

An act providing for the punishment of offences committed on the river Delaware.

P. L. 1856, p. 242.

Approved March 14, 1856.

Jurisdiction of offences committed on the river Delaware.

30. SEC. 1. That the juridical investigation and determination of any capital or other offence, trespass or damage hereafter committed within and upon the water of the river Delaware, which this state is entitled to enjoy and exercise, by virtue of the agreement set forth in the act entitled "An act to ratify and confirm an agreement made between commissioners appointed by the legislature of the state of Pennsylvania and commissioners appointed by the legislature of the state of New Jersey, for the purpose of settling the jurisdiction of the river Delaware, and islands within the same," passed the twenty-seventh day of March, one thousand seven hundred and eighty-three, shall belong to and be exercised by the courts and officers of the county lying and being nearest to the place where such offence, trespass or act was committed, as fully and in all respects as if the said place was within the body of such county, and it shall be lawful to describe the said offence, trespass or act as having been committed in or upon the water of the river Delaware in the said county.(1)

III. Seat of government.

An act for fixing a permanent seat of government in this state, and for altering the place of the first meeting of the legislature after the annual elections.

R. S. 789.

Passed November 25, 1790.

Trenton to be the seat of government.

31. SEC. 1. That Trenton, in the county of Hunterdon, shall henceforth be considered as the seat of the government of this state, and that the first meeting of the legislature, after the next, and every future annual election for the members thereof, shall be at Trenton, in the county of Hunterdon.

(1) The following acts have been passed ceding to the United States jurisdiction over lands for purposes therein designated, viz: For lands to be occupied as sites of lighthouses, P. L. 1853, p. 38. Supplement to same, P. L. 1854, p. 102. For land in Newark for custom house, P. L. 1855, p. 246. For erection of defenses at Finn's Point, P. L. 1871, p. 110. Supplement to same, P. L. 1872, p. 8. To provide sites for life saving stations, P. L. 1872, p. 19. Supplement to same, P. L. 1873, p. 70. For National Cemetery at Beverly, P. L. 1872, p. 37. For government building at Trenton, P. L. 1871, p. 36, 1872, p. 68, and 1872, p. 87. For erection of lighthouses, etc., P. L. 1873, p. 30. For fort at Red Bank, P. L. 1873, p. 47. For post office, Jersey City, P. L. 1873, p. 156. For lands under tidal waters for lighthouses, etc., P. L. 1875, p. 28.

Thread.

1. Spools and packages to be marked with number of yards they contain.
2. Penalty for neglect to affix such marks.
3. Penalty for selling or offering for sale without label.
4. Act only to apply to cotton thread.

An act to prevent frauds in the sale of thread.

P. L. 1869, p. 1150.

Approved April 1, 1869.

Spools or packages to be marked with number of yards they contain.

1. That every manufacturer of sewing thread, or person engaged in putting up sewing thread on spools or in packages intended for sale, shall, before the same is offered for sale, affix to each spool or package a label or ticket designating the actual number of yards which each spool or package contains.

Penalty for neglect to affix such marks.

2. That if any manufacturer, or person so engaged as aforesaid, shall purposely neglect to affix such label to each spool or several packages of thread manufactured or put up as aforesaid, or shall, with intent to deceive, affix or cause to be affixed, a label or ticket to any spool or package of thread intended for sale, specifying that such spool or package contains a greater number of yards of thread than such spool or package actually contains, such manufacturer or person shall forfeit the sum of five dollars for each spool or package so without a label or falsely labeled, that shall be sold or offered for sale by such manufacturer or person engaged as aforesaid, to be recovered in an action of debt by any person who shall sue for the same; one-half of said penalty to go to the poor of the township where said suit is brought, and one-half to the person suing for the same.

3. That if any person or persons, selling or dealing in sewing thread at wholesale or retail, shall knowingly sell or offer for sale any sewing thread on spools or in packages, upon which no label, as aforesaid, is affixed, or with intent to deceive, shall sell, or offer for sale, any sewing thread on spools or in packages, on which a label is affixed specifying that such spool or package contains a greater number of yards than such spool or package actually contains, such seller or dealer, so offending, shall forfeit the sum of five dollars for each spool or package so sold or offered for sale without such label, or falsely labeled as aforesaid, to be recovered in an action of debt by any person who may sue for the same; one-half of said penalty to go to the poor of the township where such action is brought, and one-half to the person suing for the same.
4. That the provisions of the foregoing act shall not apply to other than cotton thread.

Penalty for selling or offering for sale without label.

Act to apply only to cotton thread.

Timber.

1. Penalty in a civil suit for cutting, &c., trees, saplings, etc.
2. Limitation of action.
3. Compensation to persons taking up drift lumber.
4. Persons taking up such lumber to secure same and advertise.
5. Claim for such lumber to be under oath.
6. Person presenting claim and paying compensation to have possession of lumber.
7. Provision of act extended to all rails, etc., adrift.

An act to prevent the unlawful waste and destruction of timber in this state.

Passed February 28, 1820. R. S. 599.

1. That if any person or persons whatsoever, shall, at any time hereafter, cut, fell, work up, carry away, box, bore, or destroy any tree, sapling or pole, standing or lying on any land within this state, 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, sapling, or pole so cut, felled, worked up, carried away, boxed, bored, or destroyed as aforesaid, the sum of eight dollars; 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, felling, working up, carrying away, boxing, boring, or destroying of any such tree, sapling, or pole; and that whenever any person or persons, within this state, shall be sued or prosecuted before any justice of the peace within the same, it shall and may be lawful for such justice of the peace to proceed, whenever the penalty demanded shall not exceed one hundred dollars, notwithstanding any claim the defendant or defendants may offer to make to the land whereon and from which the said tree, sapling, or pole may be cut, felled, worked up, boxed, bored, destroyed, or carried away, 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 sureties or surety, being freeholders, in double the sum so demanded, with a sufficiency for costs of suit, conditioned for his or their appearance at the next court where the same may be cognizable, 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. (a)

Penalty in a civil suit for cutting, felling, &c., saplings, etc.

Authority of the justice.

(a) Debt is the proper form of action for the recovery of penalties under this act. *Cato v. Gill*, *Coe* 11. *Crane v. Coe* 53. *Dallas v. Hendry*, *Pen.* *973. *Thompson v. Burdsall*, 1 *South.* *170. *Miller v. Stoy*, 2 *South.* *476. The demand should state the number of trees and the other requisites in the act. And the judgment should designate the penalties. *Walker v. Pierson*, **Pen.* 454. A state of demand need not set out the cutting of each tree specially, nor specify the kinds of trees. It may claim in a body, the amount of all the penalties demanded, for the whole number of trees cut. *Clark v. Collins*, 3 *Gr.* 473. It is necessary to set out each separate, distinct offence. In penal actions, it is not sufficient for the plaintiff in general terms, to charge the defendant with the commission of ten or any other number of offences, but he must set them out with certainty, *Hill v. Herbert*, *Pen.* *924. A state of demand must state place, time and circumstances required in the act. *Doughty v. Anderson*, *Pen.* *428. *Hill v. Carter*, 1 *Harr.* 87. The name of the town where the land lies should be set out, and the land itself described. *Mathews v. Pemberton*, *Pen.* *423. It must state that the defendant had neither right nor permission to cut the tree. *Miller v. Stoy*, 2 *South.* *476. (c) What act of the legislature has been violated, must be averred, *Miller v. Stoy*, 2 *South.* *476. (f) In action *qui tam*, &c., for cutting timber, brought in the court for the trial of small causes, the defendant may, on plea of the general issue, give in evidence his possession as owner of the land on which the timber was cut. *Hill v. Carter*, 1 *Harr.* 87.