

TITLE XI.

DOMESTIC RELATIONS.

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CHAPTER I.

APPRENTICES AND SERVANTS.

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An Act respecting apprentices and servants.

REV. 366, 669.
1843-4.
PAMPH. 233.

Revision....Approved April 10, 1846.

Minors, how
bound by in-
denture.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any male person within the age of twenty-one years, or any female person within the age of eighteen years, shall be bound by indenture, of his or her own free will and accord, and by and with the consent of his or her father, or in case of the death of his or her father, by and with the consent of his or her mother or guardian, to be expressed in such indenture, and signified by such parent or guardian sealing and signing the same indenture, and not otherwise, to serve as a clerk, apprentice or servant, in any art, craft, mystery, science, profession, trade, employment, manual occupation or labour, until, if a male, he arrive to the age of twenty-one years, and if a female, until she arrive to the age of eighteen years, or for any shorter time, then the said clerk, apprentice or servant so bound as aforesaid, shall serve accordingly.

Age to be
mentioned
therein.

2. *And be it enacted*, That the age of every infant, who shall be bound to serve as a clerk, apprentice, or servant, according to the preceding section, shall be mentioned and inserted in his or her indentures, but such entry shall not be conclusive as to the age of such infant, and the true age of such infant may be inquired into

and given in evidence in any court or before any magistrate, when the same shall or may come in question; and in case any infant shall be bound to serve beyond the time at which said infant, if a male, shall have arrived at the age of twenty-one years, or if a female, at the age of eighteen years, the said indenture shall be void as against such infant, so far as the age inserted in said indenture shall exceed the age aforesaid; *provided*, that nothing in this section shall in any way impair the obligation of any covenant entered into by the parent or guardian of such infant, as to the age or time of service of such infant, nor shall it impair or affect any contracts or indentures made with foreigners to serve for a term of years.

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3. *And be it enacted*, That all indentures, covenants, promises and bargains of or for the having, taking, or keeping of any clerk, apprentice or servant, hereafter to be made or taken otherwise than by this act, or by any act authorizing overseers of the poor and justices of the peace to bind out children in certain cases, is limited and prescribed, shall be utterly void in law, as against such clerk, apprentice or servant only.

Indentures
contrary to
this act void.

4. *And be it enacted*, That no deed, contract, agreement, or writing whatsoever, made or to be made for binding any person as a clerk, apprentice, or servant as aforesaid, shall be deemed to be void and of no effect by reason of such deed, contract, agreement or writing not being indented only.

But not for
want of be-
ing indented.

5. *And be it enacted*, That if any master or mistress shall be guilty of any misusage, refusal of necessary provision or clothing, unreasonable correction, cruelty or other ill treatment, so that his or her said clerk, apprentice or servant shall have any just cause to complain, or if the said clerk, apprentice or servant shall absent himself or herself from the service of his or her master or mistress, or be guilty of any misdemeanor, miscarriage or ill behaviour, or do not his or her duty to his or her master or mistress, then the said master or mistress, or the said clerk, apprentice or servant, being aggrieved, and having just cause of complaint, shall repair to one justice of the peace, within the county where the said master or mistress dwells, who shall, in his wisdom and discretion, take such order and direction between such master or mistress, and his or her clerk, apprentice or servant, as the equity of the case shall require; and if the said justice of the peace cannot compound or agree the matter between such master or mistress, and his or her clerk, apprentice or servant, then the said justice shall call to his assistance two other justices of the peace of the said county, unconnected with either of the said parties; which three justices, when met, shall constitute a court for the hearing of the said mat-

Remedies of
master and
apprentice.

May make
complaint.

Before whom
case to be
heard.

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CHAP. I.May dis-
charge,or punish
apprentice.

Appeal.

Giving se-
curity.Penalty for
enticing ap-
prentice a-
way.Penalty for
harbouring.

ters in difference, and having heard the same, shall have authority to discharge, if they think proper, by writing, under their hands and seals, or the hands and seals of any two of them, the said clerk, apprentice or servant, of and from his or her clerkship, apprenticeship, or service, and to order such part or proportion of the money as shall have been given, paid, contracted, or agreed for, with or in relation to such clerk, apprentice, or servant, as they shall think just and reasonable, to be refunded or paid back to the person who paid the same, his or her executors or administrators, or to be deducted, as the case may require; and such writing as aforesaid, shall be a sufficient discharge for the said clerk, apprentice or servant, against his or her master or mistress and his or her executors and administrators, the said indenture or any law to the contrary notwithstanding; and if the default shall be found to be in the clerk, apprentice or servant, then the said court shall cause such due correction or punishment to be administered unto him or her as they shall deem to be just and reasonable; and if any person shall think himself or herself aggrieved by such adjudication of the said justices, he or she may appeal to the next court of general quarter sessions of the peace, in and for the county where such adjudication shall have been made, such person giving six days notice of his or her intention of bringing such appeal, and of the cause and matter thereof to the adverse party, and entering into a recognizance within three days after such notice, before some justice of the peace of the said county with sufficient surety, conditioned to try such appeal at, and abide the order or judgment of, and pay such costs as shall be awarded by the said court; which said court, at their said sessions, upon due proof, upon oath or affirmation of such notice being given, and of entering into such recognizance as aforesaid, shall be and hereby are empowered and directed to proceed in and hear and determine the cause and matter of such appeal, and give and award such judgment therein with costs, to either party, appellant or respondent, as they in their discretion shall judge proper and reasonable.

6. *And be it enacted*, That every person, who shall counsel, persuade, entice, aid or assist any clerk, apprentice or servant to run away, or absent himself or herself from the service of his or her master or mistress, shall forfeit and pay the sum of thirty dollars, to be sued for and recovered by action of debt, with costs, by such master or mistress, in any court of record having cognizance thereof.

7. *And be it enacted*, That every person who shall entertain, harbour or conceal any clerk, apprentice or servant, knowing such clerk, apprentice or servant to have run away, shall forfeit and pay

one dollar for every day's entertaining, harbouring or concealing as aforesaid, to be sued for and recovered by action of debt, with costs, by such master or mistress, in any court of record having cognizance thereof. TITLE XL
CHAP. I.

8. *And be it enacted*, That whenever a male servant, above the age of twenty-one years, or a female servant, above the age of eighteen years, shall abscond from his or her master or mistress's service, or run away, it shall be lawful for such servant, when apprehended, to be taken by such master or mistress before three justices of the peace of the county where such master or mistress resides, who, upon the hearing of the whole matter, shall adjudge the said servant to serve any term, not exceeding double the time he or she so absented him or herself, besides paying or serving for all damages and costs, which such master or mistress shall be adjudged to have sustained by such unlawful absence or departure. Penalty if
servant ab-
sconds.

9. *And be it enacted*, That every clerk, apprentice or servant, under the ages mentioned in the preceding section, who shall absent himself or herself from the service of his or her master or mistress, without leave first obtained, or who shall run away, so that the said master or mistress shall be deprived of his or her service during the remainder of the term or any part thereof, for which he or she was bound to serve, then, and in such case, it shall be lawful for the master or mistress of such clerk, apprentice or servant, to have an action on the case, in any court having cognizance thereof, against such clerk, apprentice or servant for the damage that such master or mistress may have sustained by reason of the absence of such clerk, apprentice or servant; *provided*, such action shall be brought within the term of six years after such clerk, apprentice or servant shall arrive at full age. Penalty if
apprentice
absconds.

10. *And be it enacted*, That no writ of certiorari or other process, shall issue or be issuable, to remove into the supreme court, any proceedings had in pursuance of this act, before any justice or justices of the peace, or before any court of general quarter sessions of the peace. No certiorari
allowed.

11. *And be it enacted*, That no indenture made prior to the twelfth day of March, eighteen hundred and forty-four, shall be adjudged or held to be void, merely for that such indenture is made to several persons constituting a firm or copartnership, but that all such indentures, being in other respects legal, shall be deemed and held valid and effectual in law; *provided nevertheless*, that nothing herein contained shall be so construed as to render valid any indenture of apprenticeship made to any incorporate company. Indenture to
copartners
good, but not
to corpora-
tion.

12. *And be it enacted*, That in all cases of an indenture whereby an apprentice or servant was bound prior to the said twelfth day Surviving
partners en-
titled to hold.

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of March, eighteen hundred and forty-four, to serve several persons, constituting a firm or copartnership, and one or more of such persons shall die before the expiration of the term of apprenticeship or service mentioned in any such indenture, then that the covenants and agreements contained therein, on the part of the parent or guardian of such apprentice or servant, and on the part of such apprentice or servant, shall accrue and be performed to the survivors or survivor, and such survivors or survivor shall perform and fulfil to the apprentice or servant, all the covenants and agreements contained in any such indenture on the part of the persons to whom such apprentice shall be bound, to be performed, fulfilled and kept.

CHAPTER 2.

GUARDIANS.

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| 1. Bond by testamentary guardian. | 6. When sales ordered. |
| 2. Bond by guardian otherwise appointed. | 7. Report of sale, and confirmation. |
| 3. Duty of guardian. | 8. Guardian's deed, and form of. |
| 4. In default, how dealt with. | 9. Case of absent parent, etc., provided for. |
| 5. When to give additional security. | 10. When father or other person appointed. |

An Act relative to guardians.

REV. 402, 671.

HAR. 111, 405.

1837-8.

PAMPH. 30.

1842-3.

PAMPH. 84.

When testamentary guardian to give bond.

Revision.....Approved April 15, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every guardian appointed by last will and testament which shall be legally proved and recorded, shall, before he exercises any authority over the minor or his estate, appear before the orphans' court, and declare his acceptance of the guardianship, which shall be recorded, and shall give bond, with such sureties and in such sum as the said court may approve of and order, for the faithful execution of his office, unless it is otherwise directed by the testator's will.

Otherwise appointed to give bond.

2. *And be it enacted*, That every court or other competent authority appointing a guardian, shall take bond of him with good sureties and in sufficient sum, for the faithful execution of his office.

Duty of guardian.

3. *And be it enacted*, That every testamentary guardian, guardian in socage, or other guardian, shall, within three months after his acceptance of, or appointment to his office, deliver to the clerk of the orphans' court an inventory, upon oath, of all the estate, real and personal, which he shall have received or taken possession of, to be entered of record in a separate book, to be kept by the said clerk, and shall exhibit once in every year or oftener, if he be required, accounts of the produce of the said estate, of the sale and

Inventory.

Exhibit accounts.

disposition of such produce, and of the disbursements; which accounts shall be examined by the court, or by such person or persons as they shall appoint, and being found and certified, or reported to be properly and fairly stated, and the articles thereof to be supported and justified by the vouchers, and the report, in case of a reference being approved and confirmed by the said court, shall, with such certificate or confirmation, be entered of record in the book aforesaid; and if any article of such accounts be at any time afterwards excepted to by the ward or his representative, it shall be incumbent on him to prove or show the falsity or injustice thereof, unless notice on his behalf shall have been given at the time of passing the accounts, that such article would be excepted to, and a memorandum of that notice shall have been entered on record, or desired to be entered.

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Report
thereon.

What if ex-
cepted to.

4. *And be it enacted*, That any guardian, who shall not deliver in such inventory, or render such account as aforesaid, shall, by order of the orphans' court to which he is amenable, be summoned, and if he remain in default, be compelled to perform his duty or be displaced.

Guardian in
default, how
dealt with.

5. *And be it enacted*, That the orphans' court, when they shall at any time know or have cause to suspect, that the sureties of a guardian or any of them are or is failing, or in dubious circumstances, may require and compel such guardian to give additional sureties or surety, and if he refuse or neglect to do so, may displace him.

Additional
security,
when re-
quired.

6. *And be it enacted*, That if the personal estate and rents and profits of the real estate be not sufficient for the maintenance and education of the ward, the orphans' court of the proper county, on full investigation thereof, may, from time to time, order the guardian to sell so much of the timber growing or being upon the lands of said ward, or such parts of the ward's lands, tenements, hereditaments and real estate, as they shall direct and judge adequate for his or her maintenance and education.

When sales
ordered.

7. *And be it enacted*, That after the lands, tenements, hereditaments and real estate of the ward so ordered to be sold, shall be sold, the guardian shall make report in writing of his proceedings thereon to the next stated term of such orphans' court, and if said court shall approve of such sale, it shall confirm the same as valid and effectual in law, and shall by rule of court direct the said guardian or guardians to execute good and sufficient conveyances in the law, to the purchaser or purchasers for the tract or tracts of land or real estate so sold; which said conveyances, duly executed as aforesaid, shall vest in the purchaser or purchasers all the estate that the ward was seized of or entitled to at the time of making the said order.

Report of
sale, and con-
firmation.

Estate to vest
in purchaser.

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CHAP. 3.Deed made,
and form of.

8. *And be it enacted*, That the guardian shall make a deed to the purchaser for the lands, tenements, hereditaments and real estate so sold; which deed shall set forth that it was made by virtue of an order of the orphans' court of the county in which the sale shall be authorized, the term of the court in which it was granted, and the date of the order.

Guardian appointed for child of absconding or absent parent.

9. *And be it enacted*, That if any citizen of this state has, or shall hereafter abscond or absent himself from this state for the term of two years, leaving in this state any child or children under the age of twenty-one years, without any competent and suitable provision for their maintenance and education, it shall and may be lawful for the orphans' court of the county where such child or children reside, on application of the said child or children, or of his, her or their next of kin, to appoint a guardian for such child or children in the same manner as guardians are now appointed by said court, and to vacate, annul and revoke said appointment as the said court shall see occasion; which guardian shall have the same authority over the said child or children as guardians have in other cases, until the revocation of his or her authority as aforesaid, notwithstanding any right or claim of authority of the said parent; and may lawfully do all acts for the maintenance and education of the said child or children, and the disposition of his or her time and services which the said parent could lawfully do.

His authority.

When father or other person appointed guardian of minor's estate.

10. *And be it enacted*, That if any minor or minors shall become seized or possessed of, or entitled to any real or personal estate in the lifetime of the father of such minor or minors, it shall and may be lawful for the ordinary, or for the orphans' court of the county where such minor or minors reside, or such real or personal estate may be, to appoint the father or other suitable person or persons, guardian or guardians of the estate of such minor or minors.

CHAPTER 3.

MARRIAGES.

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| 1. Within what degrees prohibited. | 7. Returns to be made under penalty. |
| 2. Who may solemnize. | 8. Clerk to record return. |
| 3. When consent of parents required. | 9. Religious societies may marry. |
| 4. Certificate of consent registered. | 10. And their books be evidence. |
| 5. Penalty for marrying without it. | 11. Penalty for false return or entry. |
| 6. Marriages to be recorded. | 12. Repealer. |

An Act concerning marriages.

REV. 180.

Passed March 4, 1795.

Within what degrees marriages are prohibited.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That*

no man or woman shall intermarry within the degrees hereafter named, that is to say: TITLE XI.
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No man shall marry his

Grandmother,	Daughter's son's wife,
Grandfather's wife,	Mother,
Wife's grandmother,	Stepmother,
Father's sister,	Wife's mother,
Mother's sister,	Daughter,
Son's wife,	Wife's daughter,
Sister,	Wife's son's daughter,
Son's daughter,	Wife's daughter's daughter,
Daughter's daughter,	Brother's daughter,
Son's son's wife,	Sister's daughter.

No woman shall marry her

Grandfather,	Daughter's husband,
Grandmother's husband,	Brother,
Husband's grandfather,	Son's son,
Father's brother,	Daughter's son,
Mother's brother,	Son's daughter's husband,
Father,	Daughter's daughter's husband,
Stepfather,	Husband's son's son,
Husband's father,	Husband's daughter's son,
Son,	Brother's son,
Husband's son,	Sister's son.

2. *And be it enacted by the authority aforesaid,* That every minister of the peace of this state, and every stated and ordained minister of the gospel, shall be and hereby is authorized and empowered to solemnize marriages between such persons as may lawfully enter into the matrimonial relation.

3. *And be it further enacted,* That no justice of the peace, minister of the gospel, or other person having or pretending to have authority to join persons together in the holy bands of matrimony, shall marry any male under the age of twenty-one years, or female under the age of eighteen years, unless the parent or parents, guardian or guardians, or person or persons under whose care and government such minor or minors shall be, be present, and give their consent thereto, or until the minor applying to be married, whether male or female, shall have produced a certificate in writing, under the hand of the parent or parents, guardian or guardians, or if such minor, so applying to be married, have no parent or guardian, then under the hand of the person or persons under whose care and government he or she may at that time be; which certificate shall be proved to be genuine by the oath or affirmation of at

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CHAP. 3.

least one person, of full age and discretion, who was present at the signing of the same, and affixed his or her name as a witness thereto; which oath or affirmation any justice of the peace, or minister of the gospel, authorized to solemnize marriages as aforesaid, is hereby authorized to take, and shall enter upon the back of the certificate.

Marriages, by virtue of certificates, to be registered and filed.

4. *And be it further enacted*, That every justice of the peace, minister of the gospel or other person, having or pretending to have authority to join persons in marriage, who shall marry any minor or minors, by virtue of a certificate had and proved as above directed, shall register the same, or cause it to be registered in a book by him to be kept for the purpose of registering of marriages, and, within three months after, transmit the original certificate to the clerk of the county in which the marriage was solemnized, to be by him filed in his office.

Justices and ministers, who shall marry any minor, without such certificate, shall forfeit three hundred dollars.

5. *And be it enacted by the authority aforesaid*, That if any justice of the peace, minister of the gospel or other person, having or pretending to have authority to join persons together in the holy bands of matrimony, shall marry any minor or minors, without the consent of the parent or parents, guardian or guardians, or person or persons having the care and government of such minor or minors, had and obtained, according to the direction of this act, and contrary to the true intent and meaning thereof, every such justice of the peace, minister of the gospel or other person, having or pretending to have authority to join persons together in the holy bands of matrimony, shall, for every such offence, forfeit three hundred dollars, to be recovered with costs of suit, by action of debt or information, in any court of record of this state, by the parent, guardian or person having charge of such minor, as shall be so joined in marriage as aforesaid, the one half of the said forfeiture to be paid to the treasurer of the state for the use of the state, and the other half to be for the use of the parent, guardian or other person having charge of such minor, who shall prosecute the same to effect.

Justices and ministers to record marriages, and make return of them to the clerk of the common pleas.

6. *And be it further enacted*, That every justice of the peace and minister of the gospel, shall make and keep a particular record of all marriages solemnized before him, and transmit a certificate of every particular marriage (containing both christian names and surnames) within six months after the solemnization thereof, to the clerk of the court of common pleas for the county, in which the marriage was solemnized.

Penalty on justices and ministers who shall not make such return in due time.

7. *And be it further enacted*, That if any justice of the peace or minister of the gospel, shall neglect, omit or refuse to make return to the clerk of the county as aforesaid, of all the marriages by him pronounced, he shall, for every such offence, forfeit the sum of fifty dollars, to be recovered, with costs, by the clerk of the said court

of common pleas, or any other person who shall prosecute for the same, by action of debt or information, in any court having cognizance thereof.

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8. *And be it further enacted*, That the respective clerks of the courts of common pleas in and for the several counties of this state, shall register and record all such returns of marriages at large in a book to be kept for that purpose, and no other, within the space of one calendar month after receiving the same, for which service the said clerks respectively shall be allowed and receive, for each and every entry aforesaid, the sum of twelve cents, to be paid by the persons married, to such justice of the peace or minister who shall perform the ceremony, and by such justice or minister, with the certificate thereof, be transmitted to the clerk; and if any such clerk shall refuse, neglect or omit to register and record, within the said time, any such return so to him made or any part thereof, he shall forfeit the sum of one hundred dollars, to be recovered with costs, by any person who shall prosecute for the same, by action of debt or information, in any court having cognizance thereof.

Clerk of common pleas to record such return in one month, upon the penalty of one hundred dollars.

9. *And be it further enacted*, That it shall and may be lawful for every religious society in this state to join together in marriage such persons as are of the said society, according to the rules and customs of the society to which they belong; provided, that the clerk or keeper of the minutes, proceedings or other book of the religious society, wherein such marriages shall be had and solemnized, shall make a true and faithful register of all marriages solemnized in the society, in the book by him kept.

Religious societies may marry, and record such marriages.

10. *And be it further enacted*, That such book of marriages so kept by the respective clerks of the courts of common pleas, and by the clerks of such religious societies as are authorized to solemnize marriages by the preceding section of this act, shall be admitted as evidence in all courts of law and equity in this state.

Books of marriages to be admitted as evidence.

11. *And be it further enacted*, That if any justice of the peace or minister of the gospel, shall wilfully and knowingly make a false return of such marriages, or any of them, to the said clerk of the court of common pleas, or if the said clerk of such court shall wilfully and knowingly make a false entry, register and record of any return of marriages, so to him made, in the said book by him before directed to be kept; or if any clerk or keeper of the minutes and proceedings of such religious societies, as are authorized to solemnize marriages by this act, shall wilfully and knowingly make a false entry, register and record of such marriages, or any of them, then every such person so offending, shall be adjudged guilty of a misdemeanor, and, on conviction, shall be punished by fine or imprisonment, or both, at the discretion of the court.

A false return and false register of marriages, how to be punished.

12. Repealer.

TITLE XI.
CHAP. 5.

CHAPTER 4.

SLAVES, MANUMISSION OF.

An Act to confirm the manumission of certain slaves.

1843-4.
PAMPH. 138.
Preamble.

Passed February 28, 1844.

WHEREAS, by the laws of this state, it is required, that the manumission of slaves shall be by writing, under hand and seal of the owner, executed in the presence of at least two witnesses; and whereas, in many instances of such manumission heretofore, the laws in other respects have been complied with, but the writing under hand and seal, as aforesaid, executed in the presence of one witness only—therefore,

Certain deeds made valid.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That all deeds or writings under the hand and seal of the owner or owners of any slave or slaves, heretofore made and executed in the presence of one witness only, shall be of the same force and effect, and as valid and effectual in law, to all intents and purposes, as if executed in the presence of two witnesses in the manner prescribed by law; *provided*, that nothing in this act contained shall extend to, or affect any case in which a decision has been made by any court having jurisdiction of the question.

Proviso.

CHAPTER 5.

SLAVERY, GRADUAL ABOLITION OF.

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| 1. Term of service. | | 2. Penalty for neglect. |
| 2. Certificate and record. | | 3. Penalty if false. |

REV. 679. An Act for the gradual abolition of slavery, and other purposes respecting slaves.

Passed February 24, 1820.

Term of service.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That every child born of a slave within this state, since the fourth day of July, one thousand eight hundred and four, or which shall hereafter be born as aforesaid, shall be free, but shall remain the servant of the owner of his or her mother, and the executors, administrators, or assigns of such owners, in the same manner as if such child had been bound to service by the trustees or overseers of the

poor, and shall continue in such service, if a male, until the age of twenty-five years, and if a female, until the age of twenty-one years. TITLE XI.
CHAP. 5.

2. *And be it enacted*, That every person being an inhabitant of this state, who shall be entitled to the service of a child born as aforesaid, shall, within nine months after the birth of such child, deliver or cause to be delivered to the clerk of the county whereof such person shall be an inhabitant, a certificate in writing, subscribed by him or her, containing the name and addition of such person, and the name, age, and sex of such child so born, and the name of the mother of such child, which certificate, whether the same be delivered before or after the said nine months, shall be, by the said clerk, recorded in a book provided by him for that purpose, and such record thereof shall be good evidence of the age of such child, and the clerk of such county shall receive from said person twelve cents for every child so registered; and if any person, directed by this act to deliver or cause to be delivered such certificate to the said clerk, shall hereafter neglect to deliver or cause to be delivered to the clerk as aforesaid, such certificate within the said nine months, such person shall forfeit and pay for every such offence, the sum of five dollars, and the further sum of one dollar for every month such person shall neglect to deliver or cause to be delivered the same, to be sued for and recovered by any person who will sue for the same, one half to the use of such prosecutor, and the other half to the use of the poor of the township in which such delinquent shall reside; *provided*, that the sum so forfeited shall not exceed the sum of one hundred dollars. Certificate,
and what it
shall contain.

Penalty for
neglect.

3. *And be it enacted*, That if any person directed by this act to deliver or cause to be delivered to the county clerk, a certificate as aforesaid, shall knowingly and wilfully deliver or cause to be delivered to the county clerk as aforesaid, any certificate containing a false relation of the time of the birth of such child, such person so offending shall forfeit and pay the sum of one hundred dollars for every such offence, to be prosecuted for, recovered and applied in manner aforesaid; and in favour of such child, or of the township in which such child's residence shall be, the true time of the birth of such child may be inquired into, before any court or magistrate, in any case where the true time of the birth of such child shall become material, notwithstanding the record of such certificate. Penalty for
delivering
false certifi-
cate.

NOTE.—Remaining sections repealed.—See TITLE XXIII.

CHAPTER 6.

SLAVERY, ABOLISHED.

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An Act to abolish slavery.

Revision....Approved April 18, 1846.

Slavery abolished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That slavery in this state be and it is hereby abolished, and every person who is now holden in slavery by the laws thereof, be and hereby is made free, subject, however, to the restrictions and obligations hereinafter mentioned and imposed; and the children hereafter to be born to all such persons shall be absolutely free from their birth, and discharged of and from all manner of service whatsoever.

Apprenticeship substituted.

2. *And be it enacted*, That every such person shall, by force and virtue of this act, and without the previous execution of any indenture of apprenticeship, or other deed or instrument for that purpose, become and be an apprentice, bound to service to his or her present owner, and his or her executors or administrators; which service shall continue until such person is discharged therefrom, as is hereinafter directed.

Apprentice may be discharged.

3. *And be it enacted*, That it shall and may be lawful for every person who shall be entitled to the service of any such apprentice, to discharge such apprentice from such service, by writing, under hand and seal, executed in the presence of at least one witness;

Proviso!

provided, that such apprentice, at the time of such discharge being executed, shall be desirous of such discharge, and be sound in mind, and not under any incapacity of obtaining a support; *and provided also*, that the person entitled to the service of such apprentice shall, previous to the execution of such instrument of discharge, obtain a certificate, signed by the overseers of the poor and any two justices of the peace of the township wherein such person so entitled shall reside, and also cause such certificate to be recorded

Certificate.

in the office of the clerk of the county; for which service the said clerk shall be entitled to twelve cents; which certificate shall be in the words, or to the effect following:

_____ county, to wit:

We do hereby certify, that on this _____ day of _____ A. D. _____ Form. A. B. of the township of _____ in the said county, brought before us, the overseers of the poor and two justices of the peace of the said township, an apprentice in his (or her) service, named _____ who declares before us that he (or she) is desirous of being discharged by virtue of an act entitled, "An act to abolish slavery," and who on view and examination appears to us to be sound in mind, and not under any incapacity of obtaining a support.—In witness whereof, we have hereunto set our hands, the day and year above written.

C. D. }	Overseers, &c.
E. F. }	
G. H. }	Justices, &c.
I. K. }	

That upon such certificate being so signed and recorded, and such instrument or deed of discharge being so executed, such apprentice shall be discharged of and from all liability to or for any service or claim whatsoever; and the person executing such discharge, shall be exonerated and acquitted from all costs and charges which may arise for the support of such apprentice, except his or her proportion of any general tax or assessment therefor.

4. *And be it enacted*, That if any person entitled to the service of any such apprentice, shall, by his or her last will and testament, give such discharge as aforesaid, and the said apprentice shall be desirous of such discharge, and be sound in mind, and not under any incapacity of obtaining a support, to be certified in manner aforesaid, then such discharge shall be good and effectual in law.

5. *And be it enacted*, That if any person entitled to the service of any apprentice bound to service by this act, other than such as is described in the two sections next preceding, be disposed to discharge such apprentice from service, and such person so entitled, or any other sufficient person, for and in behalf of such apprentice, shall and do at the court of common pleas of the county where such apprentice shall reside, enter into bond to the state of New Jersey, with at least two sureties, being inhabitants and freeholders of and in the said county, to be approved by such court, in a sum not less than five hundred dollars, to prevent and keep any such apprentice from becoming or being a charge to any township, place or county in this state, then such apprentice shall be discharged of and from all liability to and for any such service; *provided*, that

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When discharge by will good.

Master may discharge, on giving bond;

but must be in writing.

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CHAP. 6.

such discharge be in writing, signed and sealed in the presence of at least one witness: *and further*, that if any such apprentice of the description contained in this section, shall be discharged from service by the last will and testament of any person deceased, and if the executor or executors of such last will and testament, or, in case of the neglect or refusal of such executor or executors, if any other sufficient person, shall and do, within six months after proving the said last will and testament, enter into a bond, with sureties, and in manner aforesaid, then the said apprentice shall be discharged, according to the true intent and meaning of such last will and testament; but if, in any of the cases mentioned in this section, such bond be not entered into in the manner aforesaid, then the said discharge shall be absolutely void and of no effect.

When discharge void.

Apprentice released from certain contracts at forty years.

6. *And be it enacted*, That all apprentices discharged by virtue of this act, shall be discharged and exonerated, after he or she arrives to the age of forty years, from the payment of any bond, note, or other contract, or performance of any indenture, that shall have been obtained against him or her in consequence of such discharge from service.

Legal settlement, where.

7. *And be it enacted*, That the legal settlement of every apprentice so discharged, who shall be likely to become a public charge, shall be in that township or place in this state where the person discharging him or her, may have a legal settlement at the time of such discharge; *provided*, that nothing in this section contained, shall be construed to prevent any apprentice so discharged, from afterwards gaining a legal settlement in any other township, in the same manner as other persons may gain a legal settlement by virtue of the existing laws of this state.

Proviso.

Apprentice entitled to support.

8. *And be it enacted*, That every person entitled to the service of such apprentice not discharged according to the directions of this act, his or her heirs, executors or administrators shall be obliged at all times to support and maintain such apprentice; *provided*, that if any person entitled as aforesaid shall become insolvent and so unable to provide for such apprentice who shall, by sickness or otherwise, be rendered incapable of supporting himself or herself, then he or she shall be deemed to be a pauper, whose legal settlement shall follow the legal settlement in this state of him or her who was entitled to the service of such apprentice as aforesaid.

Proviso.

Children of, how provided for.

9. *And be it enacted*, That the children hereafter to be born of every such apprentice not discharged from service as aforesaid, shall be supported and maintained by the master or mistress of such apprentice until they shall attain the age of six years, when said children shall be bound out by the trustees or overseers of the poor, as in other cases of poor children; the master or mistress of

Bound out,

such apprentice, in the absence of any just objection, (of which said trustees or overseers shall judge), being first entitled to take such children under indentures from the said trustees or overseers; and the poor children of such apprentices as shall be legally discharged from service under this act, may likewise be bound out in like form and under like circumstances as other poor children; and the same rights, obligations and duties shall vest in, and be performed by the said trustees, overseers and justices acting in the premises, as provided for in other cases where they bind out poor children.

10. *And be it enacted*, That in case any instrument or deed, discharging such apprentice from service, shall be acknowledged by the party or parties who shall have executed the same, or be proved by one or more of the subscribing witnesses to it, that such party or parties signed, sealed and delivered the same, as his or her voluntary act and deed, before one of the officers authorized by law to take the acknowledgment or proof of deeds, and such certificate of such acknowledgment or proof shall be written under or upon such instrument or deed, and subscribed by the officer before whom made, then, and in that case, every such instrument or deed so acknowledged or proved and certified, shall be received in evidence in any court of this state, in like manner as if the same were then and there proved by one or more witnesses.

11. *And be it enacted*, That it shall be the duty of the clerk of the court of common pleas of the county in which the person entitled to the services of such apprentice shall reside, at the time of discharging him or her, to record in a well bound book of good paper, to be provided for that purpose, and well preserved, every such instrument or deed acknowledged or proved, and certified as aforesaid, together with the acknowledgment or proof, and the certificate written on or under the same, which shall be delivered to him to be recorded; to which book every person shall have access at proper hours, and be entitled to transcripts from the same, on paying the fees allowed by law.

12. *And be it enacted*, That the record aforesaid of such instrument or deed, or a copy of such record, certified to be a true copy by the clerk, in whose office the said record is kept, shall be received in evidence in any court of this state, and be as good, effectual, and available in law as if the original instrument or deed were then and there produced and proved.

13. *And be it enacted*, That the clerk shall deliver a receipt to the person who shall deliver to him any such instrument or deed as aforesaid, mentioning therein the time when it was delivered to him or brought to his office to be recorded, its date, and the names

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Discharge, how authenticated so as to be evidence.

Discharge to be recorded.

Record of copy evidence.

Clerk's receipt, certificate and fees.

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CHAP. 6.

of the parties to it, and shall certify on or under the said instrument or deed the time it was received, and the name and number of the book, and page or pages in which it is recorded; and when recorded, shall deliver it to the party entitled to it, or to his or her order; and the said clerk shall be entitled to receive for recording every such instrument or deed, with the acknowledgment or proof and certificate, for every sheet five cents, and for every copy of the same five cents, and for every receipt six cents.

CHAP. 5.

Proceedings
on complaint
by master or
apprentice.

14. *And be it enacted*, That if any master or mistress, or other person entitled to the service of such apprentice or servant under this act, or under the act entitled, "An act for the gradual abolition of slavery, and other purposes respecting slaves," passed twenty-fourth February, eighteen hundred and twenty, shall be guilty of any misuse, refusal of necessary provision or clothing, unreasonable correction, cruelty or other ill treatment, so that his or her apprentice or servant shall have just cause of complaint, or if said apprentice or servant shall absent himself or herself from the service of his or her master or mistress, or be guilty of any misdemeanor, miscarriage or ill behaviour, or do not his or her duty to his or her master or mistress, then the said master or mistress, or the said apprentice or servant being aggrieved and having just cause of complaint, shall be entitled to the like remedy, and similar proceedings shall be had therein, as is provided in like cases by the act entitled, "An act respecting apprentices and servants;" *provided*, that if such apprentice or servant shall be discharged upon his or her complaint, such discharge shall not exempt the master or mistress of such apprentice or servant from the support of said apprentice or servant, should he or she become unable to support himself or herself.

CHAP. 1.
PROVISO.

Penalty for
enticing ap-
prentice
away.

15. *And be it enacted*, That every person who shall counsel, persuade, entice, aid or assist any such apprentice or servant to run away or absent himself or herself from the service of his or her master or mistress, shall forfeit and pay the sum of one hundred dollars, to be sued for and recovered by action of debt, with costs, by such master or mistress, in any court of record having cognizance thereof; and such person shall also be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, of not less than one, nor more than two hundred dollars, or by imprisonment at hard labour, not more than one year, or both, at the discretion of the court before whom such conviction shall be had: *and further*, if any master, mistress, or other person entitled to the service of such apprentice or servant under this act, or under the act entitled, "An act for the gradual abolition of slavery, and other purposes respecting slaves," passed twenty-fourth Fe-

CHAP. 5.

bruary, eighteen hundred and twenty, shall be guilty of any mis-usage, refusal of necessary provision or clothing, unreasonable correction, cruelty or other ill treatment, he, she or such other person as aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine, not exceeding one hundred dollars; *provided nevertheless, and be it enacted*, that if any master, mistress or other person as aforesaid, shall at the time when any complaint may be preferred against him or her, as is mentioned in the fourteenth section of this act, enter into recognizance to the state of New Jersey, with one good freeholder resident in the county, conditioned for his or her appearance before the next court of general quarter sessions of the peace to be holden in and for the county in which such master or mistress, or other person as aforesaid, may reside, to answer any complaint which may then and there be made against him or her for any of the matters specified in this section, that then the justice before whom such complaint may have been made shall discharge such complaint, and the provisions of the fourteenth section of this act shall be deemed inoperative touching said complaint.

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CHAP. 6.

Penalty for
misusage of
apprentice.

Master may
remove com-
plaint to the
quarter ses-
sions, giving
security.

16. *And be it enacted*, That every person who shall entertain, harbour or conceal any such apprentice or servant, knowing such apprentice or servant to have run away, shall forfeit and pay one dollar for every day's entertaining, harbouring or concealing as aforesaid, to be sued for and recovered by action of debt, with costs, by such master or mistress, in any court of record having cognizance thereof.

Penalty for
harbouring
apprentice.

17. *And be it enacted*, That no person shall hereafter sell or in any wise dispose of any apprentice bound to service by virtue of this act, or of any interest or right in and to the service of such apprentice except in writing, and with the consent of said apprentice expressed by his or her signature thereto; nor shall such sale be made upon any pretence whatsoever to any person not a citizen and resident of this state.

Sale of ap-
prentice
must be in
writing, with
consent, and
not to non-
resident.

18. *And be it enacted*, That no such sale as is mentioned in the section next preceding, shall operate to release or discharge the estate of the person making such sale from the support and maintenance of such apprentice in the event of the purchaser at the time of said sale being insolvent, and the said apprentice being rendered incapable from sickness or other cause of supporting himself or herself; but the person making such sale, his or her heirs, executors and administrators shall be and remain liable for such support and maintenance in the same manner as he, she or they would have been had no such sale been made.

Vendor's es-
tate still li-
able to sup-
port appren-
tice.

19. *And be it enacted*, That no apprentice or servant under this act,

TITLE XI.
CHAP. 6.Apprentice
not to be
carried out
of state.Penalty for
exporting
apprentice.

or under the act entitled, "An act for the gradual abolition of slavery, and other purposes respecting slaves," passed February twenty-fourth, eighteen hundred and twenty, shall hereafter be removed, exported or carried out of this state except as hereinafter provided.

20. *And be it enacted,* That if any person shall send to sea or export, or attempt to send to sea or export from this state, or send or carry out of, or attempt to send or carry out of this state, except as hereinafter provided, any such apprentice or servant, every person so exporting, or attempting to export, or sending or carrying out of this state, or attempting to send or carry out of this state, such apprentice or servant, and his or her aiders or abettors, shall be deemed guilty of a misdemeanor, and on conviction in due course of law, shall be punished by fine not less than one thousand dollars, nor more than two thousand dollars, or imprisonment at hard labour, for any term not less than two years, nor more than four years, or both, at the discretion of the court before whom such conviction shall be had; and every such apprentice or servant so exported or carried out of this state, or attempted to be exported or carried out of this state, or sent to sea, shall be thereafter discharged from all further service whatsoever.

Penalty for
selling ap-
prentice to
non-resident,
intending to
export.

21. *And be it enacted,* That if any person shall hereafter sell, transfer or assign any such apprentice or servant, or the services of such, to any non-resident, or person not being an inhabitant of this state, or to any person intending to remove, or export, or carry such apprentice or servant out of this state, every person so knowingly selling, transferring or assigning such apprentice or servant, or the services of such, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not less than five hundred nor more than one thousand dollars, or by imprisonment at hard labour, not less than one year nor more than two years, or both, at the discretion of the court before whom such conviction shall be had; and every such apprentice or servant so sold, transferred or assigned, or whose services are so, to any non-resident, or person not being an inhabitant of this state, or to any person intending to remove, or export, or carry away such apprentice or servant out of this state, shall be thereafter discharged from all further service whatsoever.

Apprentice
to be free.Penalty for
purchasing
with such
intent.

22. *And be it enacted,* That if any person shall purchase or take a transfer or assignment of any such apprentice or servant, or the services of such, with a design or intent to export, or send, or carry such apprentice or servant out of this state, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not less than one thousand dollars nor more than two thousand dollars, or by imprisonment at hard labour, not less than

two nor more than: our years, or both, at the discretion of the court before whom such conviction shall be had; and such apprentice or servant so purchased, transferred or assigned, or whose services are so, shall be thereafter discharged from all further service whatsoever.

23. *And be it enacted*, That every master of a ship or other vessel, who shall knowingly receive on board any ship or other vessel of which he is master, for the purpose of carrying out of this state, any such apprentice or servant, or who, having ignorantly received on board of said ship or other vessel such apprentice or servant, shall suffer such apprentice or servant to depart from his ship or other vessel, in any place out of this state, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine, not less than one thousand nor more than two thousand dollars, or imprisonment at hard labour, not less than two nor more than four years, or both, at the discretion of the court.

24. *And be it enacted*, That it shall be lawful for any inhabitant of this state, going out of the same on a journey to any other part of the United States, or for necessary business, to take with him or her any such apprentice or servant as aforesaid; but it shall be the duty of such inhabitant to bring back such apprentice or servant, and in default thereof he or she shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by fine not less than five hundred dollars nor more than one thousand dollars, or by imprisonment at hard labour, not less than one year nor more than two years, or both, at the discretion of the court before whom the conviction shall be had, unless such inhabitant shall make proof, within six months after his or her return, to the satisfaction of two of the judges of the court of common pleas of the county in which he or she shall reside, that such apprentice or servant not brought back as aforesaid, could not be brought back, by reason of some unavoidable accident, and obtain a certificate thereof, subscribed by the two judges before whom such proof shall be made, and file the same in the office of the clerk of the said county; and every such apprentice or servant so taken out of this state, and not brought back as aforesaid, shall be thereafter discharged from all manner of service whatsoever; *provided nevertheless*, that nothing herein contained shall be construed to authorize or allow the taking away such apprentice or servant in any ship or vessel going to sea.

25. *And be it enacted*, That in case any person who shall be discharged from service by virtue of the provisions of the twentieth, twenty-first, twenty-second or twenty-fourth sections of this act, shall become incapable by reason of sickness or other cause, of maintaining himself or herself, the former master or mistress of

TITLE XI.
CHAP. 6. such person shall be and remain liable for his or her support and maintenance, in the same manner as they would have been had such person not been discharged.

Proceedings
on habeas
corpus.

26. *And be it enacted*, That when any habeas corpus shall be brought to remove any such apprentice or servant out of the possession or custody of any person or persons claiming the service of such apprentice or servant, the person or persons to whom the said habeas corpus is directed, may, in the return to the same writ, aver and set forth, that he, she or they has or have lawful right to the personal service of the said apprentice or servant; whereupon the prosecutor shall instanter join issue by denying the right of the defendant or defendants to the personal service of such apprentice or servant, and immediately upon the joinder of the said issue, the court shall award a venire facias to the sheriff or coroners, as the case may require, of the county in which such party defendant resides, commanding him or them to summon a jury to appear at the next circuit court to be held in such county for the trial of the issue so joined as aforesaid.

Privilege of
non-resident
travellers.

27. *And be it enacted*, That it shall be lawful for any person not an inhabitant of this state, who shall be travelling to or from or passing through this state, or coming into this state from any other of the United States, and having a temporary residence in this state, to bring with him or her any slave or servant, and on removal or leaving this state, to take such slave or servant out of this state; *provided*, that the number of such slaves or servants shall not exceed the usual number of personal or household slaves or servants kept and maintained by said traveller or temporary resident.