

TITLE XXXVI.

TOWNSHIPS.

CHAPTER I.

TOWNSHIPS.

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| <ol style="list-style-type: none"> 1. Townships incorporated. 2. Boundaries. 3. Process against, how served. 4. Town meetings, when held. 5. Who entitled to vote. 6. Presiding officer chosen. 7. Preservation of order. 8. By-laws made, etc. 9. To be recorded. 10. Noxious animals destroyed. 11. Power to raise money. 12. Election of officers.
" Township committee. 13. Vacancies, how filled. 14. Who to notify special meetings. 15. How notice given. | <ol style="list-style-type: none"> 16. Clerk to keep minutes. 17. Certify appointments to county clerk. 18. How, if made by committee. 19. Oaths of officers. 20. Certified and filed. 21. Refusal to serve. 22. Forfeit for, etc. 23. Clerk's papers delivered to successor. 24. Certain sections to be read. 25. Collector's bond. 26. One year's service to exempt. 27. Hour of meeting changed. 28. Surveyors in Cape May. 29. Money for schools, etc. 30. Abstracts of ratables. 31. Fees. |
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An Act incorporating the inhabitants of townships, designating their powers, and regulating their meetings.

REV. 332, 723.
HAR. 187.
1835-6.
PAMPH. 95.
1841-2.
PAMPH. 165.
1843-4.
PAMPH. 231.
1846.
PAMPH. 15.
Townships
incorporated.

Revision....Approved April 14, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of each of the several townships, precincts and wards of this state, hereinafter mentioned, be and they are hereby continued a body politic and corporate in law, as heretofore constituted and established, by the name of "the inhabitants of the township of _____ in the county of _____" as the case may be, that is to say:

1. The inhabitants of the townships of Hackensack, Saddle River, Franklin, Harrington, New Barbadoes, Lodi and Washington, in the county of Bergen.

2. The inhabitants of the townships of Springfield, Clinton, Union, Bloomfield, Belleville, Rahway, Westfield, New Providence, Elizabeth, Orange, Caldwell, Livingston and Newark, in the county of Essex.

3. The inhabitants of the townships of Piscataway, Woodbridge, Perth Amboy (otherwise called the north ward of Perth Amboy), North Brunswick (otherwise called the north ward of New Brunswick), Monroe, South Brunswick (otherwise called the south ward

TI. XXXVI.
CHAP. I.
of New Brunswick), and South Amboy (otherwise called the south ward of Perth Amboy), in the county of Middlesex.

Monmouth. 4. The inhabitants of the townships of Upper Freehold, Stafford, Dover, Middletown, Shrewsbury, Freehold, Howell, Millstone, Jackson, Union and Plumsted, in the county of Monmouth.

Somerset. 5. The inhabitants of the townships of Bridgewater, Bedminster, Bernards, Hillsborough, Montgomery (otherwise called the western precinct), Warren, Franklin (otherwise called the eastern precinct), and Branchburgh, in the county of Somerset.

Burlington. 6. The inhabitants of the townships of Little Eggharbour, Springfield, Mansfield, Washington, Evesham, Willingborough, New Hanover, Chester, Northampton, Chesterfield, Burlington, Pemberton and Southampton, in the county of Burlington.

Gloucester. 7. The inhabitants of the townships of Deptford, Greenwich, Woolwich, Franklin and Harrison, in the county of Gloucester.

Salem. 8. The inhabitants of the townships of Salem, Mannington, Lower Penn's Neck, Pittsgrove, Upper Pittsgrove, Elsinborough, Alloway's Creek, Upper Penn's Neck, Upper Alloway's Creek and Pilesgrove, in the county of Salem.

Cape May. 9. The inhabitants of the Upper township (otherwise called the upper precinct), the Middle township (otherwise called the middle precinct), the Lower township (otherwise called the lower precinct), and Dennis, in the county of Cape May.

Hunterdon. 10. The inhabitants of the townships of Lebanon, Clinton, Alexandria, East Amwell, West Amwell, Bethlehem, Kingwood, Tewksbury, Readington, Raritan, Delaware and Franklin, in the county of Hunterdon.

Morris. 11. The inhabitants of the townships of Pequannock, Jefferson, Roxbury, Chester, Washington, Hanover, Randolph, Morris, Chatham, Mendham and Rockaway, in the county of Morris.

Cumberland. 12. The inhabitants of the townships (otherwise called precincts) of Maurice River, Downe, Fairfield, Greenwich, Stow Creek, Deerfield and Hopewell, and of the townships of Millville and Bridgeton, in the county of Cumberland.

Sussex. 13. The inhabitants of the townships (otherwise called precincts) of Sandyston, Montague, Frankford, Byram, Hardyston, Newton, Walpack, Wantage and Vernon, and of the townships of Stillwater, Green, Sparta and Lafayette, in the county of Sussex.

Warren. 14. The inhabitants of the townships of Mansfield, Oxford, Franklin, Harmony, Greenwich, Hope, Independence, Knowlton, Hardwick, Pahaquarry and Blairstown, in the county of Warren.

Passaic. 15. The inhabitants of the townships of Paterson, Acquackanonck, Manchester, West Milford and Pompton, in the county of Passaic.

16. The inhabitants of the townships of Eggharbour, Galloway, Hamilton, Mullica and Weymouth, in the county of Atlantic. TI. XXXVI. CHAP. I.

17. The inhabitants of the townships of Nottingham, Hamilton, Princeton, East Windsor, West Windsor, Hopewell, Lawrence, Ewing and Trenton, in the county of Mercer. Atlantic. Mercer.

18. The inhabitants of the townships of Bergen, North Bergen, Harrison, Jersey City and Van Vorst, in the county of Hudson. Hudson.

19. The inhabitants of the townships of Washington, Gloucester, Union, Newton, Waterford, Camden, Delaware and Winslow, in the county of Camden; *provided*, that the corporate name, powers and privileges, of the several cities, towns and boroughs of this state, shall be continued agreeably to the provisions of the several acts incorporating said cities, towns and boroughs respectively. Camden. Proviso.

2. *And be it enacted*, That the boundaries of the several townships shall be and remain as heretofore established by law. Boundaries. See Appendix A.

3. *And be it enacted*, That when any suit shall be instituted against any township, a copy of the summons, precept or such other legal process as may be issued against the said township, shall be left with the clerk thereof, thirty days at least before the session of the court to which the same shall be returnable. Process, how served. See TITLE XXXIV. Ch. 16.

4. *And be it enacted*, That the freeholders and inhabitants who are or shall be qualified by law to vote at town meetings, shall have full power, and they are hereby directed and required to assemble and hold town meetings in the respective townships in the counties of Burlington, Monmouth, Salem and Cumberland, on the second Tuesday in March, annually; in the respective townships in the county of Cape May, on the first Tuesday in March, annually; in the respective townships in the counties of Bergen, Essex, Somerset, Middlesex, Hunterdon, Morris, Passaic, Mercer and Hudson, on the second Monday in April, annually; in the respective townships in the counties of Gloucester, Atlantic and Camden, on the second Wednesday in March, annually; in the townships of Montague, Sandyston and Walpack, in the county of Sussex, on the second Monday in March, annually; in the remaining townships in the county of Sussex, on the second Monday in April, annually; in the township of Pahaquarry, in the county of Warren, on the second Monday in March, annually; and in the remaining townships in the county of Warren, on the second Monday in April, annually; and that said town meetings shall be held at such places, in the respective townships, as the electors of such township may have directed and appointed, or shall, from time to time, direct and appoint. Town meetings, when held.

5. *And be it enacted*, That every person entitled to the right of suffrage under the constitution, who shall have resided five months Who entitled to vote. Constitution, Art. II.

TI. XXXVI.
CHAP. I. in the township next preceding such town meeting, shall be entitled to vote at such meeting, and no other person.

Choose presiding officer.

6. *And be it enacted*, That between the hours of eleven and twelve of the day of holding the town meetings in the several townships of this state, the electors of every township, so assembled, shall choose, by plurality of votes, some fit person to preside at and superintend such meeting, who shall take care that the business thereof be conducted in a regular and orderly manner, and shall, in case of dispute, determine who have and who have not a right to vote at such meeting according to law.

Duties.

Penalty for disorder.

7. *And be it enacted*, That no person shall behave in a disorderly manner, or interrupt the person speaking at any town meeting by unnecessary noise or conversation; and if any person shall, after notice from the presiding officer, persist in his disorderly behaviour, then it shall be lawful for the said presiding officer to direct such disorderly person to withdraw from the meeting, and moreover, such person shall forfeit one dollar for such offence; and such disorderly person, if he refuse or neglect to withdraw, shall, by direction of the said presiding officer, be carried out of the meeting by some of the constables of the said township, and put into a place of confinement, where he shall be detained until such meeting shall be ended: *and further*, that the fines specified in this section, shall be sued for, and may be recovered, with costs, by action of debt, in the name of the clerk of the township, before any justice of the peace of the said county; and that any elector or inhabitant of the said township shall be admitted as a witness in support of such action, notwithstanding his being a member of such corporation, or interested in the appropriation of the said fine in manner aforesaid.

Fines recovered.

Make by-laws.

8. *And be it enacted*, That the persons qualified to vote at town meetings shall, at their annual meetings, or at any other meeting duly held for that purpose, make and ordain such regulations and by-laws as the majority of them so assembled shall, from time to time, judge necessary or proper for improving their common lands in tillage, pasturage, or any other way, and directing the use and management, and the times and manner of using their common lands, for making and maintaining such and so many pounds, and at such places as may be necessary or convenient, and to impose such penalties on the offenders against such regulations and by-laws as they shall deem expedient, not exceeding twelve dollars for each offence, to be recovered, with costs of suit, by and in the name of the clerk of the township where the offence shall be committed, by action of debt, before any justice of the peace or any other competent authority, in any other township in the said county or elsewhere; and no such action shall be abated or dis-

Impose penalties.

Suit not to abate.

continued by the death or expiration of the office of the said clerk, <sup>TI. XXXVI
CHAP. 1.</sup> but may be continued and prosecuted to effect by his successor in office; and all such penalties, when recovered, shall be applied to the use of the township where the offence shall have been committed, in such manner and for such purposes as at their town meetings shall, from time to time, be directed and appointed.

9. *And be it enacted*, That all such regulations and by-laws shall <sup>By-laws re-
corded.</sup> be entered and recorded by the clerk of such township, in a book by him to be provided for that purpose, and shall remain and be in force until the same shall be revoked or altered, or new made and ordained at some subsequent town meeting; all which alterations, new regulations, and by-laws shall also, from time to time, be entered and recorded as aforesaid, and shall continue in force until revoked, altered, or made and ordained anew, as aforesaid.

10. *And be it enacted*, That the persons qualified to vote at <sup>Provide for
destroying
animals.</sup> town meetings are hereby authorized, at their annual meetings, or any other meeting duly held for that purpose, to make such provisions and allow such rewards for the destruction of wolves, wild cats, foxes, crows, black birds, and other noxious wild animals and birds, as they or the major part of them, so assembled, shall deem necessary or proper.

11. *And be it enacted*, That the persons qualified to vote at <sup>Raise mo-
ney, for what
purposes.</sup> town meetings shall be and they are hereby empowered at their annual meetings, or at any other meeting duly held for the purpose, to vote, grant, and raise such sum or sums of money for the maintenance and support of the poor, the building and repairing of pounds, the opening, making, working, and repairing of roads and keeping them in order, in such townships as are authorized to repair their highways by hire, the destruction of noxious wild animals and birds, for running and ascertaining the lines, and prosecuting or defending the common rights of such township, and for other necessary charges and legal objects and purposes thereof, as are or shall be by law expressly vested in the inhabitants of the several townships of this state, by this or some other act of the legislature; which money so voted and granted, shall be assessed, <sup>How collect
ed.</sup> levied, and collected by the same persons, in the same manner, and under the like fees, fines, and penalties, as the money raised in such township by the board of chosen freeholders of the county shall be assessed, levied, and collected, and at such times and in such proportions as the said town meetings, respectively, shall direct and appoint; *provided*, that the said fines and penalties shall, ^{Proviso.} when recovered, be paid to the clerk of the said township, and be applied to the use of the said township, in such manner as shall, from time to time, be directed and appointed at their annual meeting.

12. *And be it enacted*, That the persons qualified to vote at

TI. XXXVI.
CHAP. I.

Officers to be
elected.

town meetings shall have full power and authority at their respective annual meetings, to elect for such township, by a majority of votes, one clerk, one or more assessor or assessors, provided no such township shall be thereby entitled to more than one vote in the board of assessors of the county, one or more collector or collectors, three or more judicious freeholders of good character to hear and finally determine all appeals relative to unjust assessments in cases of taxation, two freeholders commonly called chosen freeholders, two surveyors of the highways, one or more overseer or overseers of the poor, one or more constable or constables, and so many overseers of the highways and poundkeepers as they shall deem necessary or convenient, and one reputable freeholder as a judge of elections; which said several officers shall hold their respective offices for one year, and until others shall be chosen and legally qualified in their stead; and that in addition to the before mentioned officers, the electors of every corporation, at their respective annual meetings as aforesaid, shall have full power and authority to elect five judicious freeholders resident within the township, who shall be denominated the township committee, a majority of whom shall be a quorum, and shall continue in office one year and until others are chosen in their stead; which committee shall have authority, and it is hereby rendered their duty to examine, inspect, and report to the annual or other town meetings the accounts and vouchers of the township officers, and to superintend the expenditure of any moneys raised by tax for the use of the township, or which may arise from the balance of the accounts of any of the township officers; *and provided*, that the several officers enumerated in this section may be elected by a plurality of votes, in any annual town meeting which may resolve, or now are or hereafter may be required by law, to vote by ballot.

Township
committee.

Their duty.

Proviso.

Special
meetings to
fill vacancies,

or commit-
tee may ap-
point.

13. *And be it enacted*, That if any township shall neglect at their annual town meeting to choose any of the officers directed by law to be chosen, or if any of the officers so chosen in any township, shall refuse to serve, or die, or remove out of the said township, or become incapable of serving before the next annual meeting, then it shall be lawful for the persons qualified to vote at town meetings to assemble together, from time to time, and hold town meetings for the purpose of supplying such vacancies; and in case of neglect of the electors for fifteen days after such omission, to choose, or after the death, removal, refusal to serve, or inability of any township officer, the township committee shall, by writing under their hands and seals, appoint a person to fill such vacancy until the next annual town meeting.

14. *And be it enacted*, That the clerk of the township, upon

notice of any such omission, refusal, removal, incapacity, or death, or if the office of clerk be vacant, then any justice of the peace of the county, residing in the said township, upon notice thereof, shall give notice, in the manner mentioned in the following section, of a town meeting to be held in the same township for the purpose aforesaid.

TI. XXXVI.
CHAP. I.

Who to give
notice.

15. *And be it enacted*, That whenever it shall be necessary in the opinion of the township committee, to hold a town meeting for any of the purposes specified in this or any other act, at any time between the annual meetings, it shall be the duty of the clerk of such township to give notice thereof in writing under his hand, mentioning the time, place, and object or purpose of such meeting, to be fixed up at four or more of the most public places in the said township, at least eight days before the time therein appointed for holding such meeting.

How notice
given.

16. *And be it enacted*, That the clerk of every township shall enter, in a book to be kept for the purpose, the names of the persons and the offices to which they are elected at town meetings, and the proceedings of such meetings, which shall be signed by the presiding officer of the meeting and attested by the clerk.

Clerk to
keep min-
utes.

17. *And be it enacted*, That the clerk of such township shall, within ten days after every election, transmit to the clerk of the court of common pleas of the county, a certified list of the names of the persons and the respective offices to which they are elected; and shall, within five days after the said election, set up fair and true copies of such list in three or more of the most public places in such township, which shall be considered as sufficient notice to the said persons of their being elected to the said offices respectively.

Transmit
names to
county clerk,

and set up
copies.

18. *And be it enacted*, That if the appointment to office is made by the township committee in the manner prescribed by law, then it shall be the duty of the said committee to give personal notice to, or cause notice in writing to be left at the place of abode of the person so appointed, of such his appointment, within five days after the same, and also, within the said time, to transmit an account of such appointments to the clerk of the said court of common pleas.

Committee
to notify ap-
pointments.

19. *And be it enacted*, That every clerk of the township, surveyor of the highways, assessor, commissioner of appeals in cases of taxation, overseer of the poor, and constable, hereafter elected or appointed as aforesaid, shall, before he enters upon the execution of his office, and within six days after notice of such election or appointment, take and subscribe an oath or affirmation, before some justice of the peace residing in or near the said township, in the form hereinafter prescribed, that is to say, every clerk shall

Oath to be
taken by.

TL. XXXVI.
CHAP. I. take and subscribe an oath or affirmation in the following form, to wit:

Clerk. I —— clerk of the township of —— in the county of —— do solemnly and sincerely promise and swear (or affirm), that I will faithfully and honestly keep all the papers, writings, books and records, by virtue of my office committed, and which, from time to time, shall be committed to me; and that I will, in all things, to the best of my knowledge and understanding, perform the duties of said office of clerk, without favour or partiality.

Surveyor. And every surveyor of the highways shall take and subscribe an oath or affirmation in the following form, to wit:

I —— do solemnly and sincerely promise and swear (or affirm), that I will, in all things, to the best of my knowledge and understanding, well, justly, and faithfully execute the office of a surveyor of the highways, without favour or partiality.

Assessor. And every assessor shall take and subscribe an oath or affirmation in the following form, to wit:

I —— do solemnly and sincerely promise and swear (or affirm), that I will truly, faithfully, honestly, and impartially value and assess the ratable estates in the township of —— in the county of —— and that in making such valuations and assessments, I will, to the best of my knowledge and judgment, observe the directions of the law respecting the same; and that I will make a true return of all such assessments to the board of assessors, at their meeting, required to be held on the first Monday in September, by the third section of "An act concerning taxes."

Page 1004.

Commissioner of appeals. And every freeholder to hear and determine appeals relative to unjust assessments in cases of taxation, shall take and subscribe an oath or affirmation in the following form, to wit:

I —— do solemnly and sincerely promise and swear (or affirm), that I will well, truly, and faithfully execute the trust reposed in me, and perform my duty, as a commissioner of appeals in cases of taxation, for the township of —— in the county of —— according to the best of my knowledge and understanding, without favour or partiality.

Overseer of poor.

And every overseer of the poor shall take and subscribe an oath or affirmation in the following form, to wit:

I —— do solemnly and sincerely promise and swear (or affirm), that I will, in all things, to the best of my knowledge and understanding, well and faithfully execute the trust reposed in me, as an overseer of the poor of the township of —— in the county of ——

Constable.

And every constable shall take and subscribe an oath or affirmation in the words following, to wit:

I ——— do solemnly and sincerely promise and swear (or TI. XXXVI.
CHAP. 1. affirm), that I will well and truly serve the state of New Jersey in the office of constable for the township of ——— in the county of ———; that I will honestly and impartially summon, empanel and return good and lawful men for juries, able and sufficient, and not suspected or procured, as is or shall be directed by law; that I will, to the utmost of my power, faithfully and without delay, execute all writs, precepts, process, warrants and executions to me directed, and which shall come to my hands, and truly return the same; that, in the exercise of my office, I will do no wrong to any, but will do right to all, and take none but lawful fees; that I will truly, diligently and honestly, without fraud, deceit, oppression, favour or partiality, do, execute and perform all services, acts and duties of my said office, to the best of my knowledge, judgment and ability.

20. *And be it enacted*, That every justice of the peace, before whom such oath or affirmation shall be taken and subscribed, shall, Justice to certify oath, etc. without fee or reward, certify, under the said writing, the day and year when such oath or affirmation was taken, and subscribe his name thereto, and then deliver the said certificate to the officer taking such oath or affirmation, who shall, within six days thereafter, transmit or deliver such certificate to the clerk of the town- To be sent to clerk. ship for which such officer was elected or appointed, who shall file every such oath or affirmation, except that of surveyors of the highways; and the said clerk shall, within twenty days after every Of surveyor's oath. election for the surveyors of the highways, transmit to the clerk of the court of common pleas of the county, to be by him filed, the oath or affirmation of such surveyor or surveyors, as may have been presented to him within the time prescribed by law, a copy of which oath or affirmation shall be first filed by the said town clerk, and remain of record in his office.

21. *And be it enacted*, That if any clerk, surveyor, assessor, What deemed a refusal to serve. commissioner of appeals, overseer of the poor or constable, shall not take and subscribe such oath or affirmation as aforesaid, or shall not transmit or deliver the same to the clerk as aforesaid, within the time hereby limited, or if any officer elected or appointed as aforesaid, shall not give such security as is or shall be by law required, within the time for that purpose limited, then and in every such case such neglect shall be deemed a refusal to serve in such office, and the township in which such officer was chosen, or town- New election. ship committee who appointed him, as the case shall require, may thereupon proceed to a new election or appointment.

22. *And be it enacted*, That if any person hereafter elected or Forfeit for refusal to serve. appointed a clerk, surveyor, assessor, collector, commissioner of

appeals, chosen freeholder, overseer of the poor, constable, overseer of the highways or poundkeeper as aforesaid, shall refuse to accept or serve in such office, or if any such clerk, surveyor, assessor, commissioner of appeals, overseer of the poor or constable, shall proceed in the execution of such office before he shall have taken and subscribed such oath or affirmation as aforesaid, or if any officer, so elected or appointed, shall proceed in the execution of his office before he shall have given such security as is or shall be required by law, then every person so neglecting or refusing, or doing, shall forfeit fifteen dollars, to be recovered, with costs, by action of debt, in any court having cognizance of that sum, in the name and for the use of the inhabitants of the township in and for which such officer was elected or appointed.

Papers, etc., of clerk to be delivered to successor. 23. *And be it enacted*, That upon the death or expiration of the office of clerk of any township, all the papers, writings, books, and records, belonging to the said office, shall be delivered to the successor in office, on the oath or affirmation of the preceding clerk, or, in case of his death, on the oath or affirmation of his executors or administrators; and if any such clerk, his executors or administrators, shall refuse or neglect to deliver the same, on oath or affirmation as aforesaid, being lawfully demanded, then every such person shall forfeit sixty dollars, to be recovered, with costs, by action of debt, in any court having cognizance of that sum, in the name and for the use of the inhabitants of the said township.

7th and 29th sections to be read. 24. *And be it enacted*, That it shall be the duty of the presiding officer at every town meeting, immediately after his election and taking the chair, to cause the seventh and twenty-ninth sections of this act to be read to the persons then assembled.

Collector to give bond. 25. *And be it enacted*, That when any person shall hereafter be elected to the office of collector in any township within this state, he shall, before he enters upon the duties of said office, enter into bond to the inhabitants of said township, in their corporate name, with one or more sufficient surety or sureties, being a freeholder or freeholders, and resident in said township, to be approved of by the township committee of said township, and in such sum as the said township committee shall direct, conditioned for the faithful performance of all the duties of said office of collector of said township, according to law.

One year's service to exempt. 26. *And be it enacted*, That if any person chosen at any town meeting by virtue of this act, shall serve in any town office for one year, or pay a fine or forfeiture that the law inflicts for refusing to accept or serve in such office, such person shall not be compelled to serve in the said office, nor to pay any fine or forfeiture for refusing to accept or serve in the said office, for the space of five years thereafter.

27. *And be it enacted*, That whenever the inhabitants of any of the townships in this state, at their annual town meeting, held on the day appointed by law for holding the same, shall deem it expedient to change the hour of opening the said meeting, it shall and may be lawful for them so to do, and to proceed to choose the presiding officer; which time so agreed on shall be the time of meeting, until it be by the said inhabitants changed to some other hour; *provided*, that the hour fixed on shall not be earlier than ten o'clock in the forenoon, nor later than two o'clock in the afternoon of said day.

TI. XXXVI.
CHAP. I.

Hour of
meeting may
be changed.

Proviso.

28. *And be it enacted*, That it shall and may be lawful for the inhabitants in the several townships in the county of Cape May, at their annual township meetings, to elect three surveyors of the highway for each and every township in said county.

Surveyors in
Cape May.

29. *And be it enacted*, That hereafter it shall be lawful for the inhabitants in each of the townships of this state, duly qualified to vote at town meeting, at their annual meetings, to vote, grant, and raise, in the same manner as other moneys for town purposes are authorized to be raised, such sum of money as the majority of said meeting shall agree upon, to be laid out and expended, under the direction of the town committee in each township, for the education of such poor children as are paupers belonging to said township, and the children of such poor parents resident in said township as are or shall be, in the judgment of said committee, unable to pay for schooling the same; and also, for the erection and repairing of one or more public school-houses, or for the establishment of such free schools, and their support, as are or shall be in the judgment of said committee necessary.

Money for
education

and school-
houses.

30. *And be it enacted*, That the board of assessors of the several counties shall annually make net abstracts of ratables for their respective counties, from the assessments returned.

Abstracts of
ratables.

31. *And be it enacted*, That the members of the township committee of the several townships of this state, shall hereafter be allowed and paid one dollar per day each, and the clerk of the several townships as aforesaid shall be allowed and paid one dollar and fifty cents per day, by their respective townships, for the services rendered in performing their several township duties required of them by law.

Fees.