

JOSEPH, SMITH. T H

ACT

Of the GENERAL ASSEMBLY

Of the PROVINCE of

NEW-JERSEY,

From the Time of the Surrender of the Government in the Second Year of the Reign of Queen ANNE, to this present Time, being the Twenty Fifth Year of the Reign of King GEORGE the Second.

80626

Collected and published by Order of the GENERAL ASSEMBLY of the said Province.

With Proper Tables; and an Alphabetical Index containing all the Principal Matters in the Body of the Book.

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Second Justice of the Supreme Court of Judicature of the said Province.

Printed by WILLIAM BRADFORD, Printer to the Kings Most Excellent Majesty for the Province of New-Jersey,
MDCCLII.

The Third Year

Of the Reign of

King George I.

ACTS passed by the General Assembly of the Province of *New-Jersey*, at *Croswicks*, in 1716. being the Third Year of His Majesty's Reign.

C H A P. XXII.

An ACT for the more regular chusing and electing Assessors and Collectors in the respective Towns and Counties in this Province. See afterwards, Chap. 31, 77.

Preamble.

Freeholders, &c.
annually to elect one Assessor and one Collector for each Town, &c. who are to take Oath, &c.

Sett. 1. **T**O the End that the publick and necessary Charge in each County within this Province may be duly defrayed, **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, House-holders 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 chuse one Assessor and one Collector for each Town, Division, Precinct or District, within this Province, to be Assessor and Collector for the Town, Division, Precinct or District, for which they are chosen, for the ensuing Year; which said Assessors and Collectors shall, within Ten Days after chosen, repair to some Justice of the Peace within the County

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 any wise notwithstanding.

A C T S passed by the General Assembly of the Province of *New-Jersey*, at *Perth Amboy* in 1722, being the Eighth Year of His Majesty's Reign.

CH A P. XXXIII.

An A C T for the Security of His Majesty's Government of New-Jersey.

Preamble.

SECT. 1. **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.

Two or more
Justices, or any
Person specially
appointed by

BE IT THEREFORE ENACTED by the Governor, Council and General Assembly, and it is hereby

C H A P. XXXV.

An ACT to prevent Killing of Deer out of Season, and against Carrying of Guns and Hunting by Persons not Qualified.

Any Person killing Deer in the Time by this Act disallowed, to forfeit 30s. &c.

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 if any Person or Persons, after the Publication hereof, shall kill or destroy any wild Buck, Doe or Fawn, or any other Sort of Deer whatsoever, at any Time in the Months of *January, February, March, April, May* or *June*, every such Person shall, for every such Offence, forfeit and pay the Sum of *Thirty Shillings*, for every such Buck, Doe or Fawn, or other Deer, so killed or destroyed as aforesaid, contrary to the true Intent and Meaning of this Act; one half thereof to the Poor of the Township or Precinct where the Offence is committed, and the other half to him who shall Inform or Sue for the same before any Justice of the Peace of this Province, who is hereby empowered and authorized to hear and determine the same, and to convict the Offender by the Oath or Affirmation of one or more Witnesses. Provided, That such Conviction be made within two Months after such Offence committed.

Sale of green Skins to amount to a Conviction, &c.

2. AND for the better Convicting of Offenders against this Act, BE IT ENACTED by the Authority aforesaid, That every Person in whose Custody shall be found, or who shall expose to Sale, any green Deer Skins, fresh Venison or Deer's Flesh, at any Time in any of the Months of *January, February, March, April, May* or *June*, aforementioned, and shall be convicted thereof, as aforesaid, shall be deemed Guilty of the said Offence.

Not to extend to hinder killing them in Corn Fields, or by Indians

3. PROVIDED ALWAYS, That nothing contained in this Act, shall be deemed or construed to hinder any Person from killing any kind of Deer, within his Fields where Corn is growing, at any Time in the Month of *January*, nor to extend to any Free Native Indians carrying Guns, hunting, killing or having in their Custody any Skins or Deer's Flesh for their own Use; any Thing in this Act to the contrary notwithstanding.

4. And

4. And whereas divers abuses have been committed, and great Damages and Inconveniencies arisen by Persons carrying of Guns and presuming to hunt on other Peoples Land; for Remedy whereof for the future, **BE IT ENACTED** by the Authority aforesaid, That if any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun, or hunt on the improved or inclosed Lands in any Plantation, other than his own, unless he have Licence or Permission from the Owner of such Lands or Plantation, and shall be thereof convicted, either upon the View of any Justice of the Peace within this Province, or by the Oath or Affirmation of any one or more Witnesses, before any Justice of the Peace, he shall, for every such Offence forfeit the Sum of *Fifteen Shillings*, with Costs attending such Conviction. And if any Person whatsoever, who is not Owner of one Hundred Acres of Land, or otherwise qualified, in the same Manner as Persons are or ought to be for electing Representatives to serve in General Assembly, shall at any Time after the Publication hereof, carry any Gun, or hunt in the Woods or uninclosed Lands, without Licence or Permission obtained from the Owner or Owners of such Lands, and shall be thereof convicted, in Manner aforesaid, such Offender shall forfeit and pay the Sum of *Ten Shillings*, with Costs as aforesaid, for every such Offence. All which Penalties and Forfeitures shall go one Moiety to the Informer, and the other to the Poor of the Township or Precinct where such Offence is committed; but if convicted upon View of a Justice of the Peace, the whole Forfeiture shall be to the Use of the Poor. And if the Offender refuse to pay the same, with Costs, as aforesaid, shall be levied on by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the Justice before whom such Offender shall be convicted; returning the over-plus, if any be, the Charge of Distraint being first deducted. And for want of Effects whereon to make such Distress, every Person so Offending, contrary to the true Intent and Meaning of this Act, shall be committed to Prison, when the Forfeiture is *Thirty Shillings*, for the Space of Fifteen Days; and when the Forfeiture is *Fifteen Shillings*, for the Space of Eight Days; and when the Forfeiture is *Ten Shillings*, for the Space of Five Days, without Bail or Mainprize.

No Person to carry a Gun or Hunt on Land inclosed but by assent of Owners &c.

Nor on Lands Unclosed, unless freeholders &c.

Forfeitures how to be applied, and how to be levied &c.

5. **AND BE IT ENACTED** by the Authority aforesaid, That every Justice of the Peace, before whom any Person or Persons is convicted of having committed any of the Offences in and by this Act prohibited, is hereby directed and required to issue his Warrants for the bringing such Offender

Want of Effects to be committed to Gaol.

C c

before

Sheriff refusing
&c. to receive
the party, to
forfeit 6l. &c.

before him, and in Case of the want of Effects whereon to make Distress, to make out his Mittimus to commit such Offender to the Gaol of the County in which such Conviction is made; and the Sheriff, Under-Sheriff, or Gaol-keeper, is hereby directed and required to keep the said Offender in close Gaol, according to the Direction of this Act, and Tenor of such Mittimus to such Sheriff, Under-Sheriff, or Gaoler directed. And every Justice of the Peace neglecting or refusing to issue such Warrant, or make such Mittimus, and every Sheriff, or Under-Sheriff, or Gaol-keeper, who shall not receive such Offender, and keep him in close Gaol, according to the true Intent and Meaning of this Act, shall, for every such neglect or refusal, or undue discharge of his Office in the Premises, forfeit the Sum of *Six Pounds*, to be recovered in any Court of Record within this Province, in which there shall be no Effoyne or Protection; the one half to such Person as shall sue for and prosecute the same to Effect, the other half to the King's Majesty, His Heirs and Successors, for and towards the Support of the Government of this Province.

Not to extend
to Negroes, &c.
but they to be
whipped if con-
victed, &c

6. AND IT IS ALSO FURTHER ENACTED by the Authority aforesaid, That this Act, nor any Part thereof, shall be construed to extend to Negro, Indian or Mulatto Slaves, so as to commit them to Prison, during the Time in this Act limited, in Case they should be guilty of any of the Offences in this Act prohibited; but that then, and in such Case, such Indian, Negro or Mulatto Slave, killing and destroying any Deer as aforesaid, or carrying or hunting with any Gun, without Licence from his Master, shall, at the publick Whipping-Post, on the bare back, be Whipp'd, not exceeding Twenty Lashes, for every such Offence, for which Whipping the Master shall pay to the Whipper the Sum of *Three Shillings*, and pay no greater or other Cost whatsoever; any Thing in this Act to the contrary hereof in any wise notwithstanding.