

11. SEC. 8. That no person shall recover in any court in this state any sum of money whatever for any veterinary, medical or surgical services, unless he shall have complied with the provisions of this act, and is one of the persons authorized by this act to practice as a veterinary surgeon or veterinarian.

No persons to recover money for services unless they have complied with this act.

12. SEC. 9. That in order to secure to the veterinary associations and societies of the state and the state board of health a full record of all veterinary physicians and surgeons of this state, it shall be the duty of the county clerk of each county of the state to furnish to all incorporated veterinary associations and societies of the state and to the state board of health a list of names of all the veterinary physicians and surgeons who have deposited with him copies of their diplomas, and the name and place of the institution purporting to confer such diploma, and each county clerk shall yearly furnish to the veterinary associations and societies of the state and to the state board of health a similar list of those veterinary physicians and surgeons hereafter depositing diplomas with him, and shall include in such list also the names of those veterinary practitioners filing affidavits with him as mentioned in the foregoing section of this act; and each county clerk shall keep in a suitable book an index of the names of all veterinary physicians and surgeons depositing diplomas or filing affidavits in pursuance of the foregoing sections of this act.

County clerks to furnish full record of veterinary surgeons.

Vice and Immorality.

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3. Driving stages on Sunday.
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I. Offenses prohibited.

An act for suppressing vice and immorality.

Revision—Approved March 27, 1874.

1. That no traveling, worldly employment or business, ordinary or servile labor or work either upon land or water (works of necessity and charity excepted), nor shooting, fishing (not including fishing with a seine or net, which is hereafter provided for), sporting, hunting, gunning, racing, or frequenting of tippling-houses, or any interludes or plays, dancing, singing, fiddling or other music for the sake of merriment, nor any playing at foot-ball, fives, nine-pins, bowls, long bullets or quoits, nor any other kind of playing, sports, pastimes, or diversions, shall be done,

R. S. 595, 608.

P. L. 1854, p. 398.
" 1873, p. 138.

Business and diversion prohibited on the Sabbath.
R. S. 608, § 1.

Penalty. Exposing articles for sale. Penalty. How recovered. Defendant imprisoned. Other things prohibited. Proviso. Railroad companies may run passenger trains on Sunday. P. L. 1873, p. 138. Fishing prohibited on the Sabbath. R. S. 608, § 2. Forfeit and how collected.	<p>performed, used or practiced, by any person or persons within this state, on the Christian Sabbath, or first day of the week, commonly called Sunday ;(a) and that every person, being of the age of fourteen years or upwards, offending in the premises, shall for every such offense, forfeit and pay, to the use of the poor of the township in which such offense shall be committed, the sum of one dollar ; and that no person shall cry, show forth, or expose to sale, any wares, merchandise, fruit, herbs, meat, fish, goods, or chattels, upon the first day of the week, commonly called Sunday, or sell or barter the same, upon pain that every person so offending shall forfeit and pay to the use of the poor of the township where such offense shall be committed, the sum of two dollars ; and if any person offending in any of the premises shall be thereof convicted before any justice of the peace for the county where the offense shall be committed, upon the view of the said justice, or confession of the party offending, or proof of any witness or witnesses upon oath or affirmation, then the said justice before whom such conviction shall be had, shall direct and send his warrant, under his hand and seal, to some constable of the county where the offense shall have been committed, commanding him to levy the said forfeitures or penalties by distress and sale of the goods and chattels of such offenders, and to pay the money therefrom arising to the overseers of the poor of the township where the said offense or offenses shall have been committed, for the use of the poor thereof ; and in case no such distress can be had, then every such offender shall, by a warrant under the hand and seal of the said justice, be committed to the common jail of the said county, or to the jail of any city or town corporate within the same, for a term not exceeding ten days, to be certainly expressed in said warrant ; and further, that if any person shall be found fishing, sporting, playing, dancing, fiddling, shooting, hunting, gunning, traveling, or going to or returning from any market or landing with carts, wagons or sleds, or behaving in a disorderly manner, on the first day of the week, called Sunday, it shall be lawful for any constable, or other citizen, to stop every person so offending, and to detain him or her till the next day, to be dealt with according to law ; provided always, that no person going to or returning from any church or place of worship, within the distance of twenty miles, or going to call a physician, surgeon or midwife, or carrying a mail to or from any post-office, or going express by order of any public officer, shall be considered as traveling within the meaning of this act ; and provided also, that nothing in this act contained shall be construed to prohibit the dressing of victuals in private families or in lodging-houses, inns and other houses of entertainment for the use of sojourners, travelers, or strangers ; and provided further, that it shall and may be lawful for any railroad company in this state to run one passenger train each way over their roads on Sunday, for the accommodation of the citizens of this state.</p> <p>2. That no person shall on the first day of the week, called Sunday, cast, draw, or make use of any seine or net, for the purpose of catching fish in any pond, lake, stream or river, within the territorial limits or jurisdiction of this state, or be aiding or assisting therein ; and every person offending in the premises shall, on being thereof convicted before any justice of the peace for the county where the offense shall be committed, upon the view of the said justice, or confession of the party offending, or proof of any witness or witnesses upon oath or affirmation, forfeit and pay the sum of fourteen dollars for every such offense ; and in case of non-payment of the said forfeiture, then the said justice before whom such conviction shall be had, shall direct and send his warrant, under his hand and seal, to some</p>
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(a) The effect of this statute is to render void every transaction which, if performed on a week day, would be enforceable in a court of justice. *Reeves v. Butcher*, 2 Vr. 221. A promissory note made on Sunday is void. *Id.* An agreement for the sale of land, so made, will not be decreed to be specifically performed. *Ryno v. Darby*, 5 C. E. Gr. 231. An agreement for the sale of a chattel, made on Sunday, is illegal. *Crocket v. Vanderveer*, Pen. *856. The sale of beer on the Sabbath day is unlawful. *State v. Williams*, 1 Vr. 102. A notice of argument dated on Sunday is good. *Taylor v. Thomas*, 1 Gr. Ch. 106. See *Scott v. Dow*, 2 Gr. 350. The clause in the act relative to vice and immorality which prohibits traveling on Sundays does not

apply to the use of those trains of cars which are authorized to be run on those days. *Smith v. N. Y., Susquehanna and Western E. R. Co.*, 17 Vr. 7. The fact that the plaintiff was traveling on Sunday, in violation of this act, was held not to preclude her from maintaining an action against a railroad company for damages resulting from negligence. *D., L. & W. R. E. Co. v. Trautwein*, 23 Vr. 169. A complaint that the complainant saw the defendant on Sunday bathing in the surf in a public manner, in the presence of a number of church-going people, does not constitute a charge that the defendant practiced any playing, sports, pastime or diversion within the meaning of the vice and immorality act. *Lening v. Newkirk*, 7 N. J. L. J. 87.

constable of the county in which the offense shall have been committed, commanding him to levy the said forfeiture or penalty by distress and sale of the goods and chattels of such offender, and to pay the money therefrom arising to the overseers of the poor of the township where the said offense shall have been committed, for the use of the poor thereof; and for want of goods and chattels whereby to make such distress, to convey the body of the said offender to the common jail of the county, or the jail of any city or town corporate within the same, there to remain in safe custody until the said forfeiture, with the costs of prosecution, shall be fully paid, or until such offender shall be delivered by due course of law.

Or defendant
imprisoned.

3. That if any stage or stages shall be driven through any part of this state on the first day of the week, called Sunday, except sufficient reason shall be offered to show that it be done in cases of necessity or mercy, or in case of carrying the mail to or from any post-office, the driver or drivers, proprietor or proprietors of such stage or stages, shall, on being thereof convicted before any justice of the peace for the county where the offense shall be committed, upon the view of the said justice, or confession of the party offending, or testimony of any witness or witnesses, forfeit and pay the sum of eight dollars for every such offense; and in case of non-payment of the said forfeiture or penalty, then the same shall be levied, recovered, and applied in the manner and form prescribed in and by the second section of this act; and every justice of the peace in this state is hereby empowered and required, upon his personal knowledge or view, or other due information, of any stage or stages being driven or run through any part of this state as aforesaid, to stop and detain the same, or order and direct the same to be stopped and detained, at the cost and expense of the proprietor or proprietors of such stage or stages, until the following day, and then to be dealt with as hereinbefore is directed.

Penalty for
driving stage
on Sunday.
Ib., § 5.

Duty of justices.

4. That no wagoner, carter, drayman, drover, butcher, or any of his or their servants, shall ply or travel with his or their wagons, carts or drays, or shall load or unload any goods, wares, merchandise, or produce, or drive cattle, sheep or swine, in any part of this state, on the first day of the week, called Sunday, under the penalty of two dollars for every offense, to be levied, recovered, and applied, in the manner and form prescribed in the second section of this act.

Driving wagons
&c.
Ib., § 6.

5. That no person or persons, upon the first day of the week, commonly called Sunday, shall serve or execute, or cause to be served or executed, any writ, process, warrant, order, judgment or decree (except in criminal cases or for breach of the peace), but that the service of every such writ, process, warrant, order, judgment, or decree, shall be void to all intents and purposes whatsoever; and the person or persons so serving or executing the same, shall be as liable to the suit of the party grieved, and to answer damages to him for doing thereof, as if he or they had done the same without any writ, process, warrant, order, judgment, or decree.

Civil process
not served on
Sunday.
Ib., § 7.

6. That if any person or persons shall, at any time or times hereafter, profanely swear and curse, and be thereof convicted, by the confession of the party offending, or on the testimony of any one or more witness or witnesses, or in the manner hereinafter mentioned, before any justice of the peace for any county in the state, every person so offending shall, for every such offense, forfeit and pay to the use of the poor of the township, where such offense or offenses shall be committed, the sum of one-half of a dollar. (a)

Swearing or curs-
ing punished.
Ib., § 8.

7. [Amended by Sec. 38, *post.*]

8. Whereas, public shows and exhibitions of divers kinds have of late become very frequent and common within this state, whereby many strangers and worthless persons have unjustly gained and taken to themselves considerable sums of money, and it being found, on experience, that such shows and exhibitions tend to no good or useful purpose in society,

Exhibition of
shows and plays
prohibited.
Ib., § 12.

(a) An information and conviction for swearing the same profane oath, several times on the same day, need not complain or convict of each offense separately. The charge in the precise words spoken, is sufficiently specific. *Johnson v. Barclay*, 1 Har. 1. One conviction for several profane oaths on the same

day, is lawful. It is sufficient for that conviction to set forth the township where the offense was committed, although it is not named in the information. *Ib.* No state of demand need be filed in such cases. *Ib.*

but, on the contrary, to collect together great numbers of idle and unwary spectators, as well as children and servants, to gratify vain and useless curiosity, loosen and corrupt the morals of youth, and straighten and impoverish many poor families—if any person or persons whatsoever shall, for any price, gain or reward, show forth, exhibit, act, represent or perform, or cause to be shown forth, exhibited, acted, represented or performed, on any public stage, or in any public house or other place whatever, any interludes, farces or plays of any kind, or any games, tricks, juggling, sleight of hand or feats of uncommon dexterity and agility of body, or any bear-baiting or bull-baiting, or any such like shows or exhibitions whatsoever, every person so offending and being thereof convicted, before any justice of the peace of the county where the offense shall be committed, upon the view or personal knowledge of the said justice, or confession of the offender, or proof of any witness or witnesses upon oath or affirmation, shall, for every such offense, forfeit and pay to the use of the poor of the township where such offense shall be committed the sum of sixteen dollars, to be levied, recovered and applied in the manner and form prescribed in the second section of this act; *provided always*, that nothing in this section contained shall be deemed or construed to prevent the show or exhibition of any natural curiosity or any invention or improvement in the mechanic arts; *and provided also, and be it further enacted*, that if in the opinion of any three justices of the peace of any county, city or town corporate where any interlude, farce or play is proposed to be performed, it shall be deemed that such interlude, farce or play is innocent, or may probably tend to answer any reasonable or useful end, it shall and may be lawful for them, at their discretion, on application for that purpose, to give license in writing for such interlude, farce or play to be performed, anything hereinbefore contained to the contrary notwithstanding.

Exception.

Justices may license.

Disturber of religious meeting punished. *Ib.*, § 13.

By forfeit.

Or imprisonment.

Liquor not to be sold within three miles of place of worship during time of worship. R. S. 595, § 1.

How violations punished. *Ib.*, § 2.

9. That if any person or persons whatsoever, either on the first day of the week, called Sunday, or on any other day or time shall willfully and of purpose, disquiet, interrupt or disturb any assembly of people met for religious worship, either by making a noise or by rude or indecent behavior or profane discourse, whether within their place of worship or out of it, so near the same as to disturb the order and solemnity of the meeting, then every person so offending, and being thereof legally convicted before any justice of the peace of the county where the offense shall be committed, upon the view or personal knowledge of the said justice, or confession of the offender, or proof of any witness or witnesses upon oath or affirmation, shall, for every such offense, forfeit and pay, to the use of the poor of the township where such offense shall be committed, the sum of ten dollars, to be levied, recovered and applied in the manner and form prescribed in the first section of this act; and in case no distress can be had whereby to levy the said forfeitures, as in the said section is prescribed, then every such offender shall, by a warrant under the hand and seal of the said justice, be committed to the common jail of said county, where the offense shall be committed, or to the jail of any city or town corporate within the same, to be certainly expressed in said warrant, for a term not exceeding ten days.

10. That from and after the passing of this act, it shall not be lawful for any person or persons to erect, place or have any booth, stall, tent, carriage, boat or vessel or other place, for the purpose or use of selling, giving, or otherwise disposing of any kind of articles of traffic, spirituous liquors, wine, porter, beer, cider, or any other fermented, mixed, or strong drink (excepting as hereinafter excepted) within three miles of any place of religious worship, in this state during the time of holding any meeting for religious worship at such place. (a)

11. That if any person or persons shall or do violate this act, by erecting, fixing, or having any booth, stall, tent, carriages, boat or vessel, or other place, for the purpose or use aforesaid, or by selling, bartering, giving, or

(a) The prohibition to sell is not confined to the sale of spirituous liquors, but forbids the sale of any article of trade or traffic, within three miles of the place of such meeting, during the time of worship, subject to the exceptions contained in the next section of the act. *Rogers v. Brown, Spen. 118.*

otherwise disposing of any kinds of articles of traffic, spirituous liquors, wine, porter, beer, cider, or other fermented, mixed, or strong drink, in, at, or about any such booth, stall, tent, carriage, boat or vessel, or other place, prepared or used for the purposes aforesaid, within three miles of any place of religious worship, during the time of holding any meeting for religious worship at such place, the person or persons so offending shall first be informed of his, her or their violation of this act, and shall be warned by any justice of the peace, constable, or two freeholders of the county where the offense is or shall have been committed, to desist from such offense, and to remove such booth, stall, tent, carriage, boat or vessel, together with all such articles of traffic, spirituous liquors, wine, porter, beer, cider, or other strong drink, belonging to, or in the possession of the person or persons so offending; and if such person or persons, on receiving such information and warning, shall forthwith cease to offend against this act, and shall remove as aforesaid, at least three miles from such place of religious worship, then no further proceeding under this act shall be had against such person or persons; but if such person or persons shall refuse or neglect immediately to remove, as aforesaid, when informed and warned as aforesaid, then all the said articles of traffic, spirituous liquors, wine, porter, beer, cider, and other fermented, mixed, and strong drink, and all the vessels, chests, and other things containing the same, together with such booth, stall, tent, carriage, boat or vessel, or other place, prepared or used for the purpose aforesaid, shall be and are hereby declared to be forfeited; and it shall be lawful for any justice of the peace and constable, with two freeholders of the county, to seize and take possession of all or any part of the said forfeited articles and liquors, together with such booth, stall, tent, carriage, boat or vessel, and at any time within ten days after, to advertise and sell the same; and after deducting and paying the necessary and lawful expenses of such seizure and sale, the residue of the proceeds of such sale or sales shall be paid to the overseers of the poor of the township, for the use of the poor of the county, where the support of the poor is a county charge, and where it is a township charge, to the poor of the township where such offense shall have been committed. (a)

12. That nothing in this act contained shall be taken or construed so as to affect any licensed tavern-keeper, in his or her ordinary and lawful business, at his or her usual place of residence, specified in his or her license, nor shall it be so taken and construed, as to affect any merchant, shop-keeper, farmer, mechanic, or other person, in the usual and lawful transaction of his, her, or their ordinary concerns and business, in their usual places of doing such business; neither shall it be so taken or construed as to affect any person or persons attending any religious meeting, or their property; nor shall it be so taken, construed, or understood, as to affect any person or persons who shall have a permit in writing from the person or persons having the oversight, charge and management of any such meeting, to sell bread and other necessary articles of food for man and beast; *provided*, the conduct of persons attending such meeting shall accord with the lawful rules and regulations of such meeting, and the property of such persons attending such religious meeting be not of the description forbidden by this act.

13. That no transportation of freight, excepting milk, on any public highway, railroad or canal, shall be done or allowed by any person or persons within this state, on the first day of the week, commonly called the Christian Sabbath; *provided*, that nothing in this act contained shall be construed so as to prevent the transportation of the United States mail by railroad or on the public highways, or to the regular trips of ferry-boats within the state or between this and another state.

Whom it shall not affect. *Ib.*, § 8.

No freighting, except of milk, on Sunday. P. L. 1854, p. 398.

(a) A joint process, complaint and conviction cannot be maintained against three persons, for separate and distinct offenses. *Hundin ads. State, 1 Har. 96. Form of proceedings. Ib.*

II. Proceedings against offenders.

Swearing or cursing in presence of justice. R. S. 608, § 9.

14. That in case any person shall profanely swear or curse, in the presence and hearing of any justice of the peace for any county, while in the execution of his office, every such justice of the peace shall, and is hereby authorized and required to convict every such offender of such offense, without any other proof whatsoever.

Offender may be imprisoned. Ib., § 10.

15. That in case any person, who shall be convicted of profanely swearing or cursing, shall not immediately pay down the respective sums so forfeited, with the charges of such conviction, or give security to the satisfaction of the justice before whom such conviction is had, for the payment thereof within six days, then every such offender, being above the age of fourteen years, shall, by warrant under the hand and seal of such justice, be sent to the common jail of the county, or to the jail of any city or town corporate within the same, there to be and stand committed for any space of time, to be certainly expressed in the said warrant, not exceeding four days; but if the offender shall not be above the age of fourteen years, and shall not forthwith pay the said forfeiture, or give security for payment thereof, the parent or master shall pay the same, to be recovered by distress and sale of the goods and chattels of such parent or master. *And whereas*, it may so happen that persons from a distance, or from another county or state, may disturb or interrupt a religious meeting, and no magistrate being at hand to issue, or no constable to serve a warrant for his or their apprehension, the offender or offenders may escape punishment—

If under fourteen, parent or master to pay fine.

Preamble.

Any person may apprehend disturbers of religious meetings. Ib., § 14.

16. That any member of any church or religious society which may be disturbed or interrupted in their meetings, or any other person or persons, being citizens of this state and freeholders within the same, shall be and are hereby authorized to apprehend any and every such person so disturbing and interrupting them, immediately, and take him or them before a magistrate as soon as conveniently may be, in order that he or they so offending may be dealt with according to law, and every such member or citizen as aforesaid, who may hereafter perform this service, shall be entitled to the same assistance and protection, and shall be under the same restrictions and liabilities, as a constable would be on the same occasion.

If on Sunday, may be kept till next day. Ib., § 15.

17. That if any person or persons shall disturb or interrupt any religious meeting, as aforesaid, on the first day of the week, called Sunday, it shall be lawful for any constable or member of the meeting, and a citizen or freeholder as aforesaid, to apprehend such person or persons immediately, and detain him or them until the next day, then to be dealt with according to law, unless said offender or offenders shall give sufficient security before some magistrate, to appear at any time and place that he may direct, to answer the charge preferred against him or them, in which case it shall be lawful for said magistrate to discharge such offender or offenders.

Duty of justices. Ib., § 16.

18. That every justice of the peace shall immediately, on information given upon oath or affirmation of any constable or peace officer, or of any other person whatsoever, cause the offender and offenders against this act to appear before him, and upon such information being proved as aforesaid, shall convict such offender and offenders in such manner as in and by this act is prescribed.

Conviction. Ib., § 17.

19. That every justice of the peace, before whom any person or persons shall be, by virtue of this act, convicted of any of the offenses aforesaid, shall cause such conviction to be drawn up in the form, or to the effect following :

Form of.

Hunterdon county (or other county, as the case may require), to wit : Be it remembered, that on the _____ day of _____, in the year of our Lord one thousand _____, A. B. was convicted before me, C. D., one of the justices of the peace of the said county, of crying (or showing forth, or exposing for sale), one (or two, or more, specifying the number, quantity and kind of goods) on a Sunday, in the township of _____, in the said county of _____ (or of traveling, or doing ordinary or servile labor

or work, or of shooting, fishing, sporting, playing, hunting, gunning, or frequenting tippling-houses, or using some unlawful exercise or pastime, on Sunday, or of swearing one or two, or more, profane oath or oaths, or of cursing one or two, or more, profane curse or curses, or of having been drunk, at the township of ———, in the said county, as the case may require). Given under my hand and seal the day and year above said.

And such conviction shall not be liable to be removed by certiorari into the supreme court; but if the person offending shall think himself aggrieved by any such conviction, it shall and may be lawful for such person to appeal to the next court of general quarter sessions of the peace of the county where such conviction is had; which court shall, in a summary way, hear and determine such appeal, and confirm such conviction, with costs, or reverse the same, as to them shall seem right and proper; *provided*, that no person shall be entitled to an appeal, unless such person shall first pay down to the justice the penalty and costs of prosecution awarded against him, to be returned to such person, in case, upon the appeal, the conviction thereof had shall be reversed. (a)

No certiorari, but appeal to sessions.

20. That all charges of the information and conviction of any such offender shall be borne and paid by the party offending, if able, over and above the penalties inflicted by this act.

Offenders to pay costs. *Ib.*, § 18.

21. That it shall and may be lawful for every such offender to pay the said forfeitures and charges to the justice before whom such conviction is had; and such justice shall receive the same, and as soon as conveniently may be, pay the same forfeitures to the overseers of the poor of the township, where such offense was committed, for the use of the poor thereof.

To whom to be paid. *Ib.*, § 19.

22. That all and every justice and justices of the peace for the county wherein any such offense shall be committed, may, and they are hereby respectively authorized and required, to put this act into execution against any person or persons within their respective jurisdictions, although such justice shall be rated and pay to the relief of the poor of the township where any offense, contrary to the true intent and meaning of this act, shall be committed.

Justices to put this act in execution. *Ib.*, § 20.

23. That no person shall be prosecuted or troubled for any offense against this act, unless the same be proved or prosecuted within thirty days after the commission of such offense.

Prosecutions to be in thirty days. *Ib.*, § 21.

24. That if any suit or action shall be commenced or brought against any justice of the peace, constable, or other officer or person whatsoever, for doing, or causing to be done, anything in pursuance of this act, concerning any of the said offenses, the defendant in such action or suit may plead the general issue, and give the special matter in evidence; and if, in any such action or suit, a verdict shall be given for the defendant, or the plaintiff become non-suit, or discontinue his action, then the defendant shall have treble costs.

How officers prosecuted may plead, &c. *Ib.*, § 22.

25. That in every complaint or information which shall be made or brought before any justice of the peace, under and by virtue of this act, it shall and may be lawful for the person charged in such complaint or information, after he has appeared thereto, and before the said justice has proceeded to inquire into the merits of the said complaint or information, to demand a trial by jury; and thereupon a venire shall be issued to summon a jury of six men to try whether the said person so charged is guilty or not guilty of the offense charged against him in said complaint or information; and it shall be the duty of the said justice to issue the said venire, and to direct a return thereof to be to him made, and to proceed therein as in other cases of trials by jury; *provided*, that the costs of the justice and constable upon the said venire, and costs of the said jury, and of swearing and attending the same, shall in all cases be paid by the person demanding the said jury; *and provided also*, that this act shall not extend to any case in which any justice of the peace is authorized by this act to convict upon his own view or personal knowledge.

Accused may demand jury. *Ib.*, § 23.

Proviso.

(a) See *Stokes v. Early*, 16 Vr. 479.

Mayor, &c.. justices ex officio.
Ib., § 24.

26. That the mayor, recorder and aldermen of every city or town corporate within this state shall and may, for the purposes of this act, be vested with all the power and authority of justices of the peace, within the bounds of their respective cities or towns corporate, and shall execute therein all the duties imposed by this act on justices of the peace.

When not to be committed to city jail.
Ib., § 25.

27. That nothing in this act contained shall be construed to authorize the committing of any person to the jail of any city or town corporate, for any offense not committed within such city or town corporate. [See Sec. 12, *ante.*]

How offenders prosecuted may plead.
R. S. 595, § 4.

28. That if any suit or action shall be brought against any person or persons for doing or causing to be done anything in pursuance of this act according to the provisions thereof, the defendant or defendants may plead the general issue and give the special matter, under this act, in evidence; and if in such suit or action, a verdict and judgment shall be given for the defendant or defendants, or the plaintiff shall become non-suit, or discontinue his action, the defendant or defendants shall have and recover double costs of suit.

Forfeit for offending.
P. L. 1854, p. 398, § 2.

29. That every person being of the age of fourteen years or upwards, offending in the premises, shall for every such offense forfeit and pay, to the use of the public schools of the township where such offense shall be committed, the sum of twenty dollars; and if any person offending in any of the premises shall be thereof convicted before any justice of the peace for the county where the offense shall be committed, upon the view of the said justice, or confession of the party offending, or proof of any witness or witnesses, on oath or affirmation, then the said justice before whom the said conviction shall be had, shall direct and send his warrant, under his hand and seal, to some constable of the county where the offense shall have been committed, commanding him to levy the said penalty or penalties, by distress and sale of the goods and chattels of such offender, and to pay the money therefrom arising to the collector of the township where the said offense or offenses shall have been committed, for the use of the public schools thereof.

How collected.

Commitment to jail.
Ib., § 3.

30. That in case no such distress can be had, then every such offender shall, by a warrant under the hand and seal of the said justice, be committed to the common jail of the said county, city, or town corporate, within the same, for a term not exceeding ten days, to be certainly expressed in said warrant.

Justice to stop freight cars, &c.
Ib., § 4.

31. That every justice of the peace in this state is hereby empowered and required, upon his personal knowledge or view, or other due information, of any canal boat, or railroad car, transporting freight through any part of this state, as aforesaid, he shall be authorized and required to stop and detain the same, or order the same to be stopped and detained, at the cost and expense of the proprietor or proprietors of such canal boat or railroad car, until the following day, and then to be dealt with as hereinbefore is directed.

Cattle, &c.
Ib., § 5.

32. That this shall apply also to cattle, sheep and hogs being driven to market on the Sabbath day.

III. Persons exempted from prosecution.

Exemption of those who keep seventh day.
R. S. 608, § 3.

33. That every inhabitant of this state, who religiously observes the seventh day of the week as the Sabbath, shall be exempt from answering to any process, in law or equity, either as defendant, witness, or juror, except in criminal cases; likewise from executing, on the said day, the duties of any post or office to which he may be appointed or commissioned, except when the interest of the state may absolutely require it, and shall also be exempt from working on the highways, and doing any militia duty on that day, except when in actual service.

Such not liable to fine.
Ib., § 4.

34. That if any person, charged with having labored or worked on the first day of the week, commonly called Sunday, shall be brought before a justice of the peace to answer the information and charge thereof, and

shall then and there prove, to the satisfaction of the said justice, that he or she uniformly keeps the seventh day of the week as the Sabbath, and habitually abstains from following his or her usual occupation or business, and from all recreation, and devotes the day to the exercise of religious worship, then such defendant shall be discharged; *provided, always,* that the work or labor, for which such person is informed against, was done and performed in his or her dwelling-house or workshop, or on his or her premises or plantation, and that such work or labor has not disturbed other persons in the observance of the first day of the week as the Sabbath; *and provided also,* that nothing in this section contained shall be construed to allow any such person to openly expose to sale any goods, wares, merchandise, or other article or thing whatsoever in the line of his or her business or occupation.

Proviso.

IV. Supplements.

Supplement.

Approved March 17, 1882. P. L. 1882, p. 118.

35. SEC. 1. That whenever the association known as the department of New Jersey, grand army of the republic, or any similar association of veteran soldiers, or any other association incorporated under the laws of this state, for purposes not inconsistent with said laws, and consisting of not less than one thousand members, shall go, or shall be about to go, into a field encampment, it shall be lawful for the governor, on application, in writing, signed by a majority of the council of administration, or other governing body of such association, to appoint and commission one or more persons, not exceeding six in number, who shall be designated, in writing, as aforesaid by said council of administration, or other governing body, as peace officers, for the purpose of keeping order on the camp-grounds and premises occupied by such association, which officers shall have, when on duty, the same powers, authorities and immunities which constables and other peace officers, under the laws of this state, possess and enjoy when acting as such peace officers.

Governor empowered to appoint and commission peace officers for grand army encampments, &c.

Powers of peace officers.

36. SEC. 2. That one of said officers, so designated and appointed, may be specially appointed and commissioned so as to possess all the powers and jurisdiction in criminal cases which police justices now or hereafter may be authorized to exercise within any city or town in this state, or for the enforcement of the act to which this is a supplement, or any other act tending to the preservation of order; he shall have the right to take recognizances and to do all other acts which a justice of the peace might do under and by virtue of any law of a criminal nature in force in this state, and shall proceed in all respects according to the mode of procedure pursued by justices of the peace in similar cases.

One of the officers specially appointed to possess powers of a police justice.

37. SEC. 3. That officers appointed under the first and second sections hereof shall have the powers and authorities therein described, within and upon the camp-grounds and premises occupied by such association and within one mile thereof (but not within the limits of any municipal corporation), and whilst said premises may be so occupied; they shall hold their offices for one year and shall be paid, by said association applying for their appointment, such compensation as shall be agreed upon by them respectively with such association.

Powers and authority to extend within one mile of camp-ground and premises.

Term of office.

Supplement.

Approved March 10, 1892. P. L. 1892, p. 85.

38. SEC. 1. That section seven of the act to which this is a supplement, be amended to read as follows:

[That if any person shall become intoxicated or drunk by the excessive use of spirituous, vinous or other strong liquor, provided such person is not a tramp within the meaning of an act entitled "An act to define and suppress tramps," approved April nineteenth, one thousand eight hundred and seventy-six, and thereof shall be convicted before any justice of the peace for the county wherein such offense shall be committed, either upon

Drunkenness punished.

the view of such justice or upon the confession of the party offending, or testimony of any one or more witness or witnesses, (a) every person so offending shall forfeit and pay for every such offense, one dollar, to the use of the poor of the township wherein such offense shall be committed; and in case any person who shall be convicted of drunkenness as aforesaid, shall not immediately pay down the sum so forfeited, with the charges of such conviction, or give security to the satisfaction of the justice before whom such conviction is had, for the payment thereof, within three days, every such offender shall, by warrant under the hand and seal of such justice, be sent to the common jail of the county or to the jail of any city or town corporate within the same, there to be and stand committed for any space of time to be certainly expressed in the said warrant, not exceeding four days.]

Amendatory act.

Approved February 28, 1893.

P. L. 1893, p. 38.

Not unlawful to print and sell newspapers, milk, &c., on the Sabbath, if allowed by ordinance.

39. SEC. 1. That from and after the passage of this act it shall not be unlawful for any person or corporation, on the Christian Sabbath, or first day of the week, commonly called Sunday, to print, publish and sell newspapers, to sell and deliver milk, or to walk, ride, or drive for recreation, and to hire horses and carriages or other conveyances for riding or driving; *provided, however,* that the board of aldermen, common council, township committee, or other governing body of the municipalities, or incorporated camp meeting associations of this state shall have the power to adopt such ordinances or rules as they may deem necessary and proper to regulate or prohibit the acts hereby made lawful, and may prescribe fines and penalties for the violation of the same, which shall be enforced and collected in the same manner as is now provided by law for the violation of other ordinances and rules of such municipalities or associations.

Repealer.

40. SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

An act to facilitate the arrest and punishment of violators of the law in localities beyond and adjacent to the corporate limits of the cities of this state.

P. L. 1880, p. 298.

Approved March 12, 1880.

Preamble.

WHEREAS, It is represented that in divers localities beyond and adjacent to the corporate limits of certain cities of this state, divers evil-disposed persons do assemble on the Christian Sabbath, or first day of the week, commonly called Sunday, and then and there engage in unlawful games and sports, and that they do also on other days of the week there commit divers other offenses against the law and escape conviction and punishment therefor by reason of the want of a constable or police officer to arrest such offenders; therefore, in order to remedy the said evil,

Owners of lands may appoint in writing special constables.

41. SEC. 1. That it shall and may be lawful at any time hereafter for any persons who may own and reside on lands situated beyond and within one mile of the corporate limits of any city in this state, by writing under the hands of any three or more of them, to appoint one or more special constable or constables, for any term not exceeding one year at any one time, and for such limits within the locality aforesaid as such owners and residents aforesaid may designate; and it shall be the duty of any such special constable or constables when appointed as aforesaid, immediately to apprehend any person or persons who may, at any time hereafter, be found by such special constable or constables within the locality for which he or they may be appointed as aforesaid, offending against or violating any of the provisions of the first section of the act of the legislature of this state entitled "An act for suppressing vice and immorality," approved March twenty-seventh, one thousand eight hundred and seventy-four, and such

Duty of constables.

(a) The only difference between a procedure taken on the view of a magistrate and one founded in the usual course on a complaint, consists in the modes of proof. *McEntie v. Sandford*, 13 Fr. 260.

special constable or constables shall take such offender or offenders before a magistrate as soon as conveniently may be, in order that such offender or offenders may be dealt with according to law, and it shall be lawful for any such special constable or constables to detain such offender or offenders until the next day, then to be dealt with according to law, unless such offender or offenders shall give sufficient security before some magistrate, to appear at any time and place that he may direct, to answer the charge preferred against him or them, in which case it shall be lawful for such magistrate to discharge such offender or offenders.

42. SEC. 2. That it shall be the duty of any such special constable or constables, when appointed as aforesaid, immediately to apprehend any person or persons who may at any time hereafter be found by any such constable or constables within the locality for which he or they may be appointed as aforesaid, committing any crime or misdemeanor against the laws of this state, and take such offender or offenders before a magistrate as soon as conveniently may be, in order that he or they so offending may be dealt with according to law.

Constables may arrest persons committing any crime, &c.

43. SEC. 3. That any such special constable or constables who may hereafter perform any of the duties or services herein directed, shall be entitled to the same assistance and protection, and shall be under the same restrictions and liabilities as a constable would be on the same occasion; and further, that all such special constables shall be paid by the persons by whom they may be appointed for all services rendered by them.

Constables to be entitled to assistance and protection.

Proviso.

Villages.

1. Elections in villages, when and by whom held.
2. Present trustees, &c., to hold office until successors are elected.
3. Board of trustees, how constituted.
4. President and members of board of trustees to be electors and residents.
5. Commencement and expiration of term of office of officers.
6. Time of holding first meeting for organization, &c., and future annual meetings.
7. Repealer.
8. Board of trustees to appoint village officers.
9. Duties of village treasurer and clerks.
10. Treasurer to give bonds.
11. Voters to meet and elect election officers.
12. Election for judge and inspectors.
13. Who to constitute the election board.
14. Officers of election.
15. Not to be elected to any other office.
16. Voters to elect election officers in case of absence or refusal to act.
17. Board of election to appoint a clerk on refusal or person elected to serve, &c.
18. Persons appointed election officers to have same powers.
19. Judge and inspectors to take oath.
20. Clerk to take oath.
21. General election law to apply to all elections.
22. Compensation of election officers.
23. Repealer.
24. Trustees authorized to pass certain ordinances.
25. Ordinances, how passed.
26. Repealer.
27. Proceedings in case of failure of owners to grade, curb, &c.
28. Collector to serve notice of assessment, &c.
29. Notices, how served.
30. Upon payment of assessment, clerk to discharge record.
31. Power and authority of trustees.
32. Assessor to assess amount of money required by the trustees.
33. Collector to collect taxes.
34. President to preside at all meetings of inhabitants.
35. Trustees authorized to borrow money in anticipation of taxes and issue certificates of indebtedness.
36. Action of meeting of inhabitants to be written out and signed.
37. Repealer.
38. Townships may become villages.
39. Amended by section 105.
40. Repealed by section 106.
41. Amended by section 107.
42. Repealed by section 106.
43. Amended by section 108.
44. Repealed by section 106.
45. Judge to order a special election to be held as to whether the village shall be incorporated or not.
46. Amended by section 109.
47. Amended by section 110.
48. Majority defeats incorporation.
49. Inhabitants of village incorporated to have perpetual succession, &c.
50. Amended by section 111.
51. Voters to fill vacancies in election offices.
52. Who shall be officers of village. Terms to expire when, &c.
53. Trustees to be residents and electors of the village.
54. To defray expenses of proceedings for incorporation.
55. Determination of judge to be filed by trustees with secretary of state.
56. Trustees authorized to appoint certain officers.
57. Officers to give bonds.
58. Proceedings for annual election of trustees, &c.
59. Duties of village clerk.
60. Duties of treasurer.
61. Annual election, &c.
62. Majority of election board to decide.
63. Organization of election board.
64. Election officers to hold no other elective office.
65. Officers to be chosen in absence of election officers.
66. Board of election to appoint a clerk if village clerk is absent, &c.
67. Officers filling vacancies to have same power as original officers.
68. Board of election to take oath.
69. Clerk to take oath.
70. Election to be conducted in same manner as township elections.
71. Trustees to divide village into election districts.
72. Compensation of election officers.
73. Village to constitute a separate road district, &c. Powers of trustees, &c.