

Pleadings, judgment, execution.

3. *Provided*, where any action shall be brought against any heir or heirs, such heir or heirs may plead riens per descent at the time of the original writ brought, or the bill filed against him, her or them; and the plaintiff in such action may reply, that such heir or heirs had lands, tenements or hereditaments from his, her or their ancestor before the original writ brought, or bill filed; and if, on issue, joined thereupon, it be found for the plaintiff, the jury shall inquire of the value of the lands, tenements or hereditaments so descended, upon which judgment shall be given, and execution awarded as aforesaid; but if judgment be given against such heir or heirs, by confession of the action, without confessing the assets descended, or upon demurrer, or nihil dicit, it shall be for the debt and damages, without any writ to inquire of the lands, tenements and hereditaments so descended.

Devises made liable in the same manner.

4. *Provided also*, all and every devisee, and devisees made liable by this act, shall be liable and chargeable in the same manner as the heir and heirs-at-law by force of this act notwithstanding the lands, tenements and hereditaments to him, her or them devised shall be aliened before the action brought, and shall be liable to like judgments and executions as the heir and heirs-at-law. (1)

(1) For sections 5 and 6 under this title as printed in Revision, p. 477, see *post*, title PRACTICE. The act was "An act to regulate the practice of the courts of law" and not a supplement to the heirs and devisees act.

Herring.

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Har. 14.

An act to regulate the packing of herring for exportation.

R. S. 1043.

Passed November 27, 1821.

In what condition herring must be packed, and in what casks.

1. That all herring designed for exportation, which shall be packed after the passing of this act, shall be sound and merchantable, well packed and well secured, with a proper quantity of salt and pickle, in tight casks, make of good, sound, well-seasoned white oak timber, hooped with at least fourteen good and substantial hoops, secured at each bilge with three pins, and at each head or chime hoop with at least three nails; and the casks shall be of the following dimensions, viz.: the length of the stave, when in the cask, shall be twenty-seven and a half inches; the head, seventeen and a half inches; the bilge, twenty inches; and to contain twenty-eight gallons, wine measure; and every half barrel containing herring designed for exportation shall be of the gauge of fourteen gallons of the measure aforesaid; and each and every barrel or half barrel of herring designed for exportation shall be branded with the initial letters of the Christian name, and the surname at full length, of the person or persons putting up the same, or of the person selling such herring, under the penalty of fifty cents for each and every barrel or half barrel sold and delivered, not branded as aforesaid; and in case the aforesaid barrels or half barrels of herring, not being branded as aforesaid, and after the fine being paid, the inspector appointed by virtue of this act may brand them with his name, in the manner hereafter described, for which he shall demand and receive from the person selling the same, the sum of six cents for each barrel or half barrel.

Dimensions of the casks.

To be branded.

What casks are legal.

2. That herring designed for exportation may be packed in tight casks made of any kind of timber, if sound and merchantable, well packed and

secured with a proper quantity of dry salt, the casks to be of the same size and dimensions as is designated by the first section of this act, and secured by being hooped with at least twelve good and sufficient hoops, and nailed or pinned as directed in the first section.

3. That every barrel or half barrel of herring designed for exportation shall, before the exportation thereof, be carefully examined by an inspector appointed by virtue of this act, who shall pass as merchantable, and brand with the brands hereinafter described, each and every barrel or half barrel, being of the materials hereinbefore directed and described, which shall respectively contain the proper quantity of sound and merchantable herring, and be secured in manner aforesaid; and the said inspector shall erase and effectually deface the brand, mark, or marks off and from each and every barrel and half barrel containing herring designed for exportation as aforesaid, which shall not be of the dimensions, and made in the way hereinbefore described, and which shall not be of the quality, and packed and secured in the manner hereinbefore directed and described; and if the same cannot be rendered merchantable, according to the requisitions and meaning of this act, by salting, pickling, repacking, and coopering thereof, then the said inspector shall impress and brand a cross thus, X, each stroke of said cross being at least two and a half inches in length, upon one head of each and every barrel or half barrel containing herring so as aforesaid incapable of being rendered merchantable.

To be examined by an inspector.

If not merchantable, to be crossed.

4. That each and every person or persons, who shall sell and deliver any barrel or half barrel of herring for exportation to the purchaser or purchasers thereof, before the same has been duly examined by an inspector appointed by virtue of this act, and branded with the brands herein directed for branding the same, or who shall lade or ship on board of any vessel or vessels for exportation, or who shall refuse to allow or suffer the said inspector, in the cases aforesaid, to erase and effectually deface the brand, mark, or marks off and from every barrel and half barrel of herring, and if need be, to impress and brand thereon the said mark of a cross as aforesaid, shall forfeit and pay for each and every barrel or half barrel so sold or delivered, and for each and every barrel or half barrel so laden or shipped on board any vessel or vessels as aforesaid, and for each and every barrel or half barrel from which he, she, or they shall refuse to allow or suffer the said brand, mark, or marks to be erased and effectually defaced as aforesaid, and for each and every barrel or half barrel whereon he, she, or they do refuse to allow or suffer the said mark of a cross to be impressed and branded as aforesaid, the sum of one dollar and twenty-five cents; and all and every person or persons who shall, by any means whatsoever, willfully erase or deface the said mark of a cross, after the same has been duly impressed and branded by the said inspector upon any barrel or half barrel as aforesaid, shall forfeit and pay the sum of twenty dollars for each and every barrel and half barrel off and from which the said mark of a cross shall be erased or defaced, the said sums of money or forfeitures to be recovered and applied in the manner hereafter provided and declared.

Penalty on those who sell without inspection.

How to be recovered.

5. That the inspectors appointed by virtue of this act, may lawfully demand, receive, and take from the person or persons selling the same, the sum of twenty-five cents for each and every barrel or half barrel of herring he may repack; and for each and every barrel or half barrel of herring he shall fill up and head, the sum of eight cents; and for inspecting, examining, and branding every barrel or half barrel of herring, the sum of eight cents; and for each and every barrel or half barrel of herring exported from any port in this state, the customary allowance and compensation for the expense and trouble of coopering and putting the same into good and merchantable order and condition; *provided*, that it shall and may be lawful to and for the owner, owners or sellers of such herring to employ any person or persons, other than the said inspector, to do, execute and perform the cooperage necessary to put the same in good and merchantable order and condition as aforesaid; and in that case the said

Compensation for inspection.

Proviso.

- inspector shall not be entitled to have or receive any allowance or compensation whatsoever, for or on account of said cooperage.
- When casks re-examined.** **6.** That each and every barrel and half barrel of herring, inspected and branded as is by this act required, shall, if lying on hand and unsold, and not exported from this state for six months from and after such inspection and branding before sale or delivery, be again examined by the said inspector, and if found sound and merchantable, agreeably to the intent and meaning of this act they shall or may be exported as aforesaid, but if unsound, they shall be subject to the same regulations as stated in the third section of this act; and the said inspector shall have and receive, from the person or persons selling the aforesaid barrels or half barrels of herring for his expense and trouble for opening, examining and heading each and every barrel as aforesaid, the sum of three cents.
- Penalties, how to be recovered, and for whom.** **7.** That all and singular the forfeitures and penalties in and by this act imposed, shall be collected by the said inspector, with costs of suit, in any court having cognizance thereof, one-half thereof to and for his own use, the other half, when recovered, to be paid by the said inspector to the overseers of the poor of the town or place where the offense shall be committed, for the use of the poor thereof.
- Inspector, how to be commissioned.** **8.** That the governor, or person administering the government of this state for the time being, on the application and recommendation of the common council of any city or town corporate, or on the application and recommendation of twelve respectable freeholders of any other town within this state, may appoint and commission one or more inspectors and repackers of herring (who shall not be dealers in said articles) in such parts of the state as may be deemed necessary and expedient.
- Oath to be taken and filed.** **9.** That each and every inspector and repacker of herring, appointed and commissioned as aforesaid, shall, before he enters upon the execution of the said office, take and subscribe the following oath or affirmation, before one of the justices of the supreme court of this state, or before one of the judges of the court of common pleas in and for the county in which the duties of such office are to be exercised, viz.: I, A. B., do solemnly swear (or affirm), that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute the office and duty of an inspector and repacker of herring, according to the true intent and meaning of the laws of this state relative to the same; and that I will not directly or indirectly brand, or suffer to be branded, any casks of herring but what shall be sound and merchantable, agreeably to the said laws; a copy of which said oath or affirmation, subscribed by the person appointed as aforesaid, and signed by the officer by whom it was administered, shall be filed in the office of the clerk of the county where the said inspector and repacker usually resides.
- Term of office.** **10.** That the said inspectors shall hold their offices for the term of five years from the time of their appointment, and no longer, but upon being again recommended as aforesaid, may be re-appointed.
- Casks, how to be branded.** **11.** That the said inspectors and repackers shall provide themselves with, and brand every barrel and half barrel of herring, as follows: "New Jersey herring;" and also the initial letter of his Christian name and his surname at full length, together with the name of the place where inspected or repacked.
- Penalty for using casks a second time.** **12.** That no person or persons shall use casks which have been emptied, after being branded as aforesaid, a second time, unless they shall first erase and effectually deface the repacker's brand off and from every such cask, under the penalty of twenty dollars for every such cask so used.
- Penalty for neglect or delay.** **13.** That if any inspector or repacker of herring shall neglect or delay to inspect or repack any herring, when thereunto required by the owner or possessor thereof, for the space of forty-eight hours, every such inspector or repacker shall, for each neglect, pay to such owner or possessor the sum of two dollars per barrel or half barrel.
- Penalty on inspector for offenses committed.** **14.** That for every offense which the said inspectors and repackers shall commit against the true intent and meaning of this act, and be thereof convicted, he or they so offending shall forfeit the sum of twenty dollars, and be rendered incapable of serving again in said office.

15. That if any dispute shall happen between the said inspectors or repackers and the possessor of such herring, concerning the soundness or package of the same, or the soundness or contents of the casks, it shall be lawful for any justice of the peace of the city or county where the said dispute arises, upon application to him made, and he is hereby required to issue his warrant to two indifferent, judicious persons of skill and integrity, to view and search the said herring together with the cask in which they are contained, and make report forthwith, after having examined the same, to the said justice (which report shall be in writing, and to which they shall swear or affirm), according as they find the same; and the said justice is hereby empowered and required to give judgment accordingly; and in case the said herring shall be found to be unfit for exportation, the said justice shall order them not to be exported, under the penalty of forfeiting all such herring, and also award the owner or possessor to pay the said inspector and repacker the sum of twenty-five cents per cask, for all such herring as shall be judged not fit for exportation as aforesaid, with reasonable charges; but in case the said herring, upon trial as aforesaid, shall be found good and merchantable, according to the directions of this act, the charges of prosecution shall be paid by the inspector.

Disputes to be settled by referees.

16. That the said inspectors shall have full power by virtue of this act, and without any further or other warrant, to enter on board any ship, sloop or vessel whatsoever, lying or being in any port or place in this state, to search for and make discovery of any herring shipped for exportation, and if the owner or possessor, or their servants or others, shall deny him or them entrance, or if the said inspectors shall be in any way molested in making such discovery as aforesaid, every such person shall forfeit and pay the sum of twenty dollars; or if any person or persons shall ship off any cask or casks of herring, not branded as is hereinbefore required, every such person so offending shall forfeit and pay the sum of one dollar and twenty-five cents for every cask so shipped.

Inspectors authorized to enter on board of vessels.

17. That salted herring, in barrels or half barrels, which shall have been brought or imported from any place or places without the bounds and limits of this state, with the name of the state, town or place from which the same shall have been brought or imported, branded or marked at full length, and in plain legible manner thereon, and which shall be exported with the same name so as aforesaid branded or marked thereon, and not as the herring of New Jersey, shall not be liable to examination by the inspectors herein appointed, but the same may be lawfully exported without inspection.

Foreign herring not subject to inspection.

Historical Societies.

1. Election and incorporation of trustees.
2. Certificate of name to be recorded in county clerk's office.
3. May acquire and hold lands.
4. Notice of election of trustees to be given.
5. May make by-laws, &c.
6. Societies may incorporate.
7. Fees for recording and filing certificate.

An act to incorporate historic societies in this state.

Approved March 27, 1878.

P. L. 1878, p. 174.

1. That any of the citizens of this state resident in any county of this state are hereby authorized to assemble at the place where the court of common pleas is usually held in such county, at any time by them agreed upon, giving at least five days' notice of the time and place and purpose of assembling by an advertisement set up in open view at or near such place of meeting, and also advertised in one or more of the public newspapers of said county for at least ten days; and when so assembled may, by a plurality of voices of such of said citizens as are then present, elect any number not exceeding seven of said citizens to be trustees of said society, which said trustees and their successors in office are hereby constituted a

Election and incorporation of trustees of society.