by the Owner or Owners of Lands bounded by or adjoining to Brooks, Streams or Runs of Water not navigable for Boats or Flats, in order to fix and settle a Partition or Division Fence, if they on Inspection find it impracticable or inconvenient to fix such Fence in the Water, or what may appear the true Division Line, in such Case they the said Surveyors are hereby authorized and empowered to fix and ascertain the Place where such Division Fence shall be set up, either in Part or the Whole on either Side of such Brooks, Streams or Runs of Water, and the Part thereof which each Owner shall make, any Thing in the above-recited Act to the contrary notwithstanding.

What Ditches  
in Salt  
Marshes are  
Fences.

2. AND WHEREAS it is found necessary and most convenient to make Ditches through Salt Marshes and Meadows for fencing and draining the same, BE IT FURTHER ENACTED by the Authority aforesaid, That all Ditches made in such Salt Marshes or Meadows five Feet wide and three Feet deep, shall be deemed and allowed hereafter as good and lawful Fences, any Law, Usage or Custom to the contrary in anywise notwithstanding.

C H A P.

\* Chap. CXLI.

C H A P. DCII.

*An ACT for rebuilding, repairing and maintaining the Drawbridge over Croffwicks Creek, in the County of Burlington, and for repairing the Causeways adjoining said Bridge.*

Passed March 11, 1774.

**W**HEREAS a large Number of the Inhabitants of the Counties of Burlington, Hunterdon, Somerset and Middlesex, have by their Petition set forth, That the Drawbridge erected by Subscription over Croffwicks Creek, in the County of Burlington, is out of Repair and dangerous to pass, and the Draw so constructed as to obstruct the Navigation, and that they are desirous that a good Drawbridge should be erected over the said Creek, and the Draw so constructed that Shallops and Boats may pass through with Ease and Convenience; and it appearing that a Bridge over the said Creek is of great Utility to the Publick;

Preamble.

*SECT. I. BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That a good and sufficient Drawbridge shall be built as soon as may be in the Place where the present Bridge stands, and that the Piles of the said Bridge shall be drove and ranged as nearly as may be in the Set or Course of the Tide of Ebb in the said Creek.*

Drawbridge to be built.

*2. AND BE IT ENACTED by the Authority aforesaid, That it shall and may be lawful for Thomas Lawrie, Robert Pearson, Isaiah Robins, John Thorn and Timothy Bunting, or any three of them, who are hereby appointed Commissioners to build a good Drawbridge at the Place aforesaid, and to rail and board the same three Feet high on each Side, so that Travellers and Carriages of Burden may pass and repass the same with Safety: And, in case of the Death or Refusal of them, or any of them, it shall and may be lawful, from Time to Time, for the Justices of the Peace of the County of Burlington in their Sessions, to appoint others who shall, when so hereafter appointed, have the same Power and be under the same Penalties with those named in this Act.*

Commissioners appointed.

*3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Distance between two Bents of the said Bridge shall be twenty-two Feet wide, fourteen Feet of which shall be so constructed as to hoist or draw, for the free Passage of the Masts of such Boats or Shallops as may have Occasion to go above the said Bridge: And the said Bents of twenty-two Feet wide, wherein the said Draw is to be constructed, shall be set in that Part of said Bridge where the Boats may pass through with the greatest Ease, Expedition and Convenience for the Navigation of the said Creek; and that two or more Posts or Piles shall be drove on each Side of the Entrance of the said Draw, in such a Position or Form as will facilitate the entering of Shallops or Boats through the same: And if any Shallopman, or other Person or Persons, shall Leave the Draw of the said Bridge hoisted above fifteen Minutes after such Shallop or Boat shall have gone through, he, she or they so offending shall*

How the Bridge is to be constructed.

Penalty for leaving the Draw hoisted.

shall forfeit and pay the Sum of *Five Pounds*, to be recovered by any Person who will sue for the same, before any Justice of the Peace for the County of *Burlington*, with Costs of Suit, to be applied to the Repairs of the said Bridge: Or if any Person shall remove any Plank from off said Bridge, or otherwise damage the same, he, she or they so offending, shall forfeit the Sum of *Five Pounds* over and above the Damages done to the said Bridge, to be recovered and applied as aforesaid.

Abutments  
and Cause-  
way declar-  
ed a High-  
way, &c.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said *Thomas Lawrie, Robert Pearson, Isaiah Robins, John Thorn* and *Timothy Bunting*, Commissioners as aforesaid, or any three of them, shall repair the Abutments on the south Side of the said Bridge, and the Abutments and Causeway on the north Side to the fast Land, and shall raise the said Causeway and Abutments above the Flow of the usual Freshes and high Tides that happen in the said Creek; which said Abutments and Causeway are hereby declared to be a lawful Highway four Rods wide.

Penalty for  
cutting the  
Underwood  
and Brush.

5. AND WHEREAS the Preservation of the small Underwood and Brush that stands on each Side of the said Causeway, and within the said four Rod, will be of the utmost Consequence for the Preservation of the said Causeway from the high Winds in Times of high Tides; BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons, except the said Commissioners or their Successors, shall cut down or destroy any of the said Underwood or Brush, he or they shall pay the Sum of *Forty Shillings*, with Costs of Suit, to be recovered and applied as aforesaid.

Monies to be  
assessed for  
the Work.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Assessors, chosen to assess the Provincial Tax in the County of *Burlington*, shall meet at *Burlington* on the second *Tuesday* in *May* next, and shall then assess, on the Inhabitants of the said County, the Sum of *Two Hundred Pounds* in the same Method, Manner, Proportion and Form, and collected by the same Persons that the Provincial Tax is appointed to be assessed and collected by; and the several Township Collectors shall within forty Days after the Receipt of the Duplicates from the Assessors, pay the said Taxes to the County Collector; and the several Officers shall be entitled to the same Rewards, and be subject to the same Pains and Penalties, and have the same Time for assessing and collecting the Money as is given for the said Provincial Taxes.

Exemptions  
from the Tax.

7. PROVIDED ALWAYS, That the Plantation late *Hannah Bickerdyke's*, deceased, in the Townships of *Nottingham* and *Chesterfield*, adjoining said Bridge, and the Shallops that now do or hereafter shall belong to Persons residing above the said Bridge, and transport Lumber or other Produce from the Landings that now are or hereafter shall be erected or used above the same, shall not be taxed for the Support of the said Bridge and Causeway.

The Charge  
to be on the  
County.

8. AND BE IT ENACTED *by the Authority aforesaid*, That the said Bridge, Abutments and Causeway shall be built, rebuilt, repaired and amended, at the Expence and Charge of the County of *Burlington*.

9. AND

9. AND WHEREAS small Sums of Money, too inconsiderable to be assessed, may sometimes be wanted for the speedy Repairs of the said Bridge; therefore, BE IT ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the said Commissioners and their Successors, or any three of them, to borrow such Sum or Sums of Money as may be necessary for the Purposes aforesaid, and the same to repay out of the first Money that may be raised for the Use of the said Bridge.

Small Sums may be borrowed.

10. AND BE IT FURTHER ENACTED, That the County Collector of *Burlington* shall pay the Money so received as aforesaid to the said Commissioners or their Order, or to the Order of any three of them; and the Receipt of them, or any three of them, shall be his sufficient Discharge: And in case an Overplus may at any Time remain in their or any of their Hands, they are to pay the same to the said County Collector, to remain in his Hands, to be disposed of as the Justices and chosen Freeholders of the County shall direct.

Collector to pay the Money to the Commissioners.

11. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when any Money shall be wanted for the building, amending or repairing of the said Bridge and Causeway, upon the said Commissioners, their Successors, or any three of them, certifying to the County Collector of *Burlington* what Sum or Sums of Money may be wanting for the Purposes aforesaid, the said Collector shall lay such Certificate before the Assessors at their annual Meeting, in order that the Sum expressed in such Certificate may be assessed and collected with the Provincial Taxes: And the said Commissioners and their Successors, shall account to the Board of Justices and Freeholders as often as they shall be thereto required: And the said Commissioners, their Successors, or such of them as shall take upon them the said Service, shall be allowed Five per Cent for their Time and Trouble; but if any of the said Commissioners, or such others as may be hereafter from Time to Time appointed by the Court of Quarter-Sessions of *Burlington* County, shall refuse or neglect to take upon him or them the said Office, or neglect to build, rebuild or repair the said Bridge and Causeway from Time to Time, or any other Duty enjoined them by this Act, he or they shall forfeit and pay the Sum of *Five Pounds* for every Neglect, to be recovered by any Person who will prosecute the same to Effect, to be applied one Half to the Prosecutor, and the other Half to the Use of the said Bridge and Causeway.

Mode of raising Money.

Commissioners to account;

their Wages.

Penalty for Neglect, &c.

12. AND BE IT ENACTED *by the Authority aforesaid*, That this Act shall be and continue in Force for the Term of five Years, and from thence to the End of the next Session of General Assembly, and no longer.

Continuance.

## C H A P. DCIII.

*An ACT to revive Part of an Act, entitled, An Act to empower the Inhabitants of the Townships of Bridgewater and Bedminster, in the County of Somerset, to repair their publick Highways by Hire, and to raise Money for that Purpose.*

Passed March 11, 1774.

Preamble.

**W**HEREAS the above-recited Act did expire by its own Limitation at the End of the last Session of General Assembly: AND WHEREAS the said Act has been found by Experience to be of publick Use and Benefit to the Inhabitants of the said Township of *Bedminster*, as they have set forth by their humble Petition, praying that the said Act may be revived.

Revival of the recited Act.

*Seçt. I.* BE IT THEREFORE ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the said Act, entitled, *An Act to empower the Inhabitants of the Townships of Bridgewater and Bedminster, in the County of Somerset, to repair their publick Highways by Hire, and to raise Money for that Purpose,* \* so far as it respects the said Township of *Bedminster*, shall be and the same is hereby revived and continued with every Clause and Article therein contained, any Thing in the before-recited Act to the contrary in anywise notwithstanding.

Continuance.

2. AND BE IT FURTHER ENACTED, That this Act shall be and continue in full Force for the Term of seven Years, and from thence to the End of the next Session of General Assembly thereafter, and no longer.

## C H A P. DCIV.

*An ACT for erecting a convenient Gaol in the County of Cape-May, and to authorize the Rebuilding and Repairing of the Courthouse or Gaol of that County at any Time hereafter.*

Passed March 11, 1774.

Preamble.

**W**HEREAS the major Part of the Justices and Freeholders of the County of *Cape-May* have, by their humble Petition, set forth, That the Gaol built in the said County by Virtue of an Act passed in the fourth Year of his present Majesty's Reign, entitled, *An Act for erecting a new and convenient Courthouse and Gaol in the County of Cape-May,* † is consumed by Fire, and that the said Law doth not enable them to rebuild the said Gaol, and therefore have prayed a Law to enable them to build, rebuild and repair all such Gaols and Courthouses as shall hereafter to them, the said Justices and Freeholders, appear to be necessary, at or near the Place where the late Gaol was erected; and, as the same appears reasonable,

*Seçt.*

\* Chap. CCCCXXXVII. † Chap. CCCLXXXIII.

*Seet. 1.* 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 it shall and may be lawful to and for the Freeholders that now are or shall hereafter be chosen in the said County of *Cape-May*, by Virtue of an Act passed in the twelfth Year of the Reign of her late Majesty *Queen Anne*, entitled, *An Act for raising of Money for building and repairing of Gaols and Court-Houses within each respective County of this Province,\** or the major Part of them the said Freeholders, with the Concurrence of any three Justices of the Peace of the said County, *Quorum unus*, and they are hereby empowered, enjoined and required to direct and order the raising so much Money as will be sufficient to build a convenient Gaol on or near the Place where the late Gaol stood, and hereafter, from Time to Time, to rebuild and repair the Courthouse or Gaol of the said County.

Justices and Freeholders to raise Money to build a Gaol.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid,* That it shall and may be lawful to and for the said Justices and Freeholders, and their Successors in Office, and they are hereby empowered and directed to raise so much Money from Time to Time as Occasion shall require, as may by them be thought necessary to erect, rebuild and repair any Gaol or Courthouse in the said County of *Cape-May*, at or near the Place where they were directed to be erected by the Act beforerecited, passed in the fourth Year of his present Majesty's Reign.

Money to be raised from Time to Time.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid,* That it shall and may be lawful to and for the Justices and Freeholders aforesaid, and their Successors, and they are hereby enjoined and required to appoint a Manager in and for each respective Precinct of the said County, not only to carry on and erect, but likewise hereafter to rebuild or repair the said Gaol and Courthouse, or either of them, as the Nature of the Case may happen to require; and in case of the Death, Removal, Neglect or Refusal of either, any or all the said Managers, then, and in such Case, from Time to Time to appoint one or more Manager or Managers in the Room of such Manager or Managers so dying, removing, neglecting or refusing as aforesaid; which said Managers so to be appointed as aforesaid, or any two of them, shall be and hereby are empowered and required to purchase and procure all such Materials as shall be necessary for the Purposes aforesaid, according to such Directions and in such Manner as the said Justices and Freeholders, or their Successors, shall conclude and agree upon; and the said Managers, or any two of them, shall be and hereby are empowered and enjoined to draw one or more Warrant or Warrants upon the Collector of the said County, for the Time being, for Payment of all such Sums of Money as shall, from Time to Time, be required for building, rebuilding or repairing the Courthouse and Gaol aforesaid, or either of them, provided such Sums of Money do not exceed the Sums by the said Justices and Freeholders, or their Successors, directed to be raised and applied to the Purposes aforesaid; which Warrant or Warrants the said Collector is hereby required to pay, and the Money which, by the said Justices and Freeholders, and their Successors, shall be esteemed necessary for the Purposes aforesaid shall, from Time to Time, be raised according to the Directions of an Act of General Assembly of this Colony passed in the seventeenth Year of the

Managers how to be appointed.

Their Duty.

\* Chap. XXXVII.

Reign of the late King George the second, entitled, *An Act to empower 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, and to restrain the unnecessary Meetings of said Freeholders* ;\* and every Person who by this Act is empowered or enjoined to do any Matter or Thing, shall be and hereby is vested with the same Powers, and entitled to the like Rewards, and subject to the same Penalties and Forfeitures, to be recovered and applied in the like Manner, as in and by the above-recited Acts are granted and directed.

C H A P. DCV.

*An ACT to repair and amend the publick Roads and Streets in the Northern Ward of the City of Perth-Amboy, and to repair the Town Wharf in the said City by a Tax on the Inhabitants of the said Northern Ward, and for other Uses and Purposes therein mentioned.*

Passed March 11, 1774.

Preamble.

**W**HEREAS by an Act passed in the eighth Year of his present Majesty's Reign, entitled, *An Act to repair and amend the publick Roads and Streets in the Northern Ward of the City of Perth-Amboy, and to repair the Town Wharf in the said City, by a Tax on the Inhabitants of the said Northern Ward*, † the Inhabitants of the Northern Ward of the City of Perth-Amboy were authorized to amend the publick Roads and Streets, and repair the Town Wharf in said Northern Ward, by a Tax on the Inhabitants of the said Ward: AND WHEREAS the said Act will expire this Session of General Assembly, and the Inhabitants of the said Northern Ward of the said City are desirous to have the same continued, and to be enabled to raise Monies on the Inhabitants of the said Northern Ward for purchasing a Fire Engine or Engines, with Ladders, Buckets, Hooks, Poles and other Instruments useful and necessary for the same, and to erect a proper House or Houses for the preserving and convenient keeping the same, and for keeping the same in Repair, and to dig such and so many publick Wells, and to fix Pumps therein, as shall be necessary and convenient; therefore,

Corporation  
to raise Mo-  
ney, to repair  
Highways,  
&c.

*Sec. I. BE IT 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, it shall and may be lawful for the Mayor, Recorder, Aldermen and Common Council of the Northern Ward of said City, or the major Part of them, the Mayor or Recorder always being one, by Plurality of Voices, to order and direct the Assessor of said Northern Ward to assess such Sum or Sums of Money on the Inhabitants of the said Northern Ward, to be applied to the amending and repairing such Roads, Streets or Highways in the said Northern Ward, and for purchasing a Fire Engine or Engines, with Ladders, Buckets, Hooks, Poles and other Instruments useful and necessary for the same, and to erect a proper House or Houses for the preserving and convenient keeping the same, and to keep the same Engines, Buckets*

and

\* Chap. CLXXXV. † Chap. CCCCLXXXVIII.

and other Instruments and Houses always in Repair and good Order, and also for digging such and so many publick Wells with Pumps, and keeping the same in good Order, as they the said Mayor, Recorder, Aldermen and Common Council-men of the said Northern Ward, or the major Part of them, shall think proper; which Rates or Assessments shall be made, collected and levied, from Time to Time, upon the Goods and Chattels, Lands and Tenements of the Inhabitants of the said Northern Ward respectively, on the *Pound Value*, as in the Provincial Tax; and all single Men who work for themselves, and are Residents when such Tax is assessed and levied, and all Housekeepers, whose ratable Estates do not amount to *One Shilling*, shall be assessed at the Discretion of the Assessor, not under *Six-pence* nor above *Five Shillings*.

How to be assessed.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Mayor, Recorder, Aldermen and Common Council-men of the said Northern Ward, or the major Part of them, the Mayor or Recorder always being one, shall order the Sum so assessed, for the Uses and Purposes aforesaid, to be collected by the Collector of the said Northern Ward; and such Part thereof as shall be collected for the repairing and amending the publick Roads and Streets to be by him paid to the Overseer of the Roads, to be applied to the repairing and amending the publick Roads and Streets and Town Wharf; and such Part thereof as shall be assessed, levied and collected for purchasing a Fire Engine or Engines, and for the other Purposes intended by this Act, to be by him paid to such Person or Persons as the said Mayor, Recorder, Aldermen and Common Council-men, or the major Part of them, shall order or direct, to be applied to the purposes for which the same was levied.

Money how to be collected and applied.

3. AND WHEREAS the Town Wharf in said City is of publick Advantage to the Inhabitants of the Northern Ward, and stands on publick Ground, BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Mayor, Recorder, Aldermen and Common Council-men of the said Northern Ward, shall order and direct the Overseer of the Roads of the said Northern Ward to amend and repair the said Town Wharf in such Manner as they, or the major Part of them, the Mayor or Recorder always being one, shall think proper; which Amendments and Repairs, ordered and directed as aforesaid, shall be paid out of the Money assessed and levied as is by this Act directed.

Town Wharf, how to be repaired.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Overseer or Overseers of the Roads of the Northern Ward of said City shall, within twelve Days after they are chosen, repair to the Mayor or Recorder of the said City, and take an Oath or Affirmation for the faithful Discharge of his or their Offices; and when so qualified, shall have Power and Authority to hire Labourers to repair the Highways, Streets and Town Wharf of the said Northern Ward of the said City, whenever it shall become necessary; and if any of the Overseers of the Highways in said Northern Ward shall neglect or refuse to qualify themselves as aforesaid, or to do and perform the several Duties enjoined them by this Act, he or they so neglecting or refusing, shall suffer the same Pains and Penalties as is directed in and by an Act, entitled, *An Act for regulating Roads and Bridges*;\* and shall yearly and every

Overseers of the Roads, their Duty.

Year, on the first Day of *May*, or at such Time or Times as the Mayor, Recorder, Aldermen and Common Council, or the major Part of them, shall think proper, render unto them a true and just Account of all Monies disbursed by him or them for the Uses and Purposes aforesaid; which said Account shall be delivered over by the said Overseers to his Successor in Office, and the Balance thereof, if any, shall be paid to his or their Successor in Office, whose Receipt shall be a full and sufficient Discharge for the same.

Continuance.

5. AND BE IT ENACTED *by the Authority aforesaid*, That this Act shall be and continue in Force for the Space of seven Years, and from thence to the End of the next Session of General Assembly, and no longer.

C H A P. DCVI.

*An ACT to empower the Inhabitants of the Townships of Elfinborough, Pilesgrove and Pittsgrove, in the County of Salem, to repair their publick Highways by Hire, and to raise Money for that Purpose.*

Passed March 11, 1774.

Preamble.

WHEREAS fundry Freeholders and Inhabitants of the Townships of *Elfinborough, Pilesgrove and Pittsgrove*, in the County of *Salem*, have, by their Petitions, humbly prayed a Law to repair their publick Highways by Hire; and, as the same appears reasonable,

Mode of raising a Tax to repair Highways.

*Sect. 1.* BE IT 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, and during the Continuance thereof, all publick Highways in the said Townships shall be repaired, amended, cleared and kept in good Order by Hire; for which Purpose a Rate and Assessment shall be made, from Time to Time as Occasion may require, upon the Goods and Chattels, Lands and Tenements of the Inhabitants of the said Townships on the *Pound Value*, as in Provincial Taxes, exclusive of Certainties, except all single Men who work for themselves, and are Residents in the said Townships respectively, and Housekeepers whose Tax on their ratable Estates doth not amount to *One Shilling*, who shall be assessed at the Discretion of the Assessor, not under *Six-pence* nor above *Five Skillings*: And the said Inhabitants at their several Town-Meetings, on the second *Tuesday in March*, or at any other Time when summoned by one of the Judges, or two Magistrates of the County, shall direct so much Money to be raised in Manner aforesaid, as always to have Money in Bank for the repairing the Highways, in the said Townships, and shall make an Order in Writing, signed by their Clerks respectively, directed to the Assessor of the said Townships, setting forth the Sum to be raised, and a limited Time within which he shall assess the same on the Inhabitants, and deliver a Duplicate to the Collector.

Duty of the Overseers.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Overseers of the Highways in the said Townships, chosen by Virtue of the Act for regulating Roads, shall, within ten Days after they are

are so chosen, repair to a Magistrate of the County, and take an Oath or Affirmation, as the Case may require, for the faithful Performance of their Offices; and when so qualified shall hire Labourers and repair the said Highways whenever it shall become necessary: And if any of the said Overseers, for the Time being, shall neglect or refuse to qualify themselves as aforesaid, or to do and perform the several Duties enjoined them by this Act, he or they so neglecting or refusing shall suffer the same Pains and Penalties as is directed in the before-recited Act for a Breach of Duty: And the said Overseers shall settle their respective Accounts annually, on or before the second *Tuesday* in *March*, before any one Justice of the Peace of the County, and the two chosen Freeholders of the said Townships; which Accounts, being signed by any two of them for their respective Townships, shall be a sufficient Settlement of the same: And the said Overseers shall retain in their Hands the same Sum per Day as the Labourers receive, for each Day they attend such Labourers in repairing the Highways, and pay the Overplus, if any be, to their Successors; and, on Neglect or Refusal, the said Successors shall sue for and recover the same by Action of Debt, in any Court of Record where it may be cognizable, with Costs of Suit.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Assessor and Collector for the Time being, chosen by Virtue of former Laws, shall assess and collect all Monies ordered to be raised pursuant to the Directions of this Act: And the said Collector, within thirty Days after receiving the Duplicates or Assessments, shall collect and pay the Money therein assessed to the Overseers of the Highways of the said Townships severally, to be applied to the Purposes aforesaid: And all Delinquents, who may neglect or refuse to give a true Account of their rateable Estates, shall be proceeded against in the Manner directed by the Sinking Fund Acts: And the Assessors and Collectors shall receive the same Rewards for the Performance, and suffer the same Pains and Penalties for the Neglect of the Duties herein required, as by the said Acts are directed in like Cases.

Assessors and  
Collectors,  
their Duty.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons shall neglect or refuse to pay his, her or their Tax or Taxes imposed by this Act, for the Space of ten Days after demanded, or Notice left at their Place of Abode, the Collector shall make out a List of his, her or their Names, and deliver it with the Duplicate and Money collected to one of the Overseers of the Highways of the said Townships; and, when the Highways may want Repair, the Overseers shall warn in so many of such Delinquents as may be necessary, giving each of them one Day's Notice, who shall attend at the Place appointed by the usual Time of beginning a Day's Work, with such Tools as the Overseer shall direct, and proceed to labour the Day through as is common in private Service; and so from Day to Day, if Need be, until their Taxes are severally paid; and no Person beginning a Day shall depart without the Overseer's Consent, until he hath performed a Day's Labour; and whatever may be earned by any one more than his Tax, shall be paid to such Person by the Overseer who employed him: And every Person summoned as aforesaid, who shall neglect or refuse to attend and labour as aforesaid, or send a sufficient Hand in his or their

Taxes how  
to be recover-  
ed.

Delinquents  
may be warn-  
ed to work.

Stead,

Stead, or a Reason for such Non-attendance, at or before the Time they were to appear, to the Satisfaction of the Overseer, such Person shall forfeit and pay the Sum of *Ten Shillings* for every Neglect or Refusal: And if any Person or Persons shall send a Hand or Hands in Discharge of his or their Tax or Taxes, who is not of Ability of Body, or neglects to perform a reasonable Day's Labour, he or they shall be allowed accordingly, and all unjust Allowances made in this Respect, shall be deducted out of the Overseer or Overseers Accounts who made the same, at the Settlement thereof.

Labourers  
and Teams  
may be im-  
pressed.

Penalty for  
Neglect on  
Summons.

Rate of La-  
bour.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when there may be Occasion to hire Labourers for the Purposes aforesaid, and they cannot readily be met with, the Overseer or Overseers may summon any Person in the said Town, who commonly works by Days Labour, giving the Party summoned one Day's Notice, and every Person so summoned who shall neglect or refuse to attend and labour as before directed, shall forfeit and pay the Sum of *Seven Shillings* for every such Offence, provided no one Person be compelled to work on Hire more than four Days in one Year; and when Teams cannot readily be hired, the Overseers may summon any Person who keeps a Team and Carriage suitable for the Service to send them, giving the Owner two Days Notice; and every Person so summoned, refusing or neglecting to send such Team and Carriage with a Hand to manage the same, shall forfeit and pay the Sum of *Fifteen Shillings* for every such Offence, provided no one shall be compelled to send a Team more than two Days in one Year, to reckon from the second *Tuesday* in *March*; and a Team of four Creatures and Carriage, with a Hand to manage the same, shall be rated at *Ten Shillings* per Day; and a Labourer from the first Day of *May* to the first Day of *November*, *Three Shillings and Sixpence* per Day, and *Three Shillings* per Day the Rest of the Year, they finding themselves Diet, and performing a sufficient Day's Work; but if they shall come late, or idle and neglect their Business, the Overseer shall deduct so much of their Wages as he may think just and reasonable.

How Money  
may be raised  
on Refusal of  
the Town.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if the Inhabitants of either of the said Townships, at any of their Town-Meetings, on Application made by the Overseer of the Highways, shall refuse to order Money to be raised sufficient to keep the Highways within the said Township in good Repair, the said Overseers shall apply to two Magistrates of the County, and the two chosen Freeholders of the said Township, who are hereby commanded to appoint a Time to meet and inspect the said Overseers Accounts; and if, upon such Inspection, they find there is not Money in the Overseers Hands sufficient for the Purposes aforesaid, they shall make an Order commanding the Assessor to assess such Sum or Sums of Money in Manner aforesaid, as they the said Magistrates and Freeholders, or any three of them, may think necessary, on the Inhabitants of the said Township; which Order shall be as effectual to all Intents and Purposes as though it had been made by the Town-Meeting.

7. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Justice of the Peace or Freeholder shall neglect or refuse to do  
and

and perform any Matter or Thing enjoined him or them by this Act, or Overseer or Overseers shall neglect or refuse to settle his or their Account as aforesaid, and pay the Balance, if any be, to their Successors, he or they so offending shall forfeit and pay the Sum of *Five Pounds* for every such Offence; which said Fines, and all others imposed by this Act, shall be recovered by the Overseers of the Highways by Action of Debt, in any Court of Record where the Suit may be cognizable, and applied to the Repairs of the Highways in the said Township.

Penalties on  
Officers for  
Neglect of  
Duty.

8. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That this Act shall be and continue in Force three Years, and from thence to the End of the next Session of General Assembly, and no longer.

Continuance:

C H A P. DCVII.

*An ACT for the Support of Government of His Majesty's Colony of New-Jersey, to commence the first Day of October One Thousand Seven Hundred and Seventy-three, and to end the first Day of October One Thousand Seven Hundred and Seventy-four, and to discharge the publick Debts and contingent Charges thereof.*

Passed March 11, 1774.

The eighth Section of this Act is as follows, the Rest of the Law being expired, *to wit*,

8. AND WHEREAS by an Act passed in the twelfth Year of the Reign of his present Majesty, entitled, *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the first Day of October One Thousand Seven Hundred and Seventy-one, and to end the first Day of October One Thousand Seven Hundred and Seventy-two, and to discharge the publick Debts and contingent Charges thereof*, among other Things the Treasurers of this Colony were authorized to apply the Monies made subject to the Demand of the Committee of Correspondence by an Act passed in the thirty-first Year of the Reign of *George* the second, to the Payment of the several Sums by the said recited Act passed in the twelfth Year of his present Majesty's Reign, given and granted: And, for replacing the same in the Treasury, it was by the said last recited Act Enacted and Declared, that the Treasurers of this Colony should replace the same out of any Money outstanding on Bonds and Mortgages, as the same should by them, or either of them, be received; BE IT THEREFORE ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the Treasurers of this Colony, or either of them, and they are hereby directed and required, out of any Money outstanding on Bonds or Mortgages, as the same shall be by them, or either of them received, to replace all such Money as shall be advanced by Virtue of the said last recited Act; which Money, at all Times hereafter, shall be subject to the Demand of *John Wetherill, James Kinsley, Samuel Tucker, Henry Paxson, John Combs, junior, John Hinchman, Richard Lawrence, Robert Friend Price and Anthony Sykes*, Esquires, the present Committee of Correspondence, or

any five of them, in the same Manner, and to be applied to the same Purposes as in and by the said Act of the thirty-first of George the second is directed.

Obsolete. CHAP. DCVIII. *An Act for defraying Incidental Charges.*

Supplied and repealed by Chap. DCXXIV. CHAP. DCIX. *An Act for the better preserving of Oysters in the Colony of New-Jersey.*

Private. CHAP. DCX. *An Act to enable sundry of the Owners and Possessors of Meadows and Tide Marsh lying on Mason's Creek, in the Township of Evesham, and County of Burlington, to erect and maintain a Bank, Dam and other Waterworks across the said Creek, in order to prevent the Tide from overflowing the same.*

Private. CHAP. DCXI. *An Act to enable the Owners and Possessors of the low Lands, Meadows and Swamps on both Sides of Assunpink Brook, from the Line commonly called George Keith's, to the Lands of John Ely, to remove the Obstructions to the free Course of the Waters of the same Brook.*

Private. CHAP. DCXII. *An Act to enable the Owners and Possessors of a Tract of Marsh and Meadow in Lower-Penn's-Neck, in the County of Salem, to uphold and maintain a certain Bank for draining the said Marsh; and for other Purposes therein mentioned.*

Private. CHAP. DCXIII. *An Act to enable the Owners and Possessors of a Tract of Marsh and Swamp in Upper-Penn's Neck, in the County of Salem, to erect and maintain a Bank, Dam and other Waterworks, in order to prevent the Tide from overflowing the same.*

Private. CHAP. DCXIV. *An Act for erecting a Dam, Mills and other Waterworks on Nacut Creek, in the County of Gloucester; and to indemnify those whose Property may be injured thereby.*

CHAP. DCXV. *An Act to enable sundry of the Owners and Possessors of Meadows and Tide Marsh lying on English's Creek, in the County of Burlington, to erect and maintain a Bank, Dam and other Waterworks across the said Creek, in order to prevent the Tide from overflowing the same; and to keep the former Watercourse of said Creek open and clear; and to make the said Dam, when erected, a publick Landing.*

This Act, though of a private Nature, contains one publick Clause, which is as follows, *to wit.*

The Dam declared a publick Landing.

7. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Dam, when erected over and across the said Creek, shall be and hereby is declared a publick Landing; and that it shall and may be lawful for all Persons whatsoever to land, or cause to be landed on the said Bank, on the East Side of the Gates, Wood, Plank, Timber, or any other Merchandize, without any Molestation from any Person or Persons whatsoever, any Thing herein before contained to the contrary thereof in anywise notwithstanding.

The Act bearing a fimilar Title to this, passed in 1772, Chap. DLXXXI, is hereby repealed ; which Act repealed Chap. DLXI.

- CHAP. DCXVI. *An Act to enable the Owners and Possessors of the Meadows and Marsh adjoining Repaupau Creek, in the County of Gloucester, to erect, cast up, repair and maintain a Dam, and Bank, and Waterworks, sufficient to prevent the Tide from overflowing the same.* Private.
- CHAP. DCXVII. *An Act to enable the Owners and Possessors of Marshes, Meadows and Swamps, bounding on the southwest Side of Raccoon Creek, between the Banks of Constantine Wilkins and Conrad Shoemaker, in the Township of Woolwich, and County of Gloucester, known by the Name of the Thoroughfare Island Marshes, Meadows and Swamps, to stop out the Tide from overflowing the same ; and for other Purposes therein mentioned.* Private.
- CHAP. DCXVIII. *An Act to enable sundry Persons Proprietors and Possessors of certain Lands and Meadows lying upon the Walkill, in the County of Suffex, commonly called and known by the Name of the Drowned Lands, to drain the same ; and for other Purposes therein mentioned.* Private.
- CHAP. DCXIX. *An Act to relieve Sarah Ely, Isaac De Cow and David Brearily, junior, with Respect to the Loss of two Title Deeds by Fire.* Private.
- CHAP. DCXX. *An Act to suspend the Prosecution of the County Collector of Cape-May for a limited Time.* Private—Expired.
- CHAP. DCXXI. *An Act for the Relief of Abner Hetfield, an Insolvent Debtor.* Private.

These Acts were passed the eleventh Day of *March*, 1774

At a GENERAL ASSEMBLY held at Perth-Amboy from the Eleventh Day of January to the Thirteenth Day of February 1775, in the Fifteenth Year of the Reign of King George the Third, the following Laws were passed.

SESSION THE THIRD.

CHAP.

C H A P. DCXXII.

*An ACT for raising the Sum of One Hundred and Twenty-two Pounds Fourteen Shillings and Three-pence, Proclamation Money, on the Inhabitants of the Counties of Middlesex and Somerset, for repaying the Managers of the Landing Bridge the Money they have advanced for completing the said Bridge.*

Passed Feb. 11, 1775.

Preamble.

**W**HEREAS in Consequence of a Petition from a large Number of the Inhabitants of the Counties of *Middlesex* and *Somerset*, presented to the Legislature at the last Session at *Burlington*, Leave was given to bring in a Bill at this Session for the Purpose aforesaid, provided Notice thereof was given in *Hugh Gaine's* News-Paper, and no reasonable Objections should be made thereto; and it appearing that said Notice hath been given, and no Objection appearing,

Money to be raised, and how.

*Sect. I.* BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the Sum of *One Hundred and Twenty-two Pounds Fourteen Shillings and Three-pence* shall be raised; one Moiety on the Inhabitants of the County of *Middlesex*, and the other Moiety on the Inhabitants of the County of *Somerset*; to be assessed and collected by the same Officers, at the same Time, and in the same Proportion, Manner and Form, and the said Officers shall be entitled to the same Fees and Rewards for their Trouble, and subjected to the same Fines and Penalties, as is prescribed and directed by the Act for raising of the Provincial Taxes.

To whom to be paid.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Sum of *One Hundred and Twenty-two Pounds Fourteen Shillings and Three-pence*, Money aforesaid, shall be paid by the several Town and Precinct Collectors of the Counties of *Middlesex* and *Somerset*, according to their respective Quotas, to *John Duykinck* and *Charles Sudam*, or either of them, in full of their Accounts of Disbursements for building and completing the aforesaid Bridge over *Raritan* River at the Landing; any Law to the contrary notwithstanding.

C H A P. DCXXIII.

*An ACT to erect and establish Courts in the several Counties in this Colony for the Trial of small Causes, and to repeal the former Act for that Purpose.*

Passed Feb. 11, 1775.

Preamble.

**W**HEREAS an Act, entitled, *An Act to erect and establish Courts in the several Counties of this Colony for the Trial of small Causes*, has, by many Years Experience, been found very beneficial to the Inhabitants of this Colony; and it being near expiring by its own Limitation,

*Sect.*

*Seçt. 1.* 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 Actions of Debt and other Demands for and under the real Value of *Six 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 Colony in the County, City or Town-corporate in which the Defendant shall be or reside: And the said Justices are hereby respectively empowered and required, upon Application to either of them made for the Recovery of any such Debt or Demand, to issue a Summons or Warrant, as the Case may require; on which Summons or Warrant shall be endorsed by the Justice the Plaintiff's Demand, 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 the 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 some 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 allowed.

Actions of Debt, &c. for and under Six Pounds, how cognizable.

Mode of Proceeding.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Process against all Freeholders that are Inhabitants shall be by Summons only; which Summons shall be signed by the Justice that shall grant it, and served on the Person of the Defendant; or in his Absence the said Summons or a Copy thereof shall be left at his House in the Presence of some white Person of the Family above the Age of fourteen Years, who shall be informed of the Contents thereof, at least five Days before the Time appointed for a Hearing: And in case the Defendant does 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 said Summons, then the Justice shall and may, in his Discretion, defer the Hearing of the said Cause.

What Process against Freeholders.

When Judgment may be given in Defendant's Absence.

3. 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

When a Freeholder may be arrested.

against such Freeholder, he or she will be in Danger of loosing 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 Warrant in such Manner as if the Defendant had not been a Freeholder: And if any Defendant shall require a longer Time than is first appointed by the said Justice, and will, if required, give sufficient Security to appear and stand Trial on such other Day as shall be appointed, then the said Justice is hereby required and empowered to adjourn the Trial of such Cause to any Day he shall think most convenient, not exceeding twelve Days nor less than three from that Time, unless the Justice and Parties shall otherwise consent and agree.

Security to be given on Delay prayed.

When a Jury may be demanded, and Mode of Summons.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in every ACTION that shall hereafter be brought in this Colony by Virtue of this Act, when the real Debt or Demand exceeds the Sum of *Forty Skillings*, Money aforesaid, it shall and may be lawful for either of the Parties to the Suit, if on Summons, on the Day of Appearance mentioned in the Summons, and, if on Warrant, upon the Defendant's Appearance before the Justice, to demand a Jury; and, upon such Demand, the said Justice is hereby required and commanded to issue a *Venire* to the Constable of any of the Towns, Districts or Precincts of the said County, commanding him to bring, or cause to come at such certain Time and Place as shall be in the *Venire* expressed, six good and lawful Men of the County, being Freeholders, to whom legal Challenges by either Party shall be allowed, and the Constable directed to summon others forthwith, in Lieu of those legally challenged, to which six Men, approved of by the Justice, he shall administer an Oath or Affirmation in the Words following, *Videlicet*,

Form of the Qualification.

*YOU shall well and truly try this Matter in Difference between A B Plaintiff, and C D Defendant, and a true Verdict give according to Evidence.*

Manner of Trial.

AND, after the six Persons have taken the Oath or Affirmation aforesaid, they shall sit together and hear the several Proofs and Allegations of the Parties, which 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.

Justice how to give Judgment.

5. PROVIDED ALWAYS, That if any Plaintiff or Defendant in any such Suit shall demand a Jury, and upon the Trial of said Cause, the Jury do find the Sum due to either Party to be under *Forty Skillings*, Money aforesaid, then, and in such Case, the Justice before whom the said Cause shall be so tried, shall give Judgment, that the said Party shall recover his Debt or Damages so found by the Jury; and further shall give Judgment, that the Person or Persons that did demand the Jury shall pay all the Cost and Charges that have accrued by the Reason of the demanding the said Jury.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if the Plaintiff, in any such Suit or ACTION, shall be non-suited or discontinued

continue his Suit without the Leave of the Defendant, then Judgment shall be given against him for the Cost accrued; or if he shall appear to be indebted to the Defendant, then Judgment shall be given against him for the said 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 Gaol 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, shall expose them to Sale by publick Vendue to the highest Bidder, and pay the Money forthwith to the Plaintiff, or in his Absence to the Justice, and return the Overplus, if any be, to the Owner; and, for Want of sufficient Goods and Chattels whereon to levy the Execution, the Constable to whom any such Execution shall be directed shall, according to the Tenor of the said Execution, take the Body of the Person against whom any such Execution shall be granted, and deliver him or her unto the Sheriff, Under-Sheriff or Gaol-keeper, at the common Gaol of that County, City or Town-corporate, which said Sheriff, Under-Sheriff or Gaol-keeper, is hereby commanded to keep such Prisoner in his safe Custody in the common Gaol until the Debt or Demand, with the Cost, shall be fully paid, or until he or she shall be from thence delivered by due Course of Law.

Judgment when to be for Defendant.

Mode of executing the Judgment.

7. 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 one Month after 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 loosing their Debt if such Delay be allowed; in which Case a Justice shall issue his Warrant of Execution immediately, as herein before directed, unless the Party, against whom such Judgment is given, shall thereupon 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 Month: And it is the Intent and Meaning of this Act, that if any Defendant in any Action shall appear at the Return of the Precept, and procure any Freeholder to confess Judgment with Interest, he or she shall be entitled to the same Privileges as any Freeholder is entitled to by Virtue of this Law.

When Execution is to be delayed, and how long.

8. 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

Appeal given, in what Cases.

think him, her or themselves aggrieved by any Judgment given as aforesaid, for the Sum of *Twenty 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 General Quarter-Sessions of the Peace to be held for the County, City, or Town-Corporate, after the Judgment given; and the Justice before whom the said Cause was tried is required to grant an Appeal upon the Condition following, and no other, *That is to say*, The Party demanding an Appeal shall enter into Bond to the other Party, with at least one sufficient Security, in double the Debt, 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 Cost as shall be taxed, in case the Judgment of the Justice is affirmed; and the said Justices of the said Court of General Quarter-Sessions of the Peace shall, in a summary Way, hear and determine all such Appeals from a single Justice, give Judgment, and award Execution thereon, with Cost.

No Appeal from a Verdict.

9. PROVIDED ALWAYS, That in every Cause wherein a Jury of six Men give a Verdict as aforesaid, 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.

Justices to keep fair Entries of their Proceedings.

10. 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 Cases as shall come before them, with the Debt and Cost adjudged, and the Time when such Judgment was given; and, in any Case when there shall be a Jury as aforesaid, he shall set down the Verdict by them given; and, where any Appeal shall be granted, the Justice, who pronounced the Judgment appealed from, shall send a Transcript of such Entry under his Seal, together with the Bond aforesaid, 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.

Who to sit on the Appeal.

11. PROVIDED ALWAYS, That none of the Justices who, by Virtue of this Act, shall have heard and determined any of the Causes aforesaid out of the Court, shall afterwards sit on the Hearing and Determining the same Cause on an Appeal made to any of the Courts of General Sessions aforesaid.

Persons suing otherwise, shall recover no Cost.

12. 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 thereon for Debt or Damages, which, without Cost of Suit, shall not amount to more than *Six 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, she or they, so making Oath or Affirmation, did believe the Debt due or Damages sustained exceeded the Sum of *Six Pounds*, Money aforesaid  
he,

he, she or they so prosecuting, shall not recover or have any Cost in such Suit, any Law, Usage or Custom to the contrary in anywise notwithstanding.

13. PROVIDED ALWAYS, That neither this Act, nor any Thing herein contained, shall be deemed, construed or understood, to extend to Actions of Replevin 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.

This Act not to extend to certain Actions.

14. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That whensoever any Person within this Colony shall be sued or prosecuted before any Justice of the Peace for Rent, and the Title of Land shall be pleaded, it shall and may be lawful for such Justice, whenever the Sum demanded shall not exceed *Six Pounds*, Money aforesaid, to proceed and determine, notwithstanding any Claim the Defendant may make to the Land whereon he lives, or did live when such Rent became due, unless the Defendant or Defendants shall immediately enter into a Bond to the Plaintiff with one or more sufficient Securities, being Freeholders, in the Sum of *Thirty Pounds*, conditioned for his Appearance in the Supreme Court of this Colony, and enter his, her or their Appearance to a Suit to be there entered for the Recovery or Determining the Right and Title to the Lands for which the Rent was demanded, and to pay the Debt and Damages found against him, with Costs of Suit, any Law, Usage or Custom to the contrary notwithstanding.

Defendant claiming Title to Lands rented to give Security.

15. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Constable, neglecting all or any of the Duties enjoined by this Act, shall forfeit and pay the Sum of *Five Pounds*, to be recovered by any Person suing for the same; one Half to the Use of the Person so suing, the other Half for the Use of the Poor of the Township of which he is Constable.

Penalty on Constables neglecting Duty.

16. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That, from and after the Publication of this Act, the Justices of the Supreme Court, or either of them, shall not, in the Vacation, allow any Writ or Writs of *Certiorari* for the Removal of any Action made cognizable before a single Magistrate, and by him determined by Virtue of this Act, unless the Reasons for granting such *Certiorari* shall be drawn up in Writing, and subscribed by some Attorney at Law of this Colony, and being presented to either of the Justices of the said Supreme Court, shall be by him deemed a probable Cause of Objection to such Judgment; nor shall any such Writ or Writs of *Certiorari*, after such Allowance, be proceeded upon, unless upon the Return thereof the said Writ, with the said Reasons annexed, shall be in open Court offered to the Consideration of the said Supreme Court, and the Reasons aforesaid approved of by the Court.

*Certiorari* when and how to be allowed.

17. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no greater or other Fees shall be allowed, taxed or taken in Actions brought in the Manner by this Act directed, than as in this Act is appointed to be taken; *That is to say,*

Fees.

## J U S T I C E S F E E S.

A Summons, *Six-pence.*

A Warrant, *One Shilling.*

A Judgment, *Nine-pence.*

Administering every Oath or Affirmation, *Four-pence.*

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.*

## E V I D E N C E S.

Attending on Summons or otherwise, *Two Shillings per Day*, and so in Proportion for a longer or shorter Time.

## C O N S T A B L E.

Serving every Warrant or Summons, *Two Shillings.*

Every Execution, *Two Shillings and Six-pence.*

Summoning every Jury, *Two Shillings and Six-pence.*

## J U R I E S.

All Causes tried, *One Shilling per Man.*

All Causes when summoned, and the Cause not tried, *Six-pence per Man.*

Drawing a Bond on an Appeal, or any other Bond, to the Person drawing the same, *One Shilling.*

How many  
Witnesses  
allowed Fees.

18. PROVIDED ALWAYS, That no Fees shall be allowed for the Service of any *Subpœnas* for more than two Witnesses, nor shall Fees be allowed to more than two Witnesses for each Party in each Cause on any Pretence whatever.

Justices not  
to try a Cause  
at a Tavern.

19. AND BE IT ENACTED *by the Authority aforesaid*, That no Justice or Justices of the Peace shall hold any Court or Courts for the Trial of Causes made cognizable before them by Virtue of this Act in any Tavern or publick House; and if any Justice or Justices shall presume so to do, he or they shall forfeit the Sum of *Five Pounds* for each and every Offence, to be recovered by Action of Debt, with Costs of Suit, by any Person who shall prosecute the same to Effect, to be applied the one Half thereof to the Use of the Prosecutor, and the other Half to the Overseer of the Poor for the Use of the Poor of the City, Township or Precinct wherein the Fact shall be committed.

Limitation.

20. AND BE IT ENACTED *by the Authority aforesaid*, That this Act, together with all Things therein contained, shall continue and be in Force for ten Years after the Publication thereof, and from thence to the End of the next Session of General Assembly, and no longer.

Repeal of  
former Act.

21. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That an Act, entitled, *An Act to erect and establish Courts in the several Counties in this Colony for the Trial of small Causes*,\* shall be, and is hereby repealed and made void to all Intents and Purposes.

\* Chap. CCCCLXXXV.

C H A P. DCXXIV.

*An ACT for the Preservation of Oysters in the Colony of New-Jersey.*

Passed Feb. 11, 1775.

**W**HEREAS the Preservation of Oysters in this Colony deserves the Attention of the Legislature; Preamble.

*Sect. 1.* BE IT THEREFORE ENACTED by the Governor, Council and General Assembly of this Colony, and it is hereby Enacted by the Authority of the same, That, from and after the first Day of May, and until the first Day of September yearly and every Year, no Person or Persons whatsoever shall, under Pretence of taking Clams or other Shell-fish, rake upon any Oyster Banks or Beds within the said Colony; and if any Person or Persons shall so presume to do, whether Oysters are taken or not, he or they so offending shall, for each and every Offence, severally forfeit and pay the Sum of *Forty Shillings*, to be recovered by Action of Debt, before any Justice of the Peace of the City or County wherein the Fact is committed, or the Offender or Offenders do live, or shall be taken; to be applied two Thirds thereof to the Use of the Informer or Person that shall prosecute the same to Effect, and the remaining Third to be applied to the Use of the Poor of the City or Township wherein the Offender or Offenders shall be convicted. When Oysters may not be taken.  
Penalty  
Application.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Mayor, Recorder, or any one Alderman of any City or Town-corporate in this Colony, or the Justices of the Peace of the several Counties of this Colony, or either of them, shall and may, and they are hereby empowered and directed, upon his or their own View, or the Information of any credible Person or Persons on Oath or Affirmation, to issue his or their Warrant to the Constable or Constables of any Township or Precinct in this Province, commanding him or them to summon and require, in His Majesty's Name, such and so many Persons as he or they shall think necessary to aid and assist such Constable or Constables in apprehending and seizing all and every Person or Persons that shall be found offending against this Act, in any of the Bays or Rivers of this Colony; which Person or Persons so offending, being brought before such Mayor, Recorder, Alderman or Justice of the Peace, and duly convicted of the said Offence, shall forfeit and pay the Sum of *Forty Shillings*, as aforesaid. Mode of Prosecution.

3. AND WHEREAS a Practice hath prevailed of raking and gathering great Quantities of Oysters with Intent to burn the same for Lime only, whereby great Waste is made, and the Oyster Beds thereby in danger of being entirely destroyed, BE IT THEREFORE ENACTED by the Authority aforesaid, That, from and after the Publication of this Act, if any Person or Persons whatsoever shall rake or gather Oysters in any of the Rivers or Bays of this Colony, for the Intent of burning Lime only, he or they so offending shall forfeit and pay, for each and every Offence, the Sum of *Three Pounds*; to be recovered by Action of Debt before any Magistrate of any City or Town-corporate, or before any Justice of the Peace of this Colony, and applied one Half to the Penalty for burning Oysters for Lime.

Prosecutor

Prosecutor or Prosecutors, and the other Half for the Use of the Poor of the City or Township in which the Fact was committed.

Penalty for offering Oysters for Sale, when.

4. AND BE IT FURTHER ENACTED, That if any Person or Persons whatsoever shall presume to offer any Oysters for Sale between the first Day of *May* and the first Day of *September* aforesaid, such Person or Persons shall forfeit the whole Quantity of such Oysters in his or their Possession; and the Overseer of the Poor of the District, where such Offence shall have been committed, is hereby authorized and directed to take the same, and distribute them among the Poor of the said District.

Continuance.

5. AND BE IT ENACTED by the Authority aforesaid, That this Act shall continue in Force for the Term of five Years, and from thence to the End of the next Session of General Assembly, and no longer.

Repeal.

6. AND BE IT ENACTED by the Authority aforesaid, That the Act, entitled, *An Act for the better preserving of Oysters in the Colony of New-Jersey*,\* shall be, and the same is hereby repealed.

C H A P. DCXXV.

*An ACT for raising the Sum of Three Hundred and Fifty-seven Pounds Fourteen Shillings and Eleven-pence, Proclamation Money, on the Inhabitants of the County of Somerset, for repaying certain Persons therein named the Money they have advanced in rebuilding Queen's Bridge.*

Passed Feb. 11, 1775.

Preamble.

**W**HEREAS a very great Number of the Inhabitants and Freeholders of the County of *Somerset* have, by their humble Petition, set forth, That *Peter Perine, Jeremiah Field and Jonathan Smith*, the Managers for rebuilding *Queen's Bridge*, have expended the Sum of *Three Hundred and Twenty-eight Pounds Four Shillings and Two-pence*, Proclamation Money, over and above the Money that they have received for completing said Bridge; and that the said Bridge is useful and necessary, and therefore prayed, that the Monies so expended should be levied on the Inhabitants of the said County: AND WHEREAS by a Petition presented by the said Managers, setting forth, That they have taken up the said Money upon Loan, and will be considerable Loofers unless they have the Interest allowed them; and it appearing just and reasonable that the Monies so advanced by them, with the Interest for the same, amounting in the Whole to the Sum of *Three Hundred and Fifty-seven Pounds Fourteen Shillings and Eleven-pence*, should be repaid them, pursuant to the Petition first recited.

Money to be raised, and how.

*Sect. 1.* BE IT THEREFORE ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the Sum of *Three Hundred and Fifty-seven Pounds Fourteen Shillings and Eleven-pence*, Proclamation Money, being the Principal and Interest of the Money so advanced, shall be raised on the Inhabitants of the

\* Chap. DCIX.

the County of *Somerset*, and assessed and collected at the same Time, and by the same Officers, in the same Proportion, Manner and Form, as the Provincial Taxes are raised and collected for this present Year; and the said Officers so assessing and collecting the same, shall be entitled to the same Fees and Rewards for their Trouble, and subject to the same Fines and Forfeitures for Neglect of Duty, as by the Act for raising the Provincial Taxes is directed.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Sum of *Three Hundred and Fifty-seven Pounds Fourteen Shillings and Eleven-pence* shall be paid by the respective Town and Precinct Collectors, according to their respective Quotas, by the twenty-first Day of *December* next, to *Peter Perine*, Esquire, *Jeremiah Field* and *Jonathan Smith*, or either of them, in full of their Accounts of Disbursements for rebuilding *Queen's Bridge*; any Law, Usage or Custom to the contrary notwithstanding.

To whom to be paid.

C H A P. DCXXVI.

An ACT to confirm and establish a Road laid out by Virtue of an Act, entitled, An Act for laying out and establishing a Road from *Bergen Point* along up *Newark Bay*, and from thence to *Paulus-Hook*, on *Hudson's River*.

Passed Feb. 11, 1775.

WHEREAS by an Act of this Colony passed in the sixth Year of His Majesty's Reign, entitled, *An Act for laying out and establishing a Road from Bergen Point along up Newark Bay, and from thence to Paulus-Hook on Hudson's River*,\* the Commissioners therein named did lay out a certain Road from *Bergen Point* up *Newark Bay* towards and to *Paulus-Hook*: AND WHEREAS the said Road has been deemed subject to Alteration by Virtue of the Powers given to the Surveyors of the Highways by an Act passed in the fourteenth Year of His Majesty's Reign, entitled, *An Act for regulating Roads and Bridges*,† whereby great Uneasiness hath arisen among the Inhabitants, and the said Road hath in Part been shut up, and another laid out not so convenient to the Publick;

Preamble.

SECT. I. THEREFORE BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the Road laid out by the Commissioners, in the said Act named, from *Bergen Point* up *Newark Bay* unto the Place where the same intersects the Road commonly called the *Old Road*, shall be, remain and continue a publick Road for-ever; to be made, repaired and amended by the Owner or Owners of the Ferry at *Bergen Point*, not subject to any Alteration by any Commissioners by Virtue of any Law of this Colony.

Road called the *New Road* laid from *Bergen Point* to *Newark Bay* not subject to Alteration.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Owner or Owners of the said Ferry shall not be compelled to work on the Road called the *Old Road*; any Law to the contrary notwithstanding.

Exemption from working on *Old Road*.

\* Chap. CCCCXLI.

† Chap. DLXXXIX.

C H A P.

C H A P. DCXXVII.

*A supplementary ACT to an Act, entitled, An Act for the Relief of Insolvent Debtors.*

Passed Feb. 13, 1775.

Preamble.

**W**HEREAS Numbers of Poor and Insolvent Debtors appear now to be in Confinement in the several Gaols of the Colony, who are willing to deliver up all their Effects to their Creditors, and yet cannot have the Advantage of an Act passed in the twelfth Year of the Reign of his present Majesty, entitled, *An Act for the Relief of Insolvent Debtors*,\* because the Creditors of those Persons so confined, or two Thirds in Value of his, her or their Creditors, refuse to join with such Debtors in a Petition to the Court for that Purpose: AND WHEREAS it appears that Injury may arise to the Publick from the Confinement of their Persons, and no Advantage to their Creditors;

Prisoners on the first of January 1775 entitled to Relief.

*Sect. 1.* BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That all and every Person or Persons who was or were in actual Prison, in any common Gaol of any County, City or Borough within this Colony, on the first Day of *January*, in the Year of our Lord One Thousand Seven Hundred and Seventy-five, shall be entitled to all the Benefit and Advantages of the before-recited Act, as fully, to all Intents and Purposes whatsoever, as if his, her or their Creditors, or two Thirds in Value of his, her or their Creditors, had petitioned or joined with such Debtor or Debtors in a Petition to the Court for the Benefit of the said Act, any Thing in the before-recited Act to the contrary notwithstanding.

Debtor to conform.

2. PROVIDED ALWAYS, AND IT IS HEREBY FURTHER ENACTED, That before any Debtor shall be discharged by Virtue of this Act, he or she shall conform him or herself to all other the Directions, and be subject to all the Penalties of the Act aforesaid.

Secrecion of Goods excludes Benefit.

3. AND BE IT ENACTED by the Authority aforesaid, That no Person or Persons who have or may secrete any of their Goods or Chattels from any Sheriff, Constable or Creditor, and for which such Sheriff or Constable shall be liable, shall have or be entitled unto any Advantage or Benefit of the said recited Act, until such Goods or Chattels, or the just Value thereof, shall be restored to such Sheriff, Constable or Creditor, or the Creditor or Creditors at whose Suit or Suits such Goods and Chattels were taken, shall, under his, her or their Hands and Seals, release to such Sheriff or Constable all Cause of Action therefor.

Expired.

CHAP. DCXXVIII. *An Act for the Support of Government of His Majesty's Colony of New-Jersey, to commence the first Day of October 1774, and to end the first Day of October 1775; and to discharge the publick Debts and contingent Charges thereof.*

Private.

CHAP. DCXXIX. *An Act to assess the Township of Amwell, in order to reimburse Joseph Moore for repairing a Bridge in said Township.*

CHAP.

\* Chap. DXLVII.

CHAP. DCXXX. *An Act to enable the Owners and Possessors of the* Private.  
*Meadows and Swamps lying on Ramboe's Run, in the Township of*  
*Deptford, in the County of Gloucester, to keep up and maintain the*  
*Banks, Dam and other Waterworks, necessary to prevent the Tide*  
*from overflowing the same, and to keep the Watercourses open and*  
*clear.*

These three Acts were passed the 11th Day of February 1775.

## At a GENERAL ASSEMBLY held at

Burlington from the Fifteenth Day of November to the Sixth Day of December 1775, in the Sixteenth Year of the Reign of King George the Third, the following Laws were passed.

### SESSION THE FOURTH.

#### C H A P. DCXXXI.

*An ACT for the Support of Government of His Majesty's Colony of New-Jersey, to commence the first Day of October One Thousand Seven Hundred and Seventy-five, and to end the first Day of October One Thousand Seven Hundred and Seventy-six ; and to discharge the publick Debts and contingent Charges thereof.*

Passed Dec. 6, 1775.

**W**HEREAS the Act for supporting of Government of His Majesty's Colony of *New-Jersey* expired on the first Day of *October* last, We, the House of Representatives, being willing and desirous to give all possible Demonstrations of our Duty, Loyalty and Gratitude, by providing for the Support of His Majesty's Government over Us, Do pray that it may be Enacted ; Preamble.

*Señ. I. AND BE IT ENACTED by the Governor, Council and General Assembly of this Colony of New-Jersey, and it is hereby Enacted by the Authority of the same, That, for paying of the Salaries of the Governor and other Officers appointed for the Administration of the Government of this Colony, there shall be, and there is hereby cheerfully given unto His Majesty, his Heirs and Successors, the several Sums following in Money as it now passes in the Western Division of this Colony, to be paid out of any unapplied Money now in the Treasury, or that may come therein by Payment of any Sum or Sums now outstanding and due to this Colony or otherwise, as herein after is provided, That is to say,* Grant of Salaries to several Officers.

To His Excellency WILLIAM FRANKLIN, Esquire, Governor and Commander in Chief of this Colony, at the Rate of *Twelve Hundred Pounds per Annum*, Money aforesaid, to commence the first Day of *October* last. To

† There was a Meeting of the General Assembly at *Burlington* in *May* last, but no Law passed.

To *David Ogden*, Esquire, one of the Justices of the Supreme Court of this Colony, at the Rate of *One Hundred and Fifty Pounds per Annum*, Money aforesaid.

To *Richard Stockton*, Esquire, one of the Justices of the Supreme Court of this Colony, at the Rate of *One Hundred and Fifty Pounds per Annum*, Money aforesaid.

To *Cortland Skinner*, Esquire, Attorney-General of this Colony, at the Rate of *Forty Pounds per Annum*, Money aforesaid.

To *Joseph Smith* and *John Smyth*, Esquires, Treasurers of this Colony, each at the Rate of *Forty Pounds per Annum*, Money aforesaid.

To the Clerk of the Council, for the Time being, at the Rate of *Thirty Pounds per Annum*, Money aforesaid.

To *Dennis Debert*, Agent of this Colony, at the Rate of *One Hundred Pounds per Annum*, Money aforesaid.

To the Clerk of the Circuits, for the Time being, residing in this Colony, at the Rate of *Twenty Pounds per Annum*, Money aforesaid.

To the Doorkeeper of the Council of this Colony, at the Rate of *Ten Pounds per Annum*, Money aforesaid.

Mode of Payment.

ALL which several Sums above-mentioned shall be paid to the several Officers before-mentioned for their respective Salaries for and during one Year, by the Treasurers of this Colony, or either of them, on Warrants to be produced to them, or either of them, signed by the Governor or Commander in Chief for the Time being in Council; and the Warrants so signed, with Endorsements 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 or either of their Heirs, Executors and Administrators, of and from so much of the said Money.

A Proportion to be paid in case of Death, &c.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That in case His Excellency *William Franklin*, Esquire, Commander in Chief of this Colony, shall, by Death or otherwise, cease to be Governor or Commander in Chief of the same, or that any other of the respective Officers herein before-mentioned shall happen to die, or otherwise be removed from their respective Offices, at any Time after the Passing of this Act and before the first Day of *October* which will be in the Year of our Lord One Thousand Seven Hundred and Seventy-six, 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 and commanded to pay to His Excellency *William Franklin*, Esquire, or to the said other Officers, or to his or their several Executors, Administrators and Assigns, or to their Orders, out of the Money as aforesaid, so much thereof as at the Time of his said Excellency's ceasing to be Governor as aforesaid, or to the said respective Officers dying, or being otherwise disabled from holding their Offices as aforesaid, shall remain in Arrear and unpaid to them, for his and their respective Salaries.

3. AND WHEREAS it is necessary that the present Governor should be provided with a House to live in until one shall be provided for that Purpose; BE IT ENACTED by the Authority aforesaid, That there shall be paid, out of the Money aforesaid, to His said Excellency  
*William*

*William Franklin*, Esquire, at the Rate of *Sixty Pounds per Annum*, Money aforesaid, for House-Rent, during the Continuance of this Act, provided he makes *Perth-Amboy* or *Burlington* the Place of his Residence. Governor's  
House Rent.

4. AND WHEREAS it is fitting and necessary that the publick Debts and contingent Charges of the Government should, from Time to Time, be honourably and punctually discharged: Therefore, for defraying the same, We, the House of Representatives, do further pray that it may be Enacted; AND BE IT ENACTED *by the Authority aforesaid*, That the said Treasurers, or either of them, shall pay, out of the Money aforesaid, to the Justice or Justices of the Supreme Court of this Colony, *Ten Pounds* for each Time, during the Continuance of this Act, that they or either of them shall, after the Publication of this Act, hold the Court of *Nisi Prius* and Oyer and Terminer and General Gaol Delivery, when it shall be necessary that they be held at the same Time in the respective Counties of this Colony, either at the Time appointed, or that hereafter shall be appointed for holding the said Courts, provided there shall be a real Occasion for holding the same; which said Sum of *Ten Pounds* shall be equally divided between the Justices who shall attend the said Courts. PROVIDED, 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 Supreme Courts shall be held at *Perth-Amboy* and *Burlington*. PROVIDED ALWAYS, That no more than two of the said Courts of Oyer and Terminer and General Gaol Delivery held in any one County, during the Continuance of this Act, shall be paid for by Virtue of this Act; one of them to be held, if there should be Occasion, at the Time of holding the Courts of *Nisi Prius*; and the other of the said Courts of Oyer and Terminer and General Gaol 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 the said County, to any one of the Justices of the Supreme Court. PROVIDED ALSO, That twenty Days Notice be given of the Day of holding such Courts of *Nisi Prius* and Courts of Oyer and Terminer. Circuit  
Courts pro-  
vided for.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Treasurers, or either of them, shall pay the Sum of *Eight Shillings per Diem* unto each of the Council for each Day that they shall respectively attend at any Sitting of the General Assembly during the Continuance of this Act, upon Warrants by them, their Executors, Administrators or Assigns, to be produced, signed by the Governor or Commander in Chief in Council, expressing the Number of Days each of the said Council shall have attended. Council's  
Fees.

6. 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, *Videlicet*,

To *Richard Smith*, one of the Clerks of the House of Representatives, or any other Clerk of this House, for his Attendance, the Sum of *Ten Shillings per Diem*, for the Time he hath or shall attend at any Sitting of General Assembly, during the Continuance of this Act; also the Sum of *Four-pence* per Sheet, reckoning Ninety Words to the Sheet, for entering Clerk of the  
Assembly's.

the Minutes of any Sitting, during the Continuance of this Act, fair in the Journals, and copying the Laws and Minutes for the Printer. And to the said *Richard Smith* the Sum of *Ten Pounds* for Pen, Ink and Paper, and hiring Clerks to forward the Business of this Session; and for a Journal, for the Use of the General Assembly, *Thirty-three Shillings*.

Clerk of the Council's.

To *Charles Pettit*, Esquire, Deputy-Secretary, for copying publick Laws to send Home to *England*, during the Continuance of this Act, *Four-pence* per Sheet, reckoning Ninety Words to the Sheet; and to the said *Charles Pettit*, for extraordinary Services, the Sum of *Twenty Pounds*.

Treasurers for exchanging ragged Bills.

To each of the Treasurers of this Colony *Six-pence per Pound*, for exchanging ragged and torn Bills of Credit of this Colony.

Printer's.

To *Isaac Collins*, or any other Printer hereafter appointed, for printing the Minutes of the House of Representatives of any Sitting during the Continuance of this Act, and for printing the Laws passed at any Sitting as aforesaid, or any other Printing, such Sums as *Hendrick Fisher*, *Stephen Crane*, *James Kinsey*, and *Thomas Polgreen Hewlings*, Esquires, or any two of them, shall agree to be paid for the said Services.

Sergeant at Arms.

To the Sergeant at Arms, for the Time being, who shall attend the Council, the Sum of *Three Shillings per Diem*; and to the Sergeant at Arms, who shall attend the House of Representatives, the Sum of *Three Shillings per Diem*.

Doorkeeper's Fees;

To the Doorkeeper of the House of Representatives, for the Time being, who shall attend the House in Manner aforesaid, the Sum of *Three Shillings and Six-pence per Diem*.

how to be paid.

ALL which said several Sums above-mentioned shall be and are hereby directed to be paid to the several Persons aforesaid, their Executors or Administrators, out of the Money aforesaid, 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 respectively be made payable, 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.

Representatives Fees.

7. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Treasurers, or either of them, shall pay out of the Money aforesaid, the Sum of *Eight Shillings per Diem* to the Speaker and every of the Members of the House of Representatives for the Time each of them shall attend at any Sitting of General Assembly, during the Continuance of this Act, upon a Certificate to be produced to the Treasurers, or either of them, by each of the said Members, their Executors, Administrators or Assigns, signed by *Cortland Skinner*, *Hendrick Fisher*, *John Mehelm*, *John Hinchman*, *James Kinsey*, *Thomas Polgreen Hewlings*, and *Richard Lawrence*, Esquires, 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 Person to whom the same shall be respectively made payable, shall be sufficient Warrants and Vouchers to discharge them the said Treasurers, or either of them, their Heirs, Executors and Administrators, on Account of the several Payments so made and paid out of the Treasury aforesaid.

8. AND

8. AND WHEREAS a Sum of Money in Gold, Silver, and the current Money of the neighbouring Colonies, sufficient for the Purposes of this Act, now is in the Treasury of this Colony; therefore, BE IT ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the Treasurers of this Colony, and they are hereby authorized to apply such Part of the Monies aforesaid, now in the Treasury, as shall be necessary for the Payment of the several Sums herein and hereby given and granted, and to defray the incidental Charges of Government.

Out of what Monies to be paid.

9. AND, for the replacing the said Money in the Treasury, BE IT ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the said Treasurers, and they are hereby directed and required, out of the Interest Money arising and to be paid into the Treasury of this Colony, by Virtue of the Act, entitled, *An Act for striking One Hundred Thousand Pounds in Bills of Credit, and directing the Mode for sinking the same*,\* or out of any Money outstanding on Bonds and Mortgages, as the same shall be by them, or either of them received, to replace all such Monies now in the Treasury as aforesaid, as shall be applied in Payment of the several Sums in and by this Act given and granted as aforesaid.

How the same to be replaced.

10. AND BE IT ENACTED *by the Authority aforesaid*, That the said Treasurers, or either of them, do pay to the several Persons hereafter named the several Sums following, *to wit*,

To *James Kinsey* and *Thomas Polgreen Hewlings*, Esquires, such Sums of Money as shall be necessary for Fire and Candle for the Use of the Council and Assembly, and for the Rent of the Assembly Room, at *Twenty Shillings* per Week.

Fire and Candles, &c.

To *Samuel Allinson*, Esquire, such Sums of Money for his collecting, revising and publishing the new Edition of the Laws of this Colony, upon the Delivery of the Books, as *James Kinsey*, *Thomas Polgreen Hewlings*, *Henry Paxson*, *Anthony Sykes*, *John Hinchman*, *Robert Friend Price*, *Samuel Tucker* and *John Mehelm*, Esquires, or any five of them, shall agree to be paid for the same.

New Edition of Laws.

To *Charles Pettit*, Esquire, the Sum of *Thirty Pounds Thirteen Shillings*, for summoning the General Assembly in *May* last and this Session, and for transporting the Chest to and from *Amboy*, and preparing the Council Chamber.

Extra Expences.

## C H A P. DCXXXII.

*A supplementary ACT to the Act, entitled, An Act for striking One Hundred Thousand Pounds in Bills of Credit, and directing the Mode for sinking the same.*

Passed Dec. 6, 1775.

WHEREAS in and by the Act, entitled, *An Act for striking One Hundred Thousand Pounds in Bills of Credit, and directing the Mode for sinking the same*,\* it was and stands Enacted, "That a Loan-Office shall be established in each and every County of this Colony, and that within sixty Days after His Majesty's Royal Appro-

Preamble.

\* Chap. DXCI.

" bation

“ bation of this Act shall be published in this Province, the first Judge  
 “ of the Inferior Court of Common Pleas in each respective County  
 “ in this Colony; or in case of his Absence or Disability, then the  
 “ next in Commission shall issue his Precept to one of the Constables  
 “ in said County, commanding him to give Notice to every Justice of  
 “ Peace in the said County, and also every one of the chosen Freehold-  
 “ ers in the said County, who are or shall be chosen for that Year,  
 “ by Virtue of the Act of Assembly of this Colony, entitled, *An Act*  
 “ *for raising of Money for building and repairing of Gaols and Courthouses*  
 “ *within each respective County of this Province,\** for them the said Jus-  
 “ tices and chosen Freeholders to meet together at the Courthouse of the  
 “ said County, on a Day in the said Precept to be fixed, which shall  
 “ not be less than ten Days after the said Notice is actually served,  
 “ and then and there, between the Hours of one and five of the Clock  
 “ in the Afternoon, the said Justices and Freeholders shall proceed to  
 “ the Election of so many Commissioners of the Loan-Office for their  
 “ respective County as in and by the same Act is therein after directed.”  
 AND WHEREAS the Judges of the County of *Monmouth* have omitted  
 to proceed to the Choice of the Commissioners pursuant to the Act afore-  
 said: AND WHEREAS also the said Commissioners in and by the said  
 Act to be chosen, are directed to give Security for the faithful Execu-  
 tion of their Duty, and no Provision is made for the Renewal of such  
 Security in case any of the said Security or Securities should be likely  
 to prove deficient; for the Remedy whereof,

Powers to  
 choose Com-  
 missioners of  
 the Loan-  
 Office in the  
 County of  
*Monmouth*.

*Sec̄. 1.* BE IT ENACTED by the Governor, Council, and General Assem-  
 bly, and it is hereby Enacted by the Authority of the same, That it shall and  
 may be lawful for the first Judge of the Inferior Court of Common Pleas  
 of the County of *Monmouth*, or in case of his Absence or Disability,  
 then the next in Commission, within sixty Days next after the Publica-  
 tion of this Act, to issue his Precept to one of the Constables in the  
 said County, commanding him to give Notice to every Justice of the  
 Peace in the said County, and also to every one of the chosen Free-  
 holders in the said County, who are or shall be chosen for this Year,  
 by Virtue of the Act of Assembly for choosing of Freeholders, for  
 them the said Justices and chosen Freeholders to meet together at the  
 said Courthouse of the said County, on a Day in the said Precept to  
 be fixed, which shall not be less than ten Days after the said Notice is  
 actually served, and then and there, between the Hours of one and  
 five of the Clock in the Afternoon, proceed to the Choice of the Com-  
 missioners of the Loan-Office for the County aforesaid, pursuant to the  
 Directions of the Act aforesaid.

Better Secu-  
 rity may be  
 required of a  
 Commission-  
 er.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That  
 as often as any three Justices of the Peace of any County of this Co-  
 lony, together with a Majority of all the Freeholders chosen in such  
 County, shall think it necessary to call upon any of the Commissioners  
 chosen by Virtue of the Act afore-recited, or by Virtue of this Act,  
 to give any further or better Security for the faithful Execution of  
 their Trust, that then, and in that Case, every Commissioner so chosen  
 as aforesaid, neglecting for the Space of one Month, or refusing so to  
 do, shall be removed from his said Trust; and the Justices and Free-  
 holders

\* Chap. XXXVII.

holders shall proceed to choose others in their Stead in Manner as directed by the said recited Act; which said Commissioner or Commissioners so chosen shall take the same Oath or Affirmation, give like Bond, and be subject to the same Restrictions and Regulations, and receive the same Salaries and Advantages as any Commissioner of the Loan-Office may or ought to do and receive by Virtue of the said recited Act.

Another may  
be chosen on  
Refusal,

C H A P. DCXXXIII.

*An ACT for the speedy Recovery of Debts from Six Pounds  
to Ten Pounds.*

Passed Dec. 6, 1775.

**W**HEREAS the Act for recovering small Debts in the Inferior Courts of Common Pleas in this Colony has been found, by Experience, very Beneficial: AND WHEREAS the said Act expires, by its own Limitation, with this Session of General Assembly; therefore,

Preamble.

*Sect. I.* BE IT 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, all Actions of Debt and other Demands for and under the real Value of *Ten Pounds*, and above *Six Pounds*, Money according to the Proclamation of the late Queen Anne, shall be sued for and prosecuted before the Judges and Justices of the Inferior Court of Common Pleas and General Quarter-Sessions of the Peace of the Counties, Cities or Towns-corporate of this Colony, at the Time of holding the Courts of Common Pleas and General Quarter-Sessions of the Peace in the County, City or Town-corporate, in the Manner following, and not otherwise, *that is to say*, For the Recovery of any such Debt or other Demand as aforesaid, it shall and may be lawful for any Justice of the Peace of any of the Counties, Cities or Towns-corporate in this Colony, on Application to either of them, to issue a Summons or Warrant, 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 before the Judges and Justices of the said County, City or Town-corporate, at the next Court of Common Pleas and General Quarter-Sessions of the Peace to be held at the Courthouse in and for the said County, City or Town-corporate, to answer the Plaintiff's Demand: At which Day it shall and may be lawful for the said Judges and Justices, and they are hereby authorized and directed, to proceed and hear and examine the Allegations and Evidences of the Plaintiff and Defendant in a summary Way, and without any further written Proceedings, and give Judgment thereon, in such Manner, by Nonfuit or otherwise, as to them shall appear agreeable to Equity and Justice, and award Execution thereupon, directed to the Constable or Constables of the Township wherein the Party resides, with such Costs as are herein after allowed.

Debts, be-  
tween Six and  
Ten Pounds,  
where reco-  
verable.

Mode of  
Proceeding.

2. AND BE IT ENACTED by the Authority aforesaid, That the Process against Freeholders shall be by Summons only, and a Copy thereof served on the Defendant, or left at his House or Place of Abode, in the Presence of one or more of his Family, or Neighbours, who shall

Process a-  
gainst a Free-  
holder.

- Procefs  
againſt Per-  
ſons not Free-  
holders.
- Debt and  
Coſts to be  
endorſed.
- When Judg-  
ment may be  
given in De-  
fendant's  
Abſence.
- When Hear-  
ing may be  
deferred.
- When a Free-  
holder may  
be arreſted.
- Bail thereon.
- Judgment on  
Default.
- Procefs a-  
gainſt Non-  
Reſidents.
- be informed of the Contents thereof, at leaſt ten Days before the Day of Return therein mentioned; and that the Proceſs againſt Perſons not Freeholders ſhall be by Warrant in the Nature of a *Capias*, or Summons, at the Election of the Plaintiff or Plaintiffs, which ſhall be ſerved on the Defendant at leaſt ten Days before the Day of Return therein mentioned: And on each and every ſuch Summons or Warrant ſhall be endorſed the Debt due or Sum demanded with Coſts: And in caſe the Defendant ſhall think proper to pay ſuch Debt or Demand, with the Coſts ſo endorſed as aforeſaid, that then, and in ſuch Caſe, it ſhall be lawful for the Conſtable to receive the ſame, and his Receipt ſhall be a full Diſcharge to ſuch Defendant from ſuch Debt or Demand, and all or any future Coſts; and in caſe the Defendant or Defendants do not appear on the Return of ſuch Proceſs, or either of them, and the ſame appearing to the ſaid Court duly ſerved upon the Defendant or Defendants in Manner afore-mentioned, by the Oath or Affirmation of the Conſtable ſerving the ſame, if neceſſary, and no ſufficient Reaſon appearing why the Defendant or Defendants do not appear on the Return of ſuch Summons or Warrant, the ſaid Juſtices ſhall proceed to hear and determine ſuch Action or Actions in the Defendant's Abſence, give Judgment and award Execution thereupon, in the ſame Manner as if the Defendant had been perſonally preſent: But if any reaſonable Matter ſhall be offered to the Court why the Defendant or Defendants did not appear on ſuch Proceſs as aforeſaid, and the ſame be proved to the Satisfaction of the Court, then the ſaid Court ſhall and may, in their Diſcretion, defer the Hearing of ſuch Cauſe or Cauſes.
3. AND BE IT ENACTED *by the Authority aforeſaid*, That if any Plaintiff or Plaintiffs ſo applying, or any other Perſon or Perſons for him, her or them, ſhall, upon Oath or Affirmation, declare that he, ſhe or they ſincerely believe that if ſuch Proceſs is by Summons only againſt ſuch Freeholder, he, ſhe or they will be in Danger of loſing the Debt thereby; or that he, ſhe or they do really believe that ſuch Freeholder will depart the County, City or Town-corporate, or otherwiſe abſcond before the Day of Return, then the ſaid Juſtice ſhall iſſue his Warrant in ſuch Manner as if the Defendant had not been a Freeholder; and upon Service of ſuch Warrant, or any other directed and authorized by this Act, the Conſtable ſerving the ſame ſhall and may, and he is hereby authorized to take one ſufficient Perſon being a Freeholder as Bail, in the Sum of *Fifteen Pounds*, that the Defendant ſhall be and appear at the Return of the Proceſs, and abide the Judgment of the ſaid Court; for which an Endorſement on ſuch Proceſs, ſigned by ſuch Perſon ſo becoming Bail, ſhall be ſufficient: And in caſe the Defendant ſhall not appear on the Day of ſuch Return, and no ſufficient Reaſons ſhall be aſſigned as aforeſaid, that then, and in ſuch Caſe, it ſhall and may be lawful for, and the ſaid Court is hereby authorized and directed to enter Judgment againſt ſuch Bail, and to award Execution for the Plaintiff's juſt Demand againſt the Defendant or Bail, at the Election of the Plaintiff, with Coſts, but the Surrender of the Defendant entered on the Minutes of the Court, ſhall be a ſufficient Diſcharge to ſuch Bail.
4. PROVIDED ALWAYS, AND IT IS HEREBY ENACTED, That any or either of the ſaid Juſtices ſhall and may, and they are hereby authorized

thorized to issue a Warrant as aforesaid against any Person or Persons being Non-Residents, or likely to depart or abscond as aforesaid: And the Service of such Warrant at any Time before, or at the Sitting of such Court, shall be sufficient to enable the Party to recover his or her Debt or Demand as before is directed, any Thing herein to the contrary notwithstanding.

5. AND, in case any or either of the Parties shall be desirous to have his Cause tried by a Jury; to prevent any Delay, BE IT ENACTED, That at every Court in the several Counties and Cities of this Colony, the Sheriff of the City or County shall, and he is hereby directed, without any *Venire* issuing for that Purpose, to return and have ready twelve Persons, being Freeholders, who shall be by the Court empannelled forthwith to try the Cause or Causes aforesaid: And in case just Cause of Exception shall be taken to any or either of the Jurors so empannelled, or a sufficient Number shall not appear, then, and in such Case, the Court shall and may, in their Discretion, set such Fines on such absenting Jurymen as they shall think reasonable, and shall direct, and the Sheriff is hereby required to complete the Pannel of the Jury aforesaid from the Freeholders present and attending the said Court, who are hereby required to serve on such Jury, under the like Penalties as Jurors absenting themselves or neglecting to attend as aforesaid.

Either Party  
may have a  
Jury.

6. AND, that litigious Persons may not delay Payment of just Debts by unnecessary and expensive Removals of Causes, BE IT ENACTED, That in no Case herein before-mentioned a *Certiorari* or other Writ for Removal of Causes shall be allowed, unless the Party demanding such Writ shall first assign his Reasons, and file the same in the Office from whence such Writ shall issue, and shall enter into Recognizance, with one good Security, in the Sum of *Twenty Pounds*, with Condition that he will not delay but prosecute a Determination of the Reasons by him assigned upon the Return of such Writ: And the Justices of the Supreme Court are hereby required and directed to allow no such Writ or Writs until such Reasons are filed and Recognizance entered into as aforesaid: And in case the Party bringing such Writ shall neglect or delay a Determination of the Reasons assigned at the Term to which such Writs are made returnable, that then, and in such Case, such Writ shall be abated: And if the Party bringing such Writ of Removal as aforesaid, shall be unwilling or unable forthwith to pay the Costs occasioned by such Removal with the Debt and Costs recovered in the Court from whence such Cause was removed, that then, and in such Case, the Justices of the Supreme Court shall, without further Process or Proceedings, enter Judgment on the Recognizance aforesaid, and immediately award Execution against the Security therein mentioned, as well for the Costs of such Removal, as for the Debt and Costs recovered in the Court from whence such Cause was removed.

*Certiorari*  
how to be  
allowed and  
proceeded in.

7. AND BE IT FURTHER ENACTED by the Authority aforesaid, That in case any Constable shall neglect the Service of any Summons or Warrant, or neglect to take good and sufficient Bail as aforesaid, or do any Matter or Thing whereby the Plaintiff shall lose his Debt, or suffer any Damage, he shall be liable to pay to the Plaintiff or Plaintiffs his or their Debt so lost or Damages suffered, with Costs of Suit, to be

Constable  
chargable on  
Neglect.

sued

Constable  
when to com-  
mit Defend-  
ant to Gaol.

fued for and recovered as herein before is directed. And it shall and may be lawful for any of the Constables of this Colony, and they are hereby authorized and empowered to convey the Body of any Defendant who cannot or will not procure Bail in any Suit directed by this Act to the common Gaol of the County: And the Sheriffs of the several Counties in this Colony, or their lawful Deputy or Gaoler, are hereby required the Body of such Defendant or Defendants there to receive, and safely keep until the Return of the Process on which such Defendant was arrested, and the Judgment of the Court is thereon had, or such Defendant or Defendants shall give sufficient Bail pursuant to the Directions of this Act.

Fees of the  
several Offi-  
cers.

8. AND BE IT ENACTED by the Authority aforesaid, That no greater or other Fees shall be allowed, taxed or taken on any Pretence whatever, in Actions brought in the Manner by this Act directed, than as in this Act is appointed, *that is to say,*

#### JUSTICES FEES.

A Summons, *Six-pence.*  
Warrant, *One Shilling.*  
Summons for Evidences, *Six-pence.*

#### SHERIFF.

For every Cause tried by a Jury, *Three Shillings.*

#### CONSTABLES FEES.

Serving every Warrant or Summons, and Copy thereof, *Two Shillings and Six-pence.*  
Taking Bail, *One Shilling.*  
Every Execution, *Two Shillings and Six-pence.*

#### COURTS FEES.

In each Action, *One Shilling and Six-pence.*  
Allowing *Certiorari* or other Writ of Removal, *Three Shillings.*

#### CLERK'S FEES.

Entering Action, *Six-pence.*  
Filing Process, *Six-pence.*  
Entering Defendant's Appearance, *Six-pence.*  
Calling and Swearing Jury, *One Shilling and Six-pence.*  
Entering every Verdict, *Six-pence.*  
Judgment, *Six-pence.*  
Every Order or Rule of Court, *Six-pence.*  
Every Nonfuit, *Six-pence.*  
Every Evidence sworn or affirmed, *Six-pence.*  
Every Execution, *Three Shillings.*  
Filing Execution and entering, *One Shilling.*

#### CRYER.

In each Cause, *Eight-pence.*  
Calling and swearing every Evidence, *Three-pence.*  
Calling and swearing Jury, *Eight-pence.*

#### EVIDENCES.

EVIDENCES.

*Two Shillings per Day.*

JURIES FEES.

*One Shilling per Man for all Causes tried.*

9. PROVIDED ALWAYS, That no Fee shall be allowed for the Service of any *Subpœnas* for more than two Witnesses; nor shall Fees be allowed to more than two Witnesses for each Party, unless the Court shall certify that such Evidences (more than two) were necessary. Two Witnesses only allowed Fees, unless, &c.

10. AND BE IT ENACTED *by the Authority aforesaid*, That this Act, and every Clause and Article herein contained, shall continue and be in Force for the Term of seven Years, and from thence until the End of the next Session of the General Assembly, and no longer. Limitation.

C H A P. DCXXXIV.

*An ACT to provide a more effectual Remedy against excessive Costs in the Recovery of Debts above Ten Pounds, and for other Purposes therein mentioned.*

Passed Dec. 6, 1775.

**W**HEREAS the Mode of recovering Debts heretofore used in the Courts of Record in this Colony has been found, by Experience, to be grievous, in many Instances, to His Majesty's Subjects, by Reason of the unnecessary and excessive Costs attending the same; for Remedy whereof for the Future, Preamble.

*Seçt. 1.* BE IT 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, it shall and may be lawful for any Person, in order to recover any Debt or other Demand in any Court of Common Law in this Colony, for any Sum above *Ten Pounds* Proclamation Money, to obtain from the proper Officers either a Summons or *Capias*, at the Plaintiff's Election; and, if such Process be a Summons, it shall be served on the Defendant, if he is to be found, and if not, a Copy thereof shall be left at his House or usual Place of Abode, at least one Week before the Return thereof; for the issuing of which Summons the Clerk of the Court, or the Plaintiff's Attorney, who shall issue the same, shall be entitled to receive the Sum of *Two Shillings and Six-pence*, including the entering of the Action; and the Sheriff shall be entitled to receive the Sum of *Six Shillings*, including Mileage, and *Nine-pence* for the Copy of the Summons, where necessary. Summons or Capias may issue for Debts above Ten Pounds.

2. AND BE IT FURTHER ENACTED *by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same*, That no Judgment Roll shall be made up in any Action to be brought in any of the Inferior Courts of Common Pleas within this Colony, excepting where Lands are to be taken in Execution; in which Case only it shall and may be lawful for the Plaintiff to draw up his Judgment in the Manner which has been usually practised. Judgment Rolls when to be made.

6 D

3. AND

Sheriff or Coroner not confining Defendant, or not returning an Inventory, to be amerced.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Sheriff or Coroner shall voluntarily or negligently omit to confine any Defendant in Gaol, after two Months from the Return of the *Capias ad satisfaciendum*, unless by Consent of the Plaintiff or his Attorney, or, where the Execution shall be by *Fieri Facias*, shall neglect to file a just and true Inventory of the Goods and Chattels, Lands and Tenements, so taken in Execution, unless such Sheriff or Coroner shall return that he hath levied to the Value of the Debt and Costs, or shall, without such Consent as aforesaid, voluntarily or negligently omit rendering the Money arising from the Sale of the Estate and Effects of the Defendant in the Term next after the Return of the Execution, he shall be amerced in the Value of the Debt and Cost; which said Amercement shall and may be recovered by Action of Debt, as other Debts of Record.

Actions may be consolidated.

Attornies not to bring several Actions where one will do.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Court, in which any Action shall be brought, shall and may consolidate or join together several Actions between the same Parties, when the Nature of the Actions will permit. And if any Attorney or Practitioner of the Law shall commence or prosecute divers Actions for one and the same Demand, or where it shall appear that the Plaintiff or Plaintiffs in such Suits might receive full Satisfaction by one Suit only, then, and in such Case, one Bill of Cost only shall be taxed; and such Attorney or Practitioner of the Law shall lose the Costs of such unnecessary Suit or Suits, or become liable to pay to the Defendant his Costs in defending the same, to be awarded by the Court on Motion.

No Writ of Inquiry to issue without Request of Defendant.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in all Actions on the Case that shall be hereafter brought in any Court of Record in this Colony, wherein the Defendant shall not have filed a Plea, the Court to which the Process is returnable shall, at the Term next after the said Return, assess the Damages and give final Judgment, unless the Defendant shall appear in Person, or by some Attorney, and request that a Writ of Inquiry shall issue; in which Case the Court shall order a Writ of Inquiry to issue, returnable to the next Term, and thereupon give Judgment and award Execution; for which Service, in assessing the Damages as aforesaid, the Court shall receive the Sum of *Six Shillings*.

Warrants to confess Judgment to be distinct.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That, from and after the Publication of this Act, no Warrants of Attorney, for confessing of Judgment, shall be included in the Body of any Bond, Bill or Writing; and that every Warrant of Attorney so included in any Bond, Bill or other Writing, hereafter to be given and executed for the Payment of Money, shall be utterly void and of none Effect.

Poundage on Executions, how to be rated.

Sheriff's, &c. Execution Fees to be taxed.

7. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That Poundage, payable to the Sheriff upon an Execution, shall only be charged on the Sum actually made by the Sale for the Use of the Plaintiff; and that the Sheriff, Coroner or other Officer, empowered to serve such Writs of Execution, shall in no Case receive the Fees payable to them thereon, unless such Officer shall first have the Bill thereof taxed by one of the Judges of the Court where such Writ shall have issued, and

and also have filed a Copy of the said taxed Bill with the Clerk of the said Court; and that any Person, thinking himself aggrieved by the Taxation of a Bill of Cofts, in any Case whatever, shall and may, within six Months after such Taxation, apply to any Judge of the Court in which the Action was prosecuted, or to any of the Justices of the Supreme Court, and have the same retaxed, and the Sum deducted shall recover, with the Cofts of retaxing, in any Court where the same is cognizable, with Cofts of Suit.

Bills of Coft  
may be retax-  
ed.

8. AND WHEREAS it often happens that Persons who have been indicted and convicted for criminal Offences, are unable to satisfy for their Fine and Fees, whereby they remain long confined in Gaol, and become a Burden upon the Community; therefore, BE IT ENACTED *by the Authority aforesaid*, That, from and after the Publication of this Act, when any Person shall be committed and convicted for any criminal Matter, and unable to discharge the Fine and Fees for which he, she or they are confined, any otherwise than by servitude, it shall and may be lawful for any two Justices of the Court of General Quarter-Sessions of the Peace of any City, Borough or County where such Criminal is confined, to sell and assign the Person so confined, to any Person or Persons who will pay and discharge the Fine and Fees for which he, she or they may be confined, for so long Time, and in such Manner as the said Justices shall think reasonable and just, not exceeding five Years.

Persons con-  
fined for  
Fines, &c.  
may be sold.

9. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That this Act shall be and continue in Force for seven Years, and from thence to the End of the next Session of General Assembly, and no longer.

Limitation.

C H A P. DCXXXV.

*An ACT to authorize the Board of Justices and Freeholders of the several Counties in the Colony of New-Jersey, to defray the Expence of taking Lists of the Inhabitants.*

Passed Dec. 6, 1775.

**W**HEREAS fundry Petitions have been presented from divers Persons who have numbered the People in several Counties in this Colony, praying an adequate Compensation for such Services;

Preamble.

*Sect. I.* BE IT THEREFORE ENACTED *by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same*, That the Board of Justices and Freeholders in each and every of the Counties in this Colony shall be, and they are hereby authorized and directed to pay all necessary Charges of all such Assessors or other Persons who have taken Lists of the Number of the Inhabitants in any City, Borough, Township or Precinct in this Colony, in such Proportion as they shall judge the Services so performed do merit, and raise the same by Tax on the respective Counties.

Expence of  
numbering  
the Inhabi-  
tants, how to  
be paid.

C H A P.

C H A P. DCXXXVI.

*An ACT to prevent Rams from running at Large at certain Seasons of the Year.*

Passed Dec. 6, 1775.

Preamble.

**W**HEREAS it hath been found, by long Experience, that the suffering of Rams to go at Large at certain Seasons of the Year is of very mischievous Consequence, and tends not only to injure the Breed of Sheep, but also to the Introduction of Quarrels, Disputes and Lawfuits among Neighbours; for the preventing whereof for the Future;

When Rams are to be confined.

*Seçt. 1.* BE IT ENACTED *by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same,* That, from and after the twentieth Day of *August* until the twentieth Day of *December* in every Year, no Ram shall be permitted to go at Large off the Enclosure of his Owner, but shall, during that Period, be confined and kept within some enclosed Pasture Field or Ground, secured by a Fence so close and high as not to admit Sheep to pass the same.

When Rams running at Large may be castrated or impounded.

*2.* AND BE IT FURTHER ENACTED *by the Authority aforesaid,* That if any Ram shall break through the Fence or Enclosure of his Owner, or shall be found trespassing within the Enclosure of any other Inhabitant of this Colony, or running at Large between the said twentieth Day of *August* and the twentieth Day of *December*, it shall and may be lawful for any Person or Persons who shall find such Ram running at Large, or within his or their Enclosure, to take the said Ram and castrate him; for which Service the Owner of such Ram shall pay the Person or Persons performing the same the Sum of *Three Shillings*; or, if such Person or Persons shall choose to impound the said Ram, it shall and may be lawful for him or them so to do; for which Service the Owner shall pay the Sum of *Three Shillings* over and above the Damage which may be sustained: And, upon Notice being given to the Owner, if he shall not pay such reasonable Damages for the Trespass as shall be agreed upon between the Parties, the said Parties shall each choose one discreet neighbouring Farmer; or if the Owner refuses, the other Party may choose the two, who shall assess the Damages sustained by such Trespass; and the Owner of the said Ram shall pay the said Sum so assessed in Damages to the Person who has suffered the same, with the reasonable Costs of assessing: All which Sums of Money shall and may be recovered by Action of Debt in any Court where the same may be cognizable, within six Months next after the Time of the Service done or Injury committed.

Damages to be paid for Rams trespassing, how to be assessed.

Limitation.

*3.* AND BE IT FURTHER ENACTED *by the Authority aforesaid,* That this Act shall be and continue in Force for three Years, and from thence to the End of the next Session of General Assembly, and no longer.

CHAP.

CHAP. DCXXXVII. *An Act to empower Isaac Haines to erect a Dam, Mills and other Waterworks on the southermost Branch of Ancocas Creek, in the Township of Evesham, in the County of Burlington.* Private.

CHAP. DCXXXVIII. *An Act to enable the Owners and Possessors of Meadows and Tide-Marsh, lying on both Sides of the South Branch of Pensawkin Creek, in the Counties of Burlington and Gloucester, to erect and maintain a Bank, Dam, and other Waterworks across the said Creek, in order to prevent the Tide from overflowing the same.* Private.

A P P E N D I X

The following is a list of the names of the persons who were appointed to the office of ...

APPENDIX A

ACT ...

W

WILLIAM ...

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# A P P E N D I X.

The following Acts of Parliament, being extended to this Province by Chap. CCCCXLIII. were thought too long for a Note under the Act extending them, and are therefore here inserted.

XII ANNE, A. D. 1713.

*An ACT for the preserving all such Ships, and Goods thereof, which shall happen to be forced on Shore, or stranded upon the Coasts of this Kingdom, or any other of Her Majesty's Dominions.*

**W**HEREAS by an Act made in the third Year of the Reign of King *Edward* the first, concerning Wrecks at Sea, IT IS ENACTED, That where a Man, a Dog, or a Cat, escape quick out of the Ship, that such Ship, nor Barge, nor any Thing in them, shall be adjudged a Wreck, but the Goods shall be saved, and kept by View of the Sheriff, Coroner, or the King's Bailiff, and delivered into the Hands of such as are of the Town where the Goods were found; so that if any sue for those Goods, and after prove that they were his, or perished within his Keeping, within a Year and a Day, they shall be restored to him, without Delay, and if not, they shall remain to the King, or to such others to whom Wreck belongeth; and he that otherwise doth, and thereof be attainted, shall be awarded to Prison, and make Fine at the King's Will: AND WHEREAS by another Act made in the fourth Year of the Reign of the said King *Edward* the first, entitled, *De Officio Coronatoris*,\* concerning the Wreck of the Sea, IT IS ENACTED, That wheresoever it be found, if any lay Hands of it, he shall be attached by sufficient Pledges, and the Price of the Wreck shall be valued, and delivered to the Town: AND WHEREAS great Complaints have been made by several Merchants, as well Her Majesty's Subjects as Foreigners, trading to and from this Kingdom, That many Ships of Trade, after all their Dangers at Sea escaped, have unfortunately, near Home, run on Shore, or been stranded on the Coasts thereof; and that such Ships have been barbarously plundered by Her Majesty's Subjects, and their Cargoes embezzled, and when any Part thereof has been saved, it has been swallowed up by exorbitant Demands for Salvage, to the great Loss of Her Majesty's Revenue, and to the much greater Damage of Her Majesty's trading Subjects: For Remedy whereof,

Preamble.

*Sect. I.* BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the Sheriffs, Justices of the Peace of every County, or County of a City or Town, and also all Mayors, Bailiffs,

Sheriffs,  
Mayors, &c.  
and Custom-  
house Officers  
to summon  
Men to assist  
Ships in Dis-  
tress.

and

A  
\* IV. Ed. I.

and other Head Officers of Corporations and Port-Towns near adjoining to the Sea, and all Constables, Headboroughs, Tythingmen, and Officers of the Customs in all and every such Places, shall, upon Application made to them, or any of them, by or on the Behalf of any Commander or Chief Officer of any Ship or Vessel of any of Her Majesty's Subjects, or others, being in Danger of being stranded or run on Shore, or being stranded or run on Shore, are hereby empowered and required to command the Constables of the several Ports within Her Majesty's Dominions, nearest to the Sea Coasts where any such Ship or Vessel shall be in Danger as aforesaid, to summon and call together as many Men as shall be thought necessary to the Assistance and for the Preservation of such Ship or Vessel, so in Distress as aforesaid, and their Cargoes; and that if there shall be any Ship or Vessel, either Man of War or Merchants Ship, belonging to Her Majesty, or any of Her Subjects, riding at Anchor near the Place where such Ship or Vessel is in Distress or Danger as aforesaid, the Officers of the Customs and Constables above-mentioned, or any of them, are hereby empowered and required to demand of the superior Officers of such Ship or Vessel, so riding at Anchor as aforesaid, Assistance by their Boats, and such Hands as they can conveniently spare, for the said Service and Preservation of the said Ship or Vessel so in Distress as aforesaid; and that in case such superior Officer of such Ship or Vessel, riding at Anchor as aforesaid, shall refuse or neglect to give such Assistance, he shall forfeit for the same the Sum of *One Hundred Pounds*, to be recovered by the superior Officer of the said Ship or Vessel so in Distress as aforesaid, together with their Costs of Suit, in any of Her Majesty's Courts of Record, by Action, Debt, Bill, Plaint or Information, wherein no Escoine, Wager of Law or Protection shall be allowed.

All Ships to assist,

on Forfeiture of *One Hundred Pounds*.

Reasonable Salvage to be made.

Three Justices to adjust the Quantum.

2. AND, for the Encouragement of such Persons as shall give their Assistance to such Ships or Vessels so in Distress as aforesaid, BE IT FURTHER ENACTED, That the said Collectors of the Customs, and the Master or commanding Officer of any Ships or Vessels, and all others who shall act or be employed in the preserving of any such Ship or Vessel in Distress as aforesaid, or their Cargoes, shall, within thirty Days after the Service performed, be paid a reasonable Reward for the same, by the Commander, Master or other superior Officer, Mariners or Owners of the Ship or Vessel so in Distress as aforesaid, or by the Merchant whose Ship, Vessel or Goods shall be so saved as aforesaid; and, in Default thereof, the said Ship, Vessel or Goods so saved as aforesaid, shall remain in the Custody of such Officer of the Customs, or his Deputy, until such Time that all Charges shall be paid, and until the said Officer of the Customs, or his Deputy, and the said Master or other Officer of the Ship or Vessel, and all others so employed as aforesaid, shall be reasonably gratified for their said Assistance and Trouble, or good Security given for that Purpose, to the Satisfaction of the several Parties that are to receive the same: And that in case after such Salvage, the Commander or other superior Officer, Mariners or Owners of such Ship or Vessel so saved as aforesaid, or Merchant whose Goods shall be so saved as aforesaid, shall disagree with the said Officer of the Customs, or his Deputy, touching the Monies deserved by any of the Persons so employed as aforesaid, it shall be lawful for the Commander of such Ship or Vessel so saved, or the  
Owner

Owner of the Goods, or the Merchant interested therein, and also for the said Officer of the Customs, or his Deputy, to nominate three of the neighbouring Justices of the Peace, who shall thereupon adjust the Quantum of the Monies or Gratuities to be paid to the several Persons acting or being employed in the Salvage of the said Ship, Vessel or Goods; and such Adjustments shall be binding to all Parties, and shall be recoverable in an Action at Law to be brought in any of Her Majesty's Courts of Record, by the respective Persons to whom the same shall be allotted by the said Justices of Peace; and in case it shall happen, that no Person shall appear to make his Claim to all or any the Goods that shall be saved, that then, and in such Case, the chief Officer of the Customs of the nearest Port to the Place where the said Ship or Vessel was so in Distress as aforesaid, shall apply to three of the nearest Justices of Peace, who shall put him or some other responsible Person in Possession of the said Goods, such Justices of Peace taking an Account in Writing of the said Goods, to be signed by such Officer of the Customs; and if the said Goods shall not be legally claimed within the Space of twelve Months next ensuing, by the rightful Owner thereof, then publick Sale shall be made thereof; and if perishable Goods, forthwith to be sold, and, after all Charges deducted, the Residue of the Monies arising by such Sale, with a fair and just Account of the Whole, shall be transmitted to Her Majesty's Exchequer, there to remain for the Benefit of the rightful Owner when appearing, who, upon Affidavit or other Proof made of his or their Right or Property thereto, to the Satisfaction of one of the Barons of the Coif of the Exchequer, shall, upon his Order, receive the same out of the Exchequer.

Goods not claimed in twelve Months, to be sold,

and the Monies transmitted into the Exchequer.

3. AND IT IS HEREBY ALSO ENACTED, That if any Person or Persons whatsoever, besides those empowered by the said Officer of the Customs, or his Deputy, and the Constables as aforesaid, shall enter or endeavour to enter on Board any such Ship or Vessel, so in Distress as aforesaid, without the Leave or Consent of the Commander, or other superior Officer of the said Ship, or of the said Officer of the Customs, or his Deputy, or of the said Constable, or some or one of them employed for the Service and Preservation of the said Ship or Vessel as aforesaid; or in case any Person shall molest him, them, or any of them, in the saving of the said Ship, Vessel, or Goods, or shall endeavour to impede or hinder the saving of any such Ship, Vessel, or Goods, or when any such Goods are saved, shall take out or deface the Marks of any such Goods, before the same shall be taken down, in a Book or Books for that Purpose, provided by the Commander or ruling Officer, and the first Officer of the Customs, as aforesaid, such Person or Persons shall, within the Space of twenty Days, make double Satisfaction to the Party grieved, at the Discretion of the two next Justices of Peace, or in Default thereof, shall by such Justices of Peace be sent to the next House of Correction, where he shall continue and be employed in hard Labour by the Space of twelve Months then next ensuing; and that it shall be lawful for any Commander or superior Officer of the said Ship or Vessel, so in Distress as aforesaid, or for the said Officer of the Customs, or Constables on Board the same Ship or Vessel, to repel by Force any such Person or Persons as shall, without such Leave or Consent from the said Commander or superior Officer, or the said Officer of the Customs, or his Deputy, or such Constables, as aforesaid, press on Board the

Persons entering Ship without Leave,

or hindering the saving of the Ship, to make double Satisfaction.

Masters may repel Pressers into the Ship.

the said Ship or Vessel, so in Distress as aforesaid, and thereby molest them in the Preservation of the said Ship or Vessel, so in Distress as aforesaid.

Goods carried off to be immediately delivered up.

4. AND IT IS HEREBY LIKEWISE ENACTED, That in case any Goods shall be found upon any Person or Persons, that were stolen or carried off from any such Ship or Vessel, so in Distress as aforesaid, he, she, or they, on whom such Goods shall be found, shall immediately, upon Demand, deliver the same to the Owner thereof, or to such Person by such Owner authorized to receive the same, or in Default thereof, shall be liable to pay treble the Value of such Goods, to be recovered by such Owner in an Action at Law to be brought for the same.

Penalty treble the Value.

Making Holes in the Ship, &c. Felony.

5. AND IT IS HEREBY MOREOVER ENACTED, That if any Person or Persons shall make, or be assisting in the making, any Hole in the Bottom, Side, or any other Part of any Ship or Vessel, so in Distress as aforesaid, or shall steal any Pump belonging to any Ship or Vessel, so in Distress, as aforesaid, or shall be aiding or abetting in the stealing such Pump, as aforesaid, or shall wilfully do any Thing tending to the immediate Loss or Destruction of such Ship or Vessel, such Person or Persons shall be and are hereby made guilty of Felony, without any Benefit of his, her or their Clergy.

General Issue.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Action, Suit or Information, shall be commenced or prosecuted against any Person or Persons for any Thing that he or they shall do, or cause to be done, in Pursuance of this Act, and executing any of the Powers and Authorities, or any of the Orders or Directions therein mentioned, all and every Person and Persons so sued in any Court whatsoever, shall and may plead the General Issue, and give this Act and the special Matter in Evidence; and if in any such Suit the Plaintiff or Prosecutor shall become Nonsuit, or forbear Prosecution, or discontinue the Suit, or if a Verdict shall pass against him, or Judgment be given against him upon a Demurrer, then in any of the said Cases, the Defendant or Defendants shall recover full Costs, for which he and they shall have the like Remedy, as where Costs by Law are awarded, and this Act shall be taken and allowed in all Courts within this Kingdom as a publick Act, and all Judges and Justices are hereby required to take Notice thereof as such, without special Pleading of the same.

Publick Act.

Custom-house Officer abusing his Trust, to forfeit treble Damages, and disabled.

7. PROVIDED NEVERTHELESS, if any Officer of the Customs, or his Deputy, so empowered as above, shall, by Fraud or wilful Neglect, abuse the Trust so hereby reposed in him as aforesaid, and shall be convicted thereof in due Form of Law, such Officer, or his Deputy, shall respectively forfeit treble Damages to the Party grieved, to be recovered in any Action or Suit to be brought in any Court of Record, and shall from thenceforth be fully disabled and rendered incapable of the same, or any other Employment relating to the said Customs.

This Act when and where to be read.

8. AND IT IS HEREBY FURTHER ENACTED, That this Act, and the several Clauses herein contained, shall take Effect from and after the first Day of *August*, in the Year of our Lord One Thousand Seven Hundred and Fourteen; and that for the better observing of the same, this

Act

Act shall be read four Times in the Year in all the Parish Churches and Chapels of every Seaport Town, and upon the Sea-Coast in this Kingdom, upon the *Sundays* next before *Michaelmas-Day*, *Christmas-Day*, *Lady-Day*, and *Midsummer-Day* in the Morning, immediately after the Prayers, and before the Sermon.

9. PROVIDED ALWAYS, AND IT IS HEREBY ENACTED, That neither this Act, nor any Thing herein contained, shall any Ways extend to deprive, or any Ways prejudice Her Royal Majesty, her Heirs or Successors, or any claiming under them, or any of them, or any Patentee or Grantee of the Crown, or any Lord or Lords of any Manor or Manors, or other Person whatsoever, of or in Relation to any Right which they, or any of them respectively have, or shall have, or lawfully may claim to any Wreck or Wrecks, or any Goods that are or shall be Flotsam, Jetsam or Lagan, but that such respective Rights shall be enjoyed in as full, ample and beneficial a Manner, in every Respect, as if this Act had never been made.

Claims to  
Wrecks sav-  
ed.

10. PROVIDED, That this Act shall continue in Force for the Space of three Years, and from thence to the End of the next Session of Parliament, and no longer.

Continuati-  
on.

IV GEORGE I. A. D. 1717.

*An ACT for enforcing and making perpetual an Act of the twelfth Year of Her late Majesty, entitled, An Act for the preserving of all such Ships, and Goods thereof, which shall happen to be forced on Shore, or stranded upon the Coasts of this Kingdom, or any other of her Majesty's Dominions; and for inflicting the Punishment of Death on such as shall wilfully burn or destroy Ships.*

**W**HEREAS the Act made in the twelfth Year of the Reign of Her late Majesty Queen Anne, entitled, *An Act for the preserving of all such Ships, and Goods thereof, which shall happen to be forced on Shore, or stranded upon the Coasts of this Kingdom, or any other of Her Majesty's Dominions*, will expire at the End of this present Session of Parliament, unless the same be continued: AND WHEREAS the said Act hath been found by Experience to be of great Use and Benefit to the seafaring Men and Merchants of this Kingdom, and other His Majesty's Dominions;

Preamble.

*SECT. I. BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the said recited Act, entitled, An Act for the preserving of all such Ships, and Goods thereof, which shall happen to be forced on Shore, or stranded upon the Coasts of this Kingdom, or any other of Her Majesty's Dominions,\* and all the Clauses,*

Revival of re-  
cited Acts.

B

Matters

\* XII. Anne.

Matters and Things therein contained, shall be and is hereby declared to be made perpetual.

Not to affect Admiralty Court of Cinque-Ports.

2. PROVIDED ALWAYS, and it is hereby further Enacted, That the said Act, or any Thing therein contained, shall not be construed to extend to, or any Ways affect the ancient Jurisdiction and Usage of the Admiralty Court of the Cinque-Ports, or the Officers thereto belonging; but the proper Officers of the said Admiralty Court shall be and are hereby authorized and empowered to put the said Act in Execution within the Jurisdiction of the said Cinque-Ports, in as full and ample Manner, to all Intents and Purposes, as any other Person or Persons are by the said Act appointed to do in any other Parts of this Kingdom.

Punishment for burning any Vessel.

3. AND, for the effectual preventing the wilful casting away, burning, or otherwise destroying of Ships by the Owners, Masters and Mariners thereof and thereto belonging, BE IT ENACTED by the Authority aforesaid, That if any Owner of, or Captain, Master, Mariner, or other Officer belonging to any Ship, shall, after the twenty-fourth Day of June, which shall be in the Year of our Lord One Thousand Seven Hundred and Eighteen, wilfully cast away, burn, or otherwise destroy the Ship of which he is Owner, or unto which he belongeth, or in any Manner of Wise direct or procure the same to be done, to the Prejudice of any Person or Persons that shall underwrite any Policy or Policies of Insurance thereon, or of any Merchant or Merchants that shall load Goods thereon, he shall suffer Death.

A N

# O R D I N A N C E

F O R

Regulating and establishing the FEES hereafter to be taken  
by the Officers of the Court of Chancery of the Province  
of *New-Jersey*,

B Y H I S E X C E L L E N C Y

**JONATHAN BELCHER, Esq.**

*Captain-General and Governor in Chief in and over the Province of New-  
Jersey, and the Territories thereon depending in America, and Vice-Ad-  
miral of the same, &c.*

I N C O U N C I L L,

*This twenty-third Day of November, in the twenty-seventh Year of His  
Majesty's Reign, and in the Year of our Lord One Thousand Seven Hun-  
dred and Fifty-three.*

**H**IS said Excellency the Governor, by and with the Advice and Assis-  
tance 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*, hath thought fit to OR-  
DAIN AND DECLARE, and his said Excellency the Governor, by and  
with the Advice and Assistance aforesaid, doth hereby ORDAIN AND  
DECLARE, That, from and after the Publication hereof, no Officer or  
Officers of the said Court of Chancery, for any Service or Services, by  
him or them to be done or performed, in their respective Offices, or  
for or 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 Duties in their respective  
Offices, other than what herein after are allowed and established for the  
same, *viz.*

*The Governor's Fees, as Keeper of the Great Seal of this Province.*

**T**HE Seal to every common Writ, *Three Shillings.*

Every Decree, *Forty Shillings.*

Every Opinion or Order on a Petition or Motion, controverted and  
argued in Court, *Forty Shillings.*

Every common Motion, *Ten Shillings.*

Governor's  
Fees.

*Master's*

*Master's Fees.*Masters's  
Fees.Every Summons, *Three Shillings.*Copies of all Charges and Discharges brought in before the Master, Scheduling Writings and other Things, for each Sheet, containing fifteen Lines, and six Words to a Line, *Nine-pence.*Every Report or Certificate to be made in Purfuance of an Order made upon hearing the Cause, *Twenty-eight Shillings.*Every other Certificate or Report made upon Petition or Motion only, *Twelve Shillings.*The Clerk's Fees for Writing every Report or Certificate, *One Shilling* and *Six-pence* per Sheet.Copy thereof, *Nine-pence* per Sheet.Every Affidavit, *Eighteen-pence.*The Allowance of every Recognizance, Affidavit, &c. to be acknowledged and taken in the County, *Three Shillings.*The Acknowledgment of every Deed to be recorded, *Three Shillings.*An Examination Fee, *Three Shillings.*Every Exhibit, signed by a Master, every Person shewn to, *Two Shillings.*Copies of Depositions, *Nine-pence* per Sheet.The Caption of every Recognizance, *Three Shillings.*The Clerk's Fees for writing the Recognizance and Condition, as the Order directs, *Three Shillings.*Every Exemplification examined by two Masters, to each of the said Masters who shall examine the same, for every Skin of Parchment, *Two Shillings* and *Six-pence.*Every Bill of Cost, to be taxed by a Master, for the Plaintiff's not putting in his Bill, or not proceeding to reply, or for the Defendant's not appearing in due Time, and all other Costs before Hearing, *Three Shillings.**The Register's Fees.*Register's  
Fees.Drawing and entering all Orders per Sheet, *One Shilling* and *Six-pence.*All Orders not by Motion, Petition or Hearing, but Consent of Parties, Half to be paid by the Complainants, and Half by the Defendants, *One Shilling* and *Six-pence* per Sheet.Filing every Report, Petition or other Paper, *One Shilling.*Copies of all Orders and Reports, *Nine-pence* per Sheet.Filing and Registering every Affidavit, *One Shilling.*Copying every Affidavit, *Nine-pence* per Sheet.The Register or Deputy's Hand to every Copy of an Affidavit, *Eighteen-pence.*Every Certificate with the Register or Deputy's Hand to it, *Two Shillings.*Entering a Cause for Hearing, *Eighteen-pence.*Making of Notes of the Causes that stand for Hearing, for grounding the *Subpœna* to hear Judgment, *One Shilling.*Every Decree, *Seven Shillings.*Every Dismission, *Seven Shillings.*A Search in the Books for any Order or Decree, for every Year, *Six-pence.*

Entry

Entry of all Attachments, and Proclamation for each Person, *Six-pence*.  
All Rules of Court to answer, reply, produce Witnesses, and for Publication, &c. for each *Nine-pence*.

Entry of all Rules of the like Nature by Consent, *Eighteen-pence* per Sheet.

Entry of all Amerciaments, *Eighteen-pence*.

Entry of all Appearances in Contempt, *Three Shillings*.

All Bills of Cost, for Want of a Bill filed in Time, *Nine-pence*.

Entry of all Dismissions for Want of Replications, by the General Rules, *Eighteen-pence*.

All Copies of Attachments, Proclamations, Commissions of Rebellion, Rules, &c. for each, per Sheet, *Nine-pence*.

Entry of all Demurrers or Pleas, *Eighteen-pence*.

*The Clerk's Fees.*

Every Attachment with a Proclamation, *Eight Shillings*.

Every Superfedeas for the Discharge of any Commission, or other Writ, *Ten Shillings*.

Clerk's Fees.

Every Superfedeas of Privilege *pro Venientibus et Redeuntibus ad vel a Cancellaria*, *Ten Shillings*.

Every special *Certiorari ad procedendum Corpus cum Causa*, or *Habeas Corpus*, *Five Shillings*.

Every Bail upon every Writ of *Corpus cum Causa*, or Maker of Privilege, *Three Shillings*.

All Manner of *Procedendos* or *Certioraries* of Course, *Three Shillings*.

All first, second and other Copies of all Bills, Answers or other Pleadings whatsoever; as also of all Certificates and Examinations made or taken by Virtue of any Commission out of this Court, and of the Interrogatories therewith returned; and also of all Declarations or Pleadings by *English* Bill, or according to the Course of the Common Law; and for Copies or Records, Rolls or Evidence brought to be copied, or remaining in said Court, per Sheet, *Nine-pence*.

In every Cause, for every Term the Cause is in Agitation, the Termly Fee, *Five Shillings*.

If there be two Plaintiffs in a Bill, or more, they all pay but one Fee for one Term; but for every three Defendants, accounting the Husband and Wife but for one Person, there is the Fee of *Five Shillings*; but every Term afterwards, during the Continuance of the same, there is only the Fee of *Five Shillings* a Term to be paid for all the Defendants that appeared in any Term or Vacation before in the same Cause.

Engrossing every Bill, where an Answer is to be made by Commission, per Sheet, *Nine-pence*.

Every Commission of Rebellion, *Twelve Shillings*.

Every Commission to take an Answer or examine Witnesses, *Ten Shillings*.

Every special Commission upon Order of the Court, *Fifteen Shillings*.

Every Writ of Execution upon an Order, *Seven Shillings*.

Drawing and enrolling of every Decree and Dismission, per Sheet, *One Shilling*.

Every Writ of Execution upon a Decree, per Sheet, *Nine-pence*.

Drawing and engrossing every Injunction, per Sheet, *One Shilling and Six-pence*.

Every *Subpœna*, *Five Shillings*.

If more than one Person, for every Person more, *One Shilling*.

Every Attachment, *Five Shillings*.

Filing every Bill, Answer, Replication, Rejoinder or other Pleadings, *One Shilling and Six-pence*.

Entering Rule to answer in the Rule Book, Copy thereof, and serving the same on Defendant's Clerk, *Five Shillings*.

A Writ *Ne exeat Provinciam*, *Nine Shillings*.

Every Certificate that Pleadings are filed, Costs of Contempt paid, or other Matter necessary to be certified, *Two Shillings*.

Signing and attending the Governor on original Writs and Writs of Error, *Three Shillings*.

*The Examiner's Fees.*

Examiner's  
Fees.

Examination of Every Deponent, *Six Shillings*.

Certifying of any Deed or other Writing shewed to the Deponent at his Examination, *Two Shillings*.

Copies of Depositions per Sheet, *Nine-pence*.

The Exemplifications of Depositions per Sheet, *Nine-pence*.

The Examination of every Person abroad, *Ten Shillings*.

*The Counsel's Fees.*

Counsel's  
Fees.

A Retaining Fee in every Cause, *Thirty Shillings*.

Perusing and Signing Bill, Answer, Plea, Demurrer, or any other special Pleadings, Interrogatories or Exceptions, *Twenty Shillings*.

Every Motion of Course, *Ten Shillings*.

Every special Motion, *Twenty Shillings*.

Arguing every Plea of Demurrer, &c. *Three Pounds*.

Arguing before a Master upon Exception, or any other Matter, *Twenty Shillings*.

Arguing before the Chancellor upon Petition, *Twenty Shillings*.

Arguing upon hearing every Cause, *Four Pounds*.

Counsel's Fee upon special Matters, where their Advice is necessary, and not herein before provided for, to be allowed at the Discretion of a Master.

The Attorney-General, as King's Counsel, to be allowed one fourth Part more than other Counsel, in Matters wherein the King is concerned.

*The Solicitor's Fees.*

Solicitor's  
Fees.

Retaining Fee in every Cause, *Twenty Shillings*.

Drawing every Affidavit of Service of *Subpœna*, or other common Affidavit, *Two Shillings and Six-pence*.

Every Copy thereof *One Shilling and Three-pence*.

Drawing every Bill, Answer, Plea, Demurrer, Interrogatory, &c. per Sheet, *Eighteen-pence*.

Every Copy thereof per Sheet, *Nine-pence*.

Engrossing the same per Sheet, *Nine-pence*.

Solicitor's Fee, every three Months, *Ten Shillings*.

Drawing every common Petition, *Three Shillings*.

Copy thereof, *One Shilling and Six-pence*.

Drawing every special Petition per Sheet, *One Shilling and Six-pence*.

Copy

- Copy thereof per Sheet, *Nine-pence*.  
 Drawing every special Affidavit per Sheet, *One Shilling and Six-pence*.  
 Copy thereof per Sheet, *Nine-pence*.  
 Fee for attending in getting every Petition answered, *Ten Shillings*.  
 Attending upon every Hearing upon Petition, *Ten Shillings*.  
 Attending the Court upon every common Motion, *Five Shillings*.  
 Upon every special Motion whereon is an Argument, *Ten Shillings*.  
 Copy of every Order per Sheet, *Nine-pence*.  
 Serving the same, *Three Shillings*.  
 Giving Notice of, and attending the Examination of every Witness, either before Examiner or Master, *Three Shillings*.  
 Drawing Instructions to the Examiner or Master per Sheet, *One Shilling and Six-pence*.  
 The abbreviating every Bill, Answer, and all other Proceedings and Depositions per Sheet, *Four-pence*.  
 Drawing Brief for Counsel per Sheet, *One Shilling and Six-pence*.  
 Copy thereof per Sheet, *Nine-pence*.  
 Attending the Court upon every Hearing, upon every Argument or Demurrer, *Twenty Shillings*.  
 Attending the Register upon drawing every decretal Order, *Ten Shillings*.  
 Copy of every Order upon Reference to a Master per Sheet, *Two Shillings and Six-pence*.  
 Serving the Master therewith, *Three Shillings*.  
 Attending the Master upon every Summons, *Ten Shillings*.  
 Drawing Charge, Discharge, or other Matters, before the Master, per Sheet, *One Shilling and Six-pence*.  
 Attending the Master to file the same, *Three Shillings*.  
 Drawing every Bill of Cost to be taxed, per Sheet, *One Shilling and Six-pence*.  
 Drawing the Master's Report, per Sheet, *One Shilling and Six-pence*.  
 Fee in attending for the Report, *Ten Shillings*.  
 Drawing Notice of every Motion, Copy thereof, and Service, *Five Shillings*.  
 Solicitor's Fees upon special Matters, where Services are necessary, and not herein before provided for, to be allowed at the Discretion of the Master.  
 The Solicitor-General to have the same as other Solicitors, and one fourth Part more in Causes which concern the King.

*The Sheriff's Fees.*

For all Services done by the Sheriff, the same Fees as for the like Services in the Supreme Court.

Sheriff's Fees.

*The Sergeant at Arms Fees.*

- Taking a Prisoner into Custody, *Eighteen Shillings*.  
 Mileage for each Mile going and coming, *Nine-pence*.  
 Every Day a Prisoner remains in his Custody, *Four Shillings*.  
 The Return of an Order, *One Shilling*.  
 Notice to the Officers of the Time of the Court sitting, for every Motion then made, *Twelve-pence*.  
 Every Hearing, *Three Shillings*.

Sergeant at Arms Fees.

Serving

Serving every Summons to attend a Master, *Twelve-pence.*

Every Person in Contempt, before being discharged of this Contempt, shall, besides other Fees, pay to the Sergeant at Arms, *Six Shillings and Eight-pence.*

The Service of every *Subpena*, if served by him, *Four Shillings.*

For every Mile going and coming, *Six-pence.*

AND IT IS HEREBY FURTHER ORDAINED, That all and every Officer and Officers, Person or Persons, that shall at any Time hereafter, exact, demand or ask, any greater or other Fee, for or in respect of any Services herein before-mentioned, other than such which now are, or at any Time hereafter shall, by the Authority aforesaid, be established and allowed for them; shall be liable to be suspended and turned out of his said Office or Offices, and be liable to such other Fines and Punishments as the utmost Rigour of the Law can inflict.

J. B E L C H E R.

*By Order of His Excellency in Council,*  
CHA. READ, *Secretary.*

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## Y

## Z

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O F T H E  
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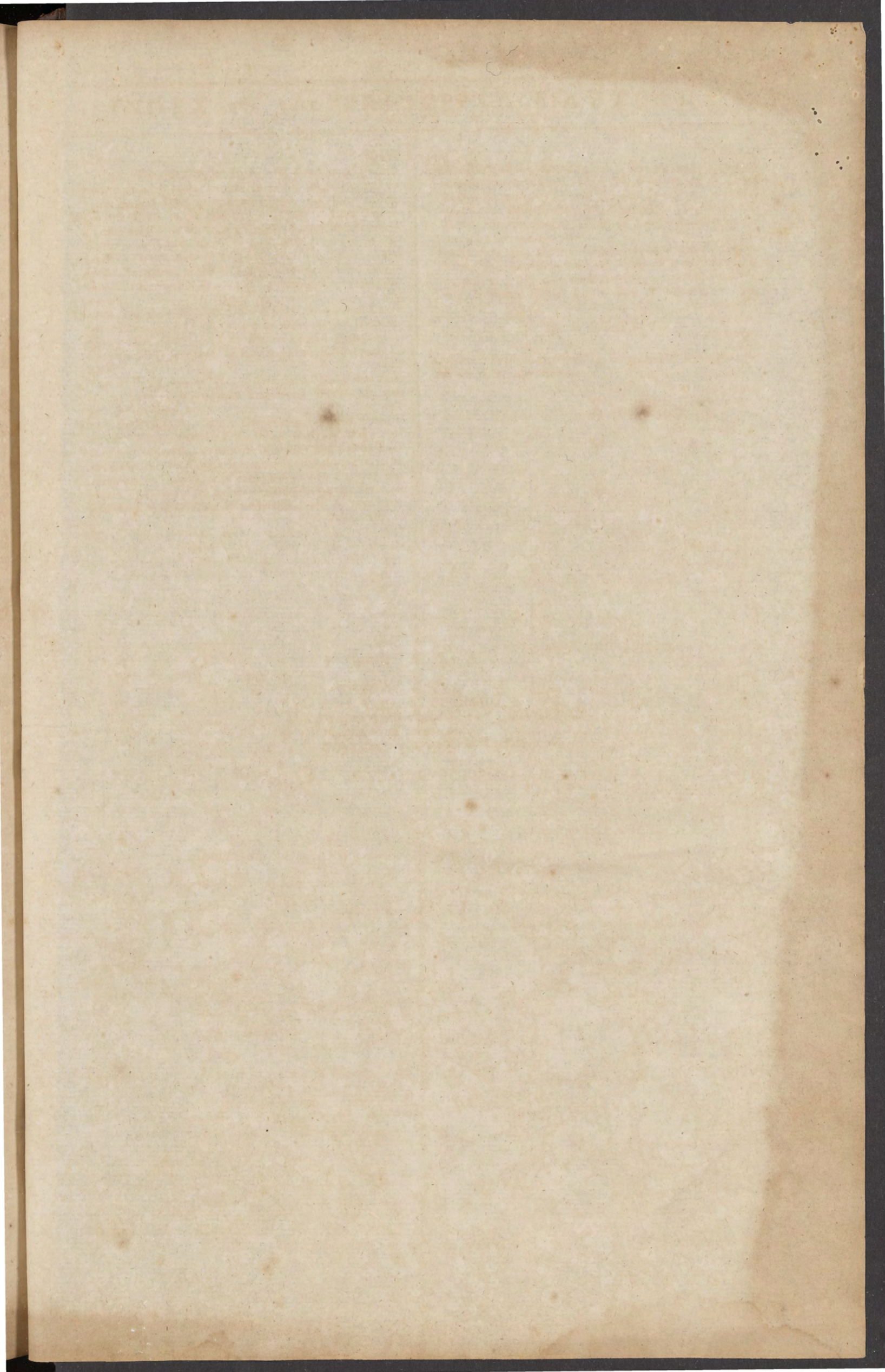
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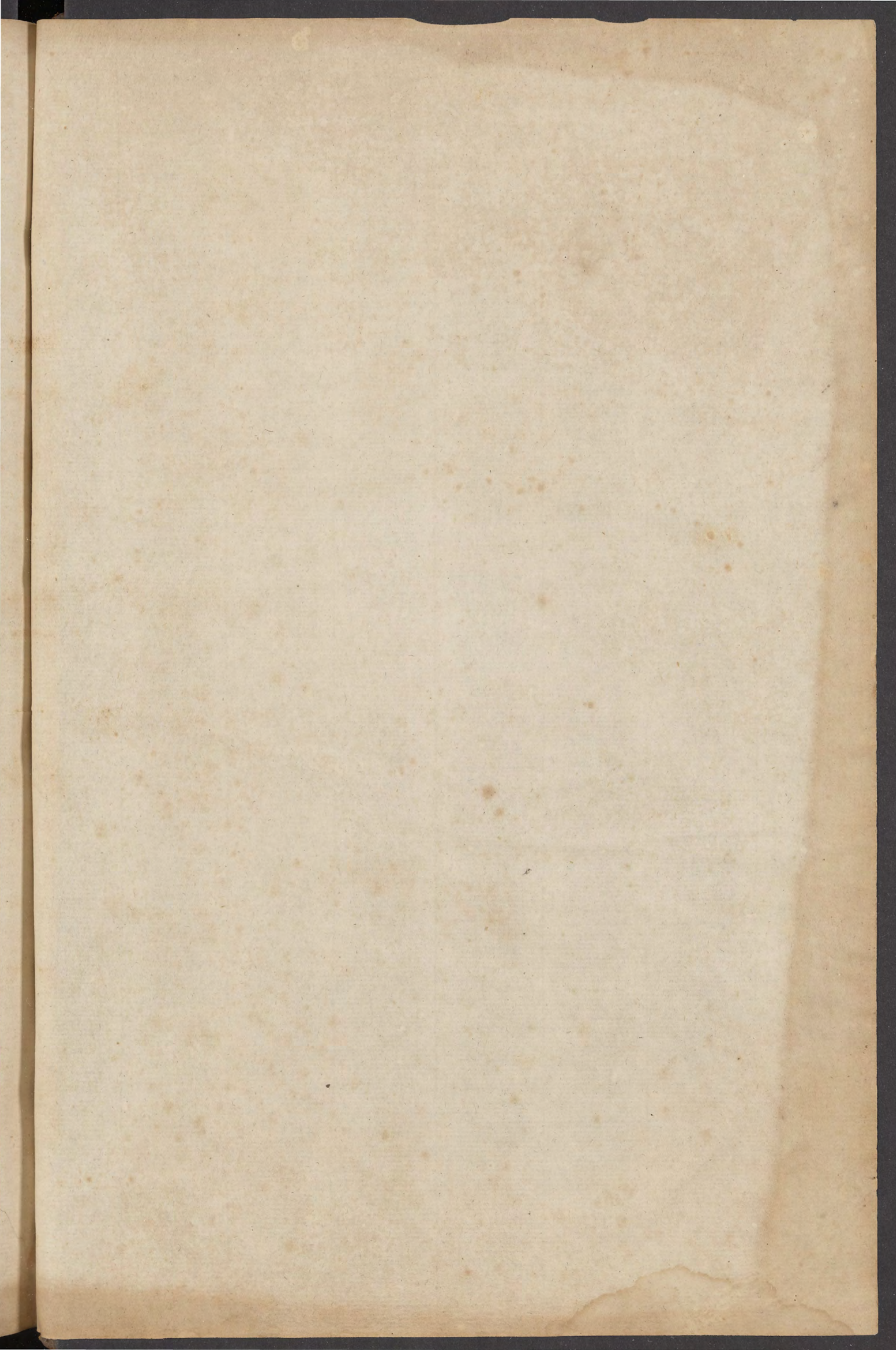
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115 48 for CCCXXXII read CCCXXII.  
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370 31 for Seventh read Seventeenth.  
378 4 for Defect made read Defect of Purchases made.

F I N I S.









King George 3rd. 1790

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