

TITLE XXXII.
POOR.

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CHAPTER 1.

GENERAL POOR LAW.

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An Act for the settlement and relief of the poor.

REV. 35, 655,
763.

Revision....Approved April 10, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall become seized <sup>How settle-
ment obtain-
ed.</sup> of any freehold estate, of the value of one hundred and thirty dollars, in any township, and shall dwell upon the said estate, or in the said township in which such estate doth lie, for one full year, shall thereby obtain a legal settlement in such township; and every person who shall have served an apprenticeship under indenture, and every indented servant legally and directly imported from Europe, or brought in from the neighbouring states into this state, shall obtain a legal settlement in the township in which such apprentice or servant shall first serve with his or her master or mistress for the space of one full year; and if afterwards such apprentice or servant shall duly serve in any other place for the space of one full

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year, such apprentice or servant shall obtain a legal settlement in the township where such apprenticeship or service was last performed, either with his or her first master or mistress, or with the assignee or assignees, on an assignment of the said indentures; and that all mariners coming into this state, and having no settlement in this nor any of the neighbouring states, and every other healthy person directly coming from Europe into this state, shall be legally settled in the township in which he or she shall first settle and reside for the space of one year.

How, in other cases.

2. *And be it enacted*, That no person or persons whatsoever, other than those herein before mentioned, coming into any township within this state, shall be esteemed or deemed to have obtained a legal settlement in the same, unless such person or persons, within forty days after his, her, or their coming into such township, shall give notice in writing to the overseers of the poor of the township into which he, she, or they shall come to reside, of the house and place where he, she, or they do live or abide, and the number of his or her family, if any he or she hath; a copy of which said notice shall be endorsed by the said overseer, acknowledging his receipt thereof, and delivered by the person or persons serving the same on the said overseer as aforesaid, to the town clerk of the township in which he, she, or they shall come to reside as aforesaid; which said town clerk shall enter the same, with the endorsement thereon as aforesaid, in the town book by him kept, and return the original to the person or persons so giving notice as aforesaid, for which service the said clerk shall be entitled to receive the sum of twelve cents, and no more, from the person so giving notice as aforesaid; and in case the said overseer of the poor shall not, within twelve months after such notice, cause such person or persons to be removed by warrant under the hand and seal of at least one magistrate of the county or township, into which they shall so come to reside, that then and in such case, such person or persons so giving notice, and entering the same in the town clerk's books as aforesaid, shall be deemed, esteemed, and taken to be legally settled in such township, to all intents, purposes, and constructions whatsoever.

Notice to overseers.

Entered in town book.

What servants not to gain settlement.

3. *And be it enacted*, That no servant or servants, bought, hired, or otherwise procured from the jails, hospitals, and work-houses of the neighbouring states, shall gain any settlement in this state, by virtue of his or her being bought or hired as aforesaid, or otherwise assigned to any person or persons inhabiting in this state, any thing herein before to the contrary notwithstanding.

Where bastard children settled.

4. *And whereas*, single women with child often remove from the places of their settlement, and are delivered of bastard children in

distant townships, whereby such townships are unjustly liable to, and often made chargeable with the support of such bastard children—*be it therefore enacted*, that all bastard children shall hereafter be deemed, esteemed, and taken to be settled in the place of the last legal settlement of the mother of such bastard child or children, any law, usage, or custom to the contrary notwithstanding. TIT. XXXII.
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5. *And*, for the more effectual preventing any vagabonds, vagrants, sturdy beggars, and other idle, strolling, disorderly person or persons concealing him, her, or themselves, within any township within this state—*be it enacted*, that if any housekeeper or inhabitant of this state, shall take into, receive, or entertain in his, her, or their dwelling place or places of abode, house or houses, any such person or persons as aforesaid, who have not gained a legal settlement in some township within this state, and shall not give notice in writing, within the space of ten days next after his, her, or their taking in, receiving, or entertaining any such person or persons as aforesaid, to the overseers of the poor of every such township where such person dwelleth, every such inhabitant or housekeeper, being thereof legally convicted, by the oath or affirmation of one credible witness, before any one justice of the peace of the county or township where such offence shall be committed, shall forfeit and pay the sum of two dollars for every such offence, the one moiety or half part thereof to be applied to the use of the poor of the said township, and the other moiety to the use of the informer or person who shall prosecute the same to effect, to be recovered in the usual manner, by process and execution, as actions of debt before justices of the peace in this state are made cognizable and recoverable; and in case the person or persons, so entertained as aforesaid, shall become poor and unable to maintain him, her, or themselves, and cannot be removed to the place or places of his, her, or their last legal settlement, or shall happen to die and not leave wherewithal to defray the charge of his or her funeral, then and in such case, the inhabitant or housekeeper convicted as aforesaid, of entertaining such poor person or persons, shall be obliged to provide for and maintain such poor and indigent person and persons, and to pay for the charges of such poor person's funeral; and, upon refusal so to do, it may and shall be lawful for any one justice of the peace, together with any two or more of the overseers of the poor of every such county or township where the said offence shall be committed, and they are hereby required to assess such sum or sums of money on the person and persons so convicted as aforesaid, by a weekly assessment, from time to time, as shall be sufficient for the maintenance of such poor indigent person or persons, according to the usual allowance made

Penalty for entertaining strolling persons,

without giving notice.

Liability in case such become paupers.

Assessment.

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How pay-
ment enforce-
ed.

for the relief of the poor; and also to assess, in like manner, a certain sum for defraying the charges of every such poor person's funeral as aforesaid; and in case the party, so convicted as aforesaid, shall neglect or refuse to pay the sum and sums of money so assessed or charged as aforesaid, to the overseers of the poor, for the uses aforesaid, the same shall be levied upon the goods and chattels of the offender, by warrant of distress, to be issued by one of the justices of the peace of said county or township, directed to one of the constables of said county or township, who shall, as near as may be, make sale of so much of his or her said goods and chattels, as shall be sufficient to pay the said sum and sums of money so assessed; and the overplus, if any be, after all legal costs and fees are deducted, shall be returned to the owner: and if such person, so convicted as aforesaid, hath no goods and chattels to satisfy and pay the money so assessed for him or her to pay, then and in such case, it may and shall be lawful for such justice of the peace, and he is hereby required, to commit such offender to prison, there to remain without bail or mainprise, until he or she have paid the same, or until he or she shall be discharged by due order of law.

But persons
may reside
in another
township, if
they bring
certificate.

6. *And be it enacted*, That if any person or persons shall think proper to remove out of any township within this state, into another, there to inhabit and reside, and shall, at the same time, procure, bring, and deliver to the overseers of the poor of every such township where he, she, or they shall so come to inhabit, a certificate under the hands and seals of the overseers of the poor, or any two of them, of his, her, or their last legal settlement, attested by two or more credible witnesses, and allowed of and subscribed by two or more justices of the peace of the township or county wherein the township doth lie, from which he, she, or they shall remove as aforesaid, thereby acknowledging the person or persons therein mentioned to be an inhabitant and inhabitants legally settled in such township mentioned in such certificate as aforesaid, then and in such case, it shall and may be lawful for every such person and persons, with their families, upon the delivery of such certificate as aforesaid, to continue, abide, and remain in any such township to which he, she, or they shall remove as aforesaid, and to follow any honest employment within the same, he, she, or they conforming to the laws and custom of any such place and places to which they shall so remove; and the overseers of the poor shall deliver every such certificate to the clerk of the township to which any such person shall come to reside as aforesaid; and the said clerk is hereby required and commanded to file and take care of every such certificate.

Certificate to
be filed.

7. *Provided always, and be it further enacted,* That whenever it shall happen that the said person or persons, with their families, so removing, by virtue of the certificate or certificates aforesaid, shall become chargeable, or be obliged, by sickness or otherwise, to ask relief of the township to which such certificate was given, and into which he, she, or they were received as aforesaid, that then, and not before, it shall and may be lawful for the overseers of the poor of the last mentioned place and places, to remove and convey all and every such person or persons, with all and every of their family and families and children, though born within the last mentioned place and places, together with his, her, or their servants and apprentices, to the township from which such certificate was brought as aforesaid, who are hereby required and obliged to receive and provide for every such person and persons, with his, her, or their family and families as aforesaid, as inhabitants of that place; *provided nevertheless,* that every such servant and apprentice, who shall have duly served his apprenticeship and servitude in the said township in which his master or mistress shall have so settled by certificate as aforesaid, and who shall thereby have gained a legal settlement in such place agreeably and according to the laws of this state, shall not be liable to be removed as aforesaid; *provided also,* that the aforementioned clauses, relating to the obtaining temporary settlements by certificates, shall not be deemed or construed to extend to any person or persons who have not already obtained, or shall not hereafter obtain a legal settlement or settlements in some part of this state; and also, that no person or persons, who shall be required to bring such certificate or certificates as aforesaid, shall be deemed or esteemed by any act or acts of him, her, or them, to have gained a legal settlement in any township, during the time he, she, or they shall reside there, by virtue of the said certificate or certificates.

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And to be removed, if they become chargeable.

But not after settlement gained there

Clauses limited to persons settled in this state.

8. *And be it enacted,* That if any person or persons shall come out of any of the place or places where they are legally settled, into any township within this state, and shall happen to be taken sick or lame, so that they cannot be conveniently moved back to the place of their last legal settlement, then the overseers of that place into which such person or persons shall so come as aforesaid, or one of them, shall give notice to the overseers of the township, or one of them, out of which such person or persons shall so come as aforesaid, of the name, circumstances and condition of such person or persons, and request such overseers, or one of them, to take care to relieve and maintain such sick or lame person during his or her illness, and also to provide for the funeral of such person, if he or she should happen to die; and if such overseer or overseers

Of sick or lame.

Overseer's notice.

Liability for neglect.

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seers shall neglect or refuse so to do, upon such notice given as aforesaid, that then and in such case it shall be lawful for any two justices of the peace of the county or township where such person had last gained a legal settlement, and they are hereby authorized and required, upon complaint made to them, to cause all such sum and sums of money as shall be necessarily expended in the maintenance of such poor person in his or her sickness or lameness, or on his or her funeral, by warrant under their hands and seals, to be directed to some constable of the said county or township, to be levied in the usual manner by distress and sale of the goods and chattels of the said overseer or overseers of the poor, so neglecting or refusing to take care and provide for any such person as aforesaid, after such notice given to them, or to one of them as aforesaid; and such sum or sums of money, so recovered, shall be paid to the overseers of the poor, or to one of them, of such township where such person shall happen to be sick, lame or die as aforesaid; and the overplus of the money arising by the sale of such goods and chattels, after the lawful costs and charges are deducted, if any be, shall be paid to the owners.

Township
reimbursed.

Mode of ob-
taining relief.
See § 27.

Justice's or-
der.

9. *And be it enacted*, That when and so often as any poor person belonging to any city, town corporate, township or precinct within this state, shall apply for relief to any overseer or overseers of such place where he or she may reside, that the said overseer or overseers shall make application to a justice of the peace of any such township, or to a justice of the county, to which any such township shall belong, which said justice and the overseer or overseers shall inquire into the state and circumstances of such person so applying as aforesaid; and if it shall appear to said justice that such person is in such poor circumstances as to deserve relief, then the said justices shall give an order in writing to the said overseer or overseers, to make such allowance weekly or otherwise, to every such poor person, as they in their discretion shall think his or her necessities may or shall require; and the said overseer or overseers shall make no other or further allowance to such poor persons than what by the said order shall be directed; which said order shall be a sufficient voucher for the payment or expending of so much money by the said overseer or overseers, and shall be allowed in adjusting his or their accounts.

Overseers'
book.

Entries to be
made.

10. *And be it enacted*, That the overseer and overseers of the poor shall procure, at the public charge, a folio book well bound, wherein the name and names of all poor persons applying for relief, and being ordered the same as aforesaid, shall be registered, with the day and year when they were first admitted to have relief, the weekly or other sum or sums of money allowed by the said order

for their relief, and the occasion which brought them under that necessity; and no person or persons shall be entered into the poor's books, or receive relief from the overseer or overseers of the poor, without such order procured as aforesaid; and in case any overseer or overseers shall enter into the poor's books, and relieve any such poor person or persons, without such order, he or they shall forfeit all such money and goods paid and distributed to such poor person or persons, nor shall any allowance be made unto him or them for the same, in passing his or their account and accounts; and the said overseer and overseers are hereby ordered and required to enter or cause to be entered in the said poor's books, all moneys received, laid out and disbursed by him or them for the use of the poor, and also all matters and things which shall be transacted by him or them relating to their said office; and the said overseer and overseers shall lay the said poor's books before the inhabitants, at their annual town meeting or any other of their meetings, that they may then examine and look into the state of the poor accounts, and make such further provision for them as they, upon such inspection, shall find necessary.

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Penalty for
illegal conduct.

Account of
moneys expended.

May be examined at
town meeting.

11. *And be it enacted*, That when any poor person or persons shall apply for relief from any township within this state, the overseer or overseers of the same shall take an inventory of every such poor person or persons goods and chattels, before he, she or they shall be admitted to relief; and in case of the death of any such poor person so obtaining relief as aforesaid, the said overseer or overseers shall cause such goods and chattels to be sold at public vendue; and out of the money arising therefrom shall reimburse the township all such charges and expenses which they may have been put to in maintaining all and every such poor person or persons, or their families; and all sales and bills of sale, made or given for any such poor person or persons goods and chattels, during the time they shall become chargeable to any such township, are hereby declared to be null and void and of none effect.

Goods of
paupers inventoried
and sold.

12. *And be it enacted*, That it shall and may be lawful for the overseers of the poor, or any two of them, with the assistance and approbation of two justices of the peace of any county or township of this state, and they are hereby enjoined and commanded to put forth and bind out any poor child or children who have no parents, or whose parents shall apply to the said overseer or overseers for relief, or the child or children of any poor parents whatsoever, who shall bring up their said children in sloth, idleness and ignorance, and upon advice and direction given by the said overseer or overseers, shall, for three months after such advice and direction, refuse or neglect to put forth and bind out such poor child or

Poor children bound
out.

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Males until
twenty-one,
females till
eighteen.

Taught to
read and
write.

Guardians.

Estates of
absconding
parents ap-
plied to sup-
port of fami-
lies.

How sold.

Overseers
accountable
therefor.

children for such a number of years as the said justices and overseers, in their discretion, shall think proper, for a male person till they shall arrive at twenty-one years of age, and for a female till they arrive at eighteen years of age, and no longer; and the said justices, in conjunction with said overseers or any two of them, amongst the common covenants in the indenture and indentures, made and agreed upon between the parties, shall always insert the following clause, that every such master and mistress to whom such poor child or children shall be bound out as aforesaid, shall cause every such child and children to be taught and instructed to read and write. And the said justices, overseers, or any two of them, are hereby appointed the guardians of all and every such poor child and children so put forth and bound out as aforesaid, to take care that the terms of the indenture or indentures, covenant and covenants, agreed upon between them and the master or mistress of every such poor child be performed and fulfilled, and that he, she or they be not abused or ill used; which said justices, overseers, or any two of them, as aforesaid, or the major part of them, are hereby empowered and directed to inquire into the same, and to redress any such grievance or grievances in such method as the law hath prescribed.

13. *And be it enacted*, That it shall and may be lawful for the overseer or overseers of the poor of any township within this state, where any father shall run away or absent himself from his wife and children, or any widow shall run away or absent herself from her children, and leave them a public charge, to apply to two justices of the peace, and by warrant under the hands and seals of the said two justices, to take and seize the goods and chattels, and to let out and receive the annual rents and profits of the lands and tenements of such father or mother so absconding as aforesaid, for and towards the maintaining, bringing up and providing for such wife, child or children so left as aforesaid; and so soon as the said seizure shall be allowed of and confirmed by the general quarter sessions of the peace, it shall and may be lawful for the said overseers, or any two of them, from time to time, and as often as the case may require, to sell and dispose of so much and so many of the said goods and chattels at public vendue, to the highest bidder, and to apply the money arising thereby towards the maintenance of such poor family so left as aforesaid.

14. *And be it enacted*, That the said overseer or overseers shall be accountable to the said general quarter sessions, for all such moneys as shall or may arise by every such sale or sales, and for the rents, issues and profits of such lands and tenements.

15. *And be it enacted*, That it shall and may be lawful for the

overseers of the poor of any township, with the approbation and consent of the major part of the inhabitants, householders of such township, if they shall think it convenient and necessary, at any public town meeting for that purpose met and assembled, of which timely notice shall be given, in the usual manner, to build, purchase or hire any house or houses in such township, and also to purchase necessary materials for that purpose, out of the money provided or to be provided for the relief of the poor, and there to keep, maintain and employ all and every such poor person and persons, and to take the benefit of the work, labour and service of any such poor person or persons who shall be kept and maintained in any such house or houses, for the better maintenance and relief of such poor person or persons who shall be there kept and maintained; and in case any poor person or persons, claiming relief of any township within this state, where such house or houses shall be so built, purchased or hired, shall refuse to be lodged, kept to work and maintained in such house or houses, such poor person or persons so refusing, shall be put out of the book where the names of the poor are ordered to be registered, by virtue of this act, and shall not be entitled to ask or receive any relief from the overseer or overseers of any such township. And where any township may be too small to build, purchase or hire such house or houses as aforesaid, it shall and may be lawful for two or more of them, with the consent and approbation of the major part of the inhabitants, householders of each respective place, at a public town meeting, for that purpose met and assembled, of which timely notice shall be given in the usual manner, to join together and unite in building, purchasing or hiring such house or houses, for the lodging, keeping and maintaining of the poor of such places so joining together and uniting, and there to keep, maintain and employ the poor of such united places as aforesaid, and to take and have the benefit of the work, labour or service of any poor there kept and maintained, for the better maintenance and relief of the poor there kept, maintained and employed. And in case any poor person or persons, claiming relief of any such united places as aforesaid, shall refuse to be lodged, kept to work or maintained in the house or houses built, purchased or hired for such united places as aforesaid, such poor person or persons, so refusing, shall be put out of the book where the names of the poor are ordered to be registered by virtue of this act, and shall not be entitled to ask or receive any relief from the overseer or overseers of any such township, and it shall and may be lawful for the overseers of the poor of any township; with the consent and approbation of the major part of the inhabitants, householders of such place or places where such house or houses

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Poor-houses
authorized.

Poor kept
there,

or have no
other relief.

Two or more
townships
may unite.

Regulations
in such cases.

TIT. XXXII. shall be built, purchased or hired for the purposes aforesaid, at a
 CHAP. I. public town meeting for that purpose met and assembled, of which timely notice shall be given in the usual manner, to contract with the overseers of the poor of any other place for the lodging, maintaining and employing of any poor person or persons, to such other place belonging, as to them shall seem meet; and in case any such poor person or persons, belonging to any other township in this state, shall refuse to be lodged, maintained and employed in such house or houses so contracted for as aforesaid, such poor person or persons so refusing shall be put out of the book where the names of the poor are ordered to be registered by virtue of this act, and shall not be entitled to ask or receive any relief from the overseer or overseers of any such township.

What removals not to gain settlement. 16. *Provided always, and be it enacted,* That no person or persons, his, her, or their child or children, shall acquire or gain a settlement in the township to which he, she, or they shall or may be so removed by virtue of this act, but his, her, or their settlement shall be and remain in the same place where it was before such removal, any thing in this act to the contrary notwithstanding.

When paupers to be removed, and proceedings thereupon. 17. *And be it enacted,* That if any overseer or overseers of the poor shall have reason to believe that any person or persons, who have not obtained a legal settlement in any township in this state, according to the directions, true intent, and meaning of this act, herein before specified, is or are likely to become chargeable, or if application for relief shall be made to any overseer or overseers by or on behalf of any such person or persons in any such case or cases, such overseer or overseers shall and may apply to any two justices of the peace of such county or township, and inform them thereof, who are hereby required and empowered to issue their warrant to a constable, thereby commanding him to bring such person or persons before them, at such time and place as the said magistrates shall in their warrant appoint; and they shall examine such person or persons upon oath or affirmation relative to his, her, or their place of residence for six months preceding such application or examination; and the said overseers are authorized to take out, in the name of said two justices, process of subpœna to bring, if needful, any person or persons to testify respecting such residence, and thereupon the said two justices shall ascertain and determine such residence; and the township wherein such person or persons shall have so resided for six months, is made liable as and for the place of settlement of such person or persons; and the said two justices shall order and direct such person or persons forthwith to remove to such township, and on neglect or refusal to comply with said order, the said magistrates shall

Examination. Testimony. Justices' order, and how enforced.

issue their warrant to a constable, commanding him to convey and deliver such person or persons to the overseer or overseers of the poor of such township, with such order of removal and a copy of the evidence on which the adjudication was founded, for which service the said constable shall be paid so much money as the aforesaid justices shall judge he reasonably deserves, and the expense of said examination and removal shall be paid by the overseer or overseers of the poor of the township in which application for relief is made; but if upon such examination it shall appear that the person or persons aforesaid have not resided in any township within this state for six months, then the township within which such person or persons may reside at the time of such application and examination shall be deemed and taken as and for his, her, or their place of settlement.

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18. *And be it enacted*, That if any person or persons, removed as aforesaid, shall return to the place from whence he, she, or they were so removed, with intent to remain there, and shall not depart such place within twenty-four hours after notice to him, her, or them given to that purpose by any one overseer of the poor of such place, in that case it shall and may be lawful for such overseer to make complaint to some magistrate of the county or township where such persons do return, who is hereby required either to send such person away again, or to commit him or her to close confinement, to be fed at the expense of the township on bread and water only, for such time as the said magistrate shall think proper, and then to send him, her, or them back again to the place whither he, she, or they were first ordered and removed to in manner aforesaid, and so as often as the case shall happen: and if any constable shall refuse to perform the service herein directed, he shall forfeit and pay the sum of five dollars to the use of the poor of such place; and, on refusal to pay the same, such magistrate shall issue execution against him for the penalty and costs, as in other cases is provided and directed; *provided always*, that if any person or persons complained against as aforesaid, shall enter into bond with two good and sufficient sureties in the sum of one hundred and fifty dollars, with condition to indemnify and save harmless the township from all charges and expenses, to which the same may be liable by such person or persons being resident there, then in such case, he, she, or they shall not be removed as herein before is directed, any thing in this act to the contrary thereof, in any wise notwithstanding; which bond shall be taken before a magistrate, who shall deliver the same to one of the overseers of the poor of the place so intended to be kept harmless, and he shall safely keep the said bond, and deliver it to his next successor.

Persons removed, and returning, how dealt with.

Proviso.

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Overseer to
receive pau-
per on re-
moval.

Penalty for
refusal.

Appeal from
order of re-
moval.

Who not to
sit on appeal.

Notice.

Adjourn-
ment.

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Defects of
form to be
amended.

19. *And be it enacted*, That if any person be removed by virtue of this act from one township to another within this state, by warrant under the hands and seals of two justices of the peace, as above, the overseer or overseers of the poor of that place to which such poor person shall be so removed as aforesaid, are hereby required to receive the said person; and if he or they shall refuse so to do, such overseer or overseers so refusing or neglecting, upon proof thereof by one credible witness, upon oath or affirmation before any justice of the peace of the county or township in which the place is situated whereto such person shall be so removed, shall forfeit and pay for each offence, the sum of fifteen dollars, to the use of the poor of the place from which the said person was removed, to be levied by distress and sale in the usual manner, of such offender's or offenders' goods and chattels, by warrant under the hand and seal of the said justice, directed to the constable of the place where such offender or offenders do dwell.

20. *And be it enacted*, That all and every such person or persons, who shall think him or themselves aggrieved by any such warrant of removal granted by two justices of the peace, or by such removal of any poor person as aforesaid, may appeal to the next general quarter sessions of the peace of the county, city, or borough wherein such removal shall happen, and the poor person be removed from; and that no judge who shall reside in any city, town corporate, township, or precinct where the dispute or debate shall happen, shall sit in court upon any such appeal; and no appeal as aforesaid shall be proceeded upon in such court of quarter sessions, unless reasonable notice be given in writing by the overseer or overseers of the poor who shall make such appeal to the overseer or overseers of the poor of such place from which the poor person shall be removed, the reasonableness of which notice shall be determined by the quarter sessions to which the appeal is made; and if it shall appear to them that reasonable time of notice was not given, then they shall adjourn the said appeal to the next quarter sessions, and then and there hear and determine the same; *provided always*, that in case any appeal as aforesaid, shall be offered to the second court of quarter sessions after such judgment or removal as aforesaid, and the said court shall be satisfied with the reasons given for every such delay, that then it shall and may be lawful for the said court to hear and determine such appeal in the same manner as if the same had been made to the next court of quarter sessions as above, any thing in this act to the contrary thereof notwithstanding.

21. *And be it enacted*, That upon all appeals to be made to the court of general quarter sessions of the peace to be holden for

any county, city, or borough within this state, against judgments ^{TIT. XXXII.} or orders given or made by any justices of the peace for the re- _{CHAP. I.} moval of any pauper or paupers, such courts shall cause any defect or defects of form that shall be found in any such original judgments or orders to be rectified and amended, without any costs and charge to the party concerned; and, after such amendment made, to proceed to hear and determine the same in the usual manner, and to make such determination thereon as by law they ought to have done in case there had not been such defect or want of form in the original proceedings; and in case the said courts of quarter sessions shall not rectify and amend such original judgments or orders, and the same judgments or orders shall be removed into the supreme court, such supreme court shall and may have equal authority, and are hereby enjoined to amend any such original orders or judgments, any law, usage or custom to the contrary notwithstanding.

22. *And be it enacted*, That if the court of quarter sessions, upon an appeal before them had, concerning the settlement of any poor person or persons, determine in favour of the appellant or appellants, that such poor person or persons was or were unduly removed, that then the said court shall at the same session thereof, order and award to such appellant or appellants so much money as shall appear to the said court to have been reasonably paid and expended by the township on whose behalf such appeal was made, for or towards the relief of such poor person or persons, between the time of such undue removal and the determination of such appeal; and upon any appeal to be had for and concerning the settlement of any poor persons, or upon any proof there to be made of notice of any such appeal given by the overseer or overseers of the one place, to the overseer or overseers of the other, though they did not afterwards prosecute such appeal, the said quarter sessions shall award and order to the party for whom and in whose behalf such appeal shall be determined, or to whom such notice did appear to have been given as aforesaid, such costs and charges ^{What order made on successful appeal.} in the law as by the court, in their discretion, shall be thought most reasonable and just, to be paid by the overseer or overseers of the poor against whom such appeal shall be determined, or who gave notice of such appeal as aforesaid, and did not prosecute the same.

23. *And be it enacted*, That all such sum and sums of money, which shall be awarded and ordered to be paid by the said quarter sessions, in the case and cases aforementioned, shall and may be sued for and recovered with costs of suit, by action of debt, in any court of record of any county or township in this state, where the person or persons shall reside, against whom such determination ^{Costs and charges.} _{How money recovered.}

TIT. XXXII. shall be given as aforesaid; and a true copy of such award and
 CHAP. I. order of such quarter sessions, signed and sealed by the clerk of the
 Evidence. court, when produced, shall be sufficient evidence for the recovery
 of such sum or sums of money so awarded and ordered as aforesaid.

Former settlement not affected. 24. *And be it enacted*, That if any person or persons have, by virtue of any former act or acts of this state, gained a settlement in any township of this state, such settlement shall not be altered by any thing herein contained.

President and trustees of poor-house or director of chosen freeholders to bind out children. 25. *And be it enacted*, That the president of the board of trustees of every poor-house now established, or that may hereafter be established in any county of this state, by and with the consent of a majority of the board of trustees, or where no trustees are or shall be appointed, the director of the board of chosen freeholders, by and with the consent of a majority of the board of chosen freeholders, be and he hereby is authorized and empowered, and it shall be his duty to bind out the poor children who now are or may hereafter become chargeable upon such county, in the same manner and under the same conditions which justices of the peace and overseers of the poor are authorized to bind out poor children by this act; and the said president of the board of trustees, or director of the board of chosen freeholders for the time being, who shall bind out any such poor child or children, as the case may be, are hereby appointed guardian of all and every child or children bound out by the said president or director, in the same manner and with the like powers and authority, and under the same obligations of duty, as the justices and overseers of the poor are by the same act invested with and directed to perform.

Guardians.

Liability of relatives to maintain their poor.

26. *And be it enacted*, That the father and grandfather, mother and grandmother, and the children and grandchildren, severally and respectively, (of every poor, old, blind, lame and impotent person, or other poor person not able to work,) being of sufficient ability, shall, at his, her or their charges and expense, relieve and maintain every such poor person as aforesaid, in such manner as the court of quarter sessions shall order and direct, under the penalty of forfeiting and paying for each and every person so ordered to be relieved, for every week they shall neglect or refuse so to maintain and relieve such poor person or persons, any sum that the said court may direct, not exceeding two dollars and fifty cents per week.

Application for relief. See § 9.

27. *And be it enacted*, That on application for relief being made to any overseer or overseers of the poor of any township, by or for any poor person or persons within such township, the said overseer or overseers shall thereupon convene two justices of the peace

of the county in which such relief is required, who are hereby re-^{TIT. XXXII. CHAP. 1.} quired and empowered to issue their warrant to a constable, commanding him to bring such poor person or persons before them at such time and place as they shall appoint; and the said justices shall thereupon proceed to examine every such poor person or ^{Examination} persons upon oath or affirmation, relating to his or her last place of legal settlement; and the said overseer or overseers are hereby authorized and required to take out, in the name of said two justices, and serve process of subpoena, when necessary, to bring before the said justices any person or persons to give evidence re-^{Testimony.} specting such settlement; and the said justices, after examination of such poor persons and witnesses, if any there be, shall adjudge and determine the legal settlement of such poor person, and if the same be within the county where the application for relief is made, and they believe that public relief is necessary, they shall make out an order of removal, commanding the said overseer or overseers to remove the said poor person or persons to the poor-house of the county (where poor-houses are erected), or if there shall be none, then to the place of his last legal settlement; and also to deliver the said overseer or overseers the said order of removal, together with ^{Order of removal.} a copy of the evidence on which the adjudication was founded, which order and copy of evidence the said overseer shall take and deliver, with the said poor person or persons, to the steward of the said poor-house, or to the overseer or overseers of the township to which he shall be removed, as the case may be; and the expense of ^{Expense.} said examination and removal shall be paid by the overseer or overseers of the township where the application for relief is made; *but provided*, it shall appear on the examination had as aforesaid, ^{Proviso.} that the legal settlement of such poor person or persons is not in the said county where the application for relief is made, in that case the said justices shall make out an order of removal or warrant to a constable, thereby commanding the removal of such poor person or persons to their place of settlement, according to the seventeenth section of this act, and transmit, with the said poor person or persons, a copy of the evidence on which the adjudication was made; and without such copy of evidence such removal shall not be deemed legal.

28. *And be it enacted*, That in all cases where any fines or for-^{Fines, forfeitures, and escheats.} feitures are created by law, and made payable to the overseer or overseers of the poor of a township, for the use or support of the poor, and in all cases of an estate or estates that may hereafter escheat to the use of the poor of a township, and made payable to the overseer or overseers of the poor, (in such counties where the poor are kept in county poor-houses) it shall be the duty of every over-

TIT. XXXII.
 CHAP. 1.

To whom
 paid.

seer or overseers receiving any such moneys, to pay over the same to the trustees of such poor-house, and therewith render a statement certifying on what account such moneys have been by him or them received, a copy of which statement shall also be transmitted to one of the trustees of said poor-house; which payment and account aforesaid shall be rendered and made yearly and every year, on or before the first day of March.

Children of
 slaves, where
 settled;

29. *And be it enacted,* That the male and female children of slaves, born after the fourth day of July, eighteen hundred and four, who have not been bound out to service by trustees or overseers of the poor, according to law, shall, after the males arrive to the age of twenty-five, and the females to twenty-one years, be deemed settled in the township or place in which they were born;

but may gain
 other.

provided, that nothing herein contained shall prevent any such male or female children of slaves, born after the said fourth day of July, eighteen hundred and four, from gaining a legal settlement in their own right, in any other township or place, in such manner as white persons might gain the same by virtue of the laws of this state; *and provided also,* that any such male or female children of slaves shall obtain a legal settlement in the township in which such servant shall first serve, with his or her master or mistress, for the space of seven years, and if afterwards such servant shall duly serve in any other place for the space of seven full years, such servant shall obtain a legal settlement in the township where such service was last performed, either with his or her first master or mistress, or with any other master or mistress, by virtue of a legal transfer of such servant.

How.

By service.

By inden-
 ture.

30. *And be it enacted,* That all children of slaves, born free, and who have been or shall be bound out to service by trustees or overseers of the poor, according to law, shall obtain a settlement under any such binding, in the same manner that other persons bound by indenture would obtain the same, under the first section of this act.

As other per-
 sons.

31. *And be it enacted,* That the children of slaves, born free, and their issue shall be deemed capable of gaining settlements under the laws of this state, in like manner as other persons; and on application for the relief or removal of slaves, or free negroes, or persons of colour, the proceedings shall be the same as in cases of other persons who may be chargeable or likely to become chargeable.

Certain pas-
 sengers from
 abroad ad-
 mitted on
 terms.

32. *And be it enacted,* That in all cases wherein any ship or vessel shall arrive within any port or harbour in this state, having on board passengers coming from any foreign port or place, it shall and may be lawful for the overseer or overseers of the poor of the township at which the said ship or vessel may arrive, or any justice

of the peace, to require of the master and commander of such ship or vessel a bond, with approved security, to the inhabitants of such township, in a sum not exceeding two hundred dollars, conditioned for the maintenance and support of any passenger on board such ship or vessel as aforesaid, who may be sick, infirm, or otherwise incapable, in the opinion of said overseer or overseers, or of such justice, of providing for his or her own support. TIT. XXXII. CHAP. 2.

33. *And be it enacted*, That if the master or commander of any ship or vessel, arriving as aforesaid, shall land or suffer to be landed from on board his said ship or vessel, any passenger who may be sick, infirm, or otherwise incapable of providing for his or her own support, except by license or permit from the overseer or overseers of the poor, without having first entered into bond as aforesaid, such master or commander shall forfeit and pay for each offence, the sum of one hundred dollars, to be sued for and recovered by the overseer or overseers of the poor of the township, for the use of the same, in an action of debt, with costs of suit, before any justice of the peace of said township, or in any other court having cognizance thereof. Penalty, if terms not complied with.

34. *And be it enacted*, That the term township, made use of in this act, shall be understood to comprehend city, town corporate, borough, precinct, and ward. Construction.

35. *And be it enacted*, That the provisions of this act, so far as they contravene the provisions of the act for the better relief and employment of the poor of the county of Salem, shall not extend to or be in force in the said county. Limitation of act.

CHAPTER 2.

SALEM POOR LAW.

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| <ol style="list-style-type: none"> 1. Poor-house authorized. 2. Poor kept there. 3. Trustees incorporated. 4. To be sworn. 5. Quarterly meetings. 6. Annual meeting, officers. 7. Deeds, how executed. 8. Money, how raised. 9. When poor discharged. 10. Relieved out of poor-house. 11. Materials provided. | <ol style="list-style-type: none"> 12. Employment. 13. Discipline. 14. Paupers from abroad. 15. Regulations. 16. Children supported, apprenticed. 17. Fines and forfeitures. 18. Property of paupers. 19. How sold and conveyed. 20. Balance disposed of. 21. Construction. |
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An Act for the better relief and employment of the poor of the county of Salem. 1796. PAMPH. 51.

Revision....Approved April 10, 1846.

REV. 800.

1834-5.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That there shall be one poor-house in the PAMPH. 121. 1839-40. PAMPH. 63.

TIT. XXXII.
CHAP. 2.

Poor-house
in Salem.

Where poor
to be kept.

Trustees ap-
pointed and
incorpor-
ated.

Powers.

county of Salem, for the more convenient and comfortable accommodation of the poor settled in any of the townships of said county, where they shall be supported at the common expense of the county, without regard to residence or settlement in the particular townships of the same.

2. *And be it enacted*, That every person belonging to any of the townships of the said county of Salem, by the overseers of the poor of the same township, with the concurrence of a justice of the peace of the county, judged an object of public relief, shall, if in a condition to be removed, by order of the said justice and overseers of the poor, directed to the steward of the poor-house, be sent to the said poor-house, there to be relieved and provided for at the expense of the said county, in subordination to such rules, directions, and regulations as are ordained and established by the corporation for the regulation and government of the said institution.

3. *And be it enacted*, That the board of chosen freeholders of said county, at their annual meetings on the second Wednesday in May, shall appoint one reputable freeholder in each township of the said county, as a trustee of the poor of the said county, and no more; which trustees, and their successors, are hereby constituted and continued a body politic and corporate, as heretofore, in name, fact, and law, to all intents and purposes, for ever, by the name of "the trustees of the poor of the county of Salem," and by that name shall continue to have perpetual succession; and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of judicature whatsoever; and by that name may purchase, receive, and enjoy any lands, tenements, and hereditaments, in fee-simple or otherwise, by the gift, alienation, or devise of any person or persons able to grant or devise the same; and also, goods, chattels, legacies, and donations of what kind or quality soever, given or granted to the said corporation, so that the yearly value of the same doth not exceed the sum of five thousand five hundred dollars, which they are hereby enabled to hold to and for the use of the poor of the said county of Salem; and also, that the said trustees and their successors, by the name aforesaid, shall and may grant, convey, assign, and sell, or otherwise dispose of, all or any of their lands, tenements, or hereditaments, goods, chattels, and personal estate whatsoever, as to them shall seem meet; and also, that the said trustees and their successors shall and may make, have, and use a common seal, with such device and devices as they shall think proper, for sealing all and singular deeds, contracts, and other writings, touching and concerning the said corporation, and may, as often as they shall think fit, alter and new make the same, or other their common seal.

4. *And be it enacted*, That the trustees, who shall be appointed as aforesaid, shall, previous to their entering upon the duties of their appointment, severally take, before any one of the justices of the peace of the county, an oath or affirmation for the just and faithful discharge of their duty, pursuant to the directions of this act, of which the justice administering the same shall give a certificate; and in case any trustee, who shall be appointed as aforesaid, shall die, or remove out of the township for which he was appointed, or shall neglect or refuse to act as a trustee, it shall and may be lawful, on due notice thereof, for any two justices of the peace of the said county to appoint some other reputable freeholder, residing in the same township, to serve as a trustee in the place of such person, who shall, in like manner, be sworn or affirmed for the just and faithful discharge of his duty.

TIT. XXXII.
CHAP. 2.
Oath.

Vacancies
filled.

5. *And be it enacted*, That the said trustees shall meet at the said poor-house four times in the year, that is to say, on the first Monday in February, May, August and November, and oftener if necessary, and shall have power to make and ordain, by a majority of the votes of those present, provided there be a quorum, such suitable by-laws, rules and ordinances (not inconsistent with the laws of this state) as they shall think necessary for the good order, direction and government of the poor-house, and also for the cleanliness and employment of all such poor persons as shall be received therein; which by-laws, rules and ordinances shall be binding on all persons concerned, until they shall be repealed or altered; *provided always*, that not less than a majority of all the said trustees shall be a quorum for making, altering or repealing any by-laws, rules or ordinances.

Meetings,
and powers

6. *And be it enacted*, That the said trustees shall meet annually on the third Monday in May, and (a quorum as aforesaid attending) shall proceed to the appointment of some suitable person, being a trustee, as president of the said corporation, a treasurer, and such other officers and assistants as they may think necessary; which said officers, or any of them, they are also, in their discretion, empowered to remove as they shall think proper, and to appoint others in their stead, and also to do and perform all such other matters and things as may be necessary to carry into effect the true intent and meaning of this act; and the said trustees shall, at their meeting in November or February, preceding their annual meeting, appoint a steward of the said poor-house, who shall in like manner be subject to removal.

Annual meet-
ing.

Officers ap-
pointed.

May be re-
moved.

Steward.

7. *And be it enacted*, That all deeds, contracts and other writings, touching or concerning the execution of the powers hereby given to the said corporation, shall be sealed with their seal, and signed by the president thereof for the time being.

Deeds, etc.,
how exe-
cuted.

TIT. XXXII.
CHAP. 2.

Money, how
raised.

Yearly ac-
count.

Poor may be
discharged
in certain
cases.

In what
cases reliev-
ed out of
poor-house.

Purchase of
materials,
etc.

Steward's
account.

When ad-
justed.

8. *And be it enacted*, That the board of chosen freeholders of the said county, at their annual meeting, shall order and direct such sum of money to be yearly raised and paid to the treasurer of the said corporation, for the support of the poor of the said county, in the manner directed by law for raising money to support the government of this state, as from the best estimate that can be made, will be amply sufficient to defray every expense attending the same; and also, shall settle the account of the expenditures of the said trustees of the poor, who are hereby required to render a full and fair account of their transactions to such board yearly, at their said meeting.

9. *And be it enacted*, That a majority of such trustees at any meeting, a quorum being present, may order and discharge from the said poor-house any person who may in their opinion be of sufficient bodily ability to obtain a livelihood; and the steward of the said poor-house shall forfeit and pay two dollars per week, and so in proportion, for such time as he may entertain and provide for any person therein, without an order according to law, or after being discharged as aforesaid.

10. *And be it enacted*, That all poor persons settled within the said county, being objects of relief, who cannot, without violating the rights of humanity, be removed to the poor-house, shall receive such support as the nature of the case may require, wherever they may be, at the discretion of the overseers of the poor of that township, with the concurrence of a justice of the peace of the said county, at the expense of the county, until they can safely be removed to the poor-house, and no longer.

11. *And be it enacted*, That the said trustees shall purchase, at the expense of the county, such kind and quantity of tools, implements and materials, as may be necessary effectually to employ the poor under their care, who are able to work; and also, beds, bedding and other necessaries for the decent and comfortable support of the said poor generally; and the steward of the said poor-house shall make and keep in writing, a fair and regular account of all the poor under his direction, with their ages, time of entrance, death and discharge, and also, of all furniture, tools, materials, and other necessaries coming into the house, and of all expenses attending the maintenance and support of the said poor, and of the moneys arising from the sale of the produce of their labour and otherwise, which shall be at all times open to the examination and inspection of the said trustees, or any of them; and the said trustees shall, at each quarterly meeting, adjust and settle the accounts of the said steward, who is hereby directed to account to them at such meeting.

12. *And be it enacted*, That the said steward shall employ the poor under his care and direction, who are of sufficient bodily ability, in such work and labour as he shall judge to be most suitable to their several capacities, to which end he is hereby vested with a compulsory power, (subject, nevertheless, to the restraint and direction of the trustees, or a majority of them,) and shall sell and dispose of such of the produce of their labour as may be unnecessary for their use; and the money arising from such sale, or from their labour only, where materials or employment may be furnished by others, shall be applied to their maintenance and support.

TIT. XXXII.
CHAP. 2.

Poor, how
employed.

13. *And be it enacted*, That upon complaint and due proof made by the steward of the poor-house to the trustees, or to any three of them, that any person in the said poor-house hath behaved in a disorderly manner, or hath neglected or refused to perform the daily labour or task assigned him or her by the said steward, or hath disobeyed or violated any of the by-laws, rules, or ordinances of the said corporation, it shall and may be lawful for such trustees, or any three of them, in their discretion, to order and direct such moderate and reasonable correction, or to discharge the said offender from the poor-house, as the nature of the case may require; and when an offender is discharged, such discharge shall be entered by the said steward in his book.

Discipline.

14. *And be it enacted*, That whoever shall bring or import into the said county of Salem, either by land or water, any person or persons not having gained a legal settlement within the same, and who are likely to become chargeable to the said county, such person, on complaint of an overseer of the poor of any of the townships of the said county, to any two justices of the peace thereof, shall, by warrant under their hands and seals, directed to any constable of the county, be brought before them forthwith; and if on due proof it shall appear to the satisfaction of the said justices, that the complaint is true, the said justices shall order and direct such importer or bringer to carry back such person or persons so imported or brought in, to the place from whence he brought him, her, or them, or to give sufficient security to indemnify the said county from all charges and expenses that may accrue thereby; and on failure to comply with such order or direction, or to give security as aforesaid, such person shall, by the said justices, be committed to the common jail of the said county, there to remain until such person or persons so imported or brought in shall be removed, or security given as aforesaid.

Remedy
where pau-
pers are
brought into
county.

15. *And be it enacted*, That if any person shall set up a booth, stall, or other convenience for the selling of strong liquor, on the

Sale of li-
quor prohi-
bited.

TIT. XXXII.
CHAP. 2.

Purchasing
from poor
prohibited.

land rented or purchased for the use of the poor of the said county, or shall commit any trespass thereon, or shall sell, dispose of, or give any strong liquor to the poor in the said poor-house, or shall, without the consent of the steward thereof, purchase, take or carry away any article or thing whatsoever from any of the said poor, every person so offending, on conviction, shall forfeit and pay for each offence the sum of fifteen dollars, to be recovered by the said trustees, for the use of the poor, by distress and sale of the offender's goods and chattels; and shall further make full satisfaction to the said corporation for all damages sustained thereby.

Poor chil-
dren, how
supported
and bound
out.

16. *And be it enacted*, That it shall be the duty of every of the said trustees, and of the overseers of the poor, to give information to the board of trustees, at any of their meetings, of all poor children who have no parents, or whose parents apply for relief, residing in their respective townships, who shall cause all such poor children to be brought to such poor-house, there to be employed and supported until they can be put forth and bound out as apprentices to suitable places, which the said trustees are hereby authorized and required to do, if a male until he shall be twenty-one years of age, and if a female until she be eighteen years of age, and no longer, always inserting in the indenture, among other common covenants made and agreed upon between the parties, that every such master and mistress, to whom such poor child or children shall be bound out as aforesaid, shall teach, or cause every such poor child to be taught to read and write; and also to give information to the said trustees as aforesaid, of the children of all poor parents, who bring them up in sloth, idleness, and ignorance, who shall advise and direct their parents to put forth and bind them out; and if such parents, upon such advice and direction given by the said trustees, shall neglect to put forth and bind them out, for the space of three months, the said trustees shall cause such children to be brought to the said poor-house, there to be employed and supported until suitable places can be provided for them; and they, the said trustees, are hereby directed and required to bind them out in like manner as above directed, of all which children, so put forth and bound out, such trustees are hereby declared and appointed the guardians; and such binding, whether by the father or mother of any such poor child or children, or by the said trustees, shall be good and valid to hold such apprentice for the time mentioned in the indenture, any law, usage, or custom to the contrary notwithstanding.

Fines and
forfeitures.

17. *And be it enacted*, That all fines and forfeitures that may accrue, and be by law recoverable in the said county of Salem, for the use of the poor thereof, shall be and they are hereby made

payable to the trustees of the poor of the said county, and by them to be appropriated to and for the use of the poor of the said county. TIT. XXXII.
CHAP. 2.

18. *And be it enacted*, That whenever any person shall be admitted as a pauper into the poor-house of the county of Salem, under an order granted by virtue of this act, and such pauper, at the time of the granting of such order, or during his or her residence at such poor-house, shall be seized, possessed of, or in any wise entitled to any estate, real, personal, or mixed, it shall and may be lawful for the said trustees of the poor of the county of Salem to sell, lease, or otherwise dispose of, so much thereof as shall from time to time be necessary to defray the expenses of said pauper, and to pay over the proceeds thence arising to the treasurer of the said trustees, for the use and benefit of the incorporation. Disposition
of property
of paupers.

19. *And be it enacted*, That all real estate to be sold by the trustees by virtue of this act, shall be at public vendue, upon three months notice in a newspaper of said county, and by advertisements set up in five of the most public places of said county, for the like space of time; and all conveyances therefor shall be executed by the president of the trustees for the time being; and the order or orders by which the pauper to whom the estate did belong, was admitted into the said poor-house, shall be set forth at large in the deed; which said deed or conveyance shall vest in the purchaser or purchasers as good and perfect an estate in the premises so conveyed as the said pauper was seized of or entitled to at any time before the said sale. How sold
and convey-
ed.

20. *And be it enacted*, That in case any pauper, whose estate shall have been vested and disposed of as aforesaid, shall happen to die after his or her admission into the poor-house, and before the reasonable expenses of his or her relief, maintenance or interment shall have amounted to the amount of the proceeds of the sale of his or her estate, then it shall be the duty of the said trustees to pay over the balances remaining, after deducting such reasonable expenses, to the legal heirs of such deceased pauper; and for want of such heirs, the same shall belong to the said corporation, for the use of the poor of the said county. Balance un-
expended,
how dispos-
ed of.

21. *And be it enacted*, That the word township, as made use of in this act, shall be understood to comprehend precinct; and that nothing in this act contained shall be construed to affect or impair any right or title acquired by said corporation under and by virtue of an act for the better relief and employment of the poor in the county of Salem, passed March twelfth, seventeen hundred and ninety-six. Construc-
tion.

CHAPTER 3.

SALE OF REAL ESTATE.

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| <p>1. Lands may be sold.
2. Advertisements, conveyance, title.</p> | | <p>3. Balance of proceeds paid over.</p> |
|--|--|--|

1837-8. PAMPH. 97. **An Act to authorize the sale of the real estate of persons who may become paupers.**

Passed February 21, 1838.

<p>Real estate of paupers may be sold.</p>	<p>1. BE IT ENACTED <i>by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,</i> That it shall and may be lawful for the boards of chosen freeholders in the several counties of this state to sell, lease, or otherwise dispose of, any estate, real or personal, whereof any person who has been, or may hereafter become chargeable as a pauper, may be seized, possessed of, or in any wise entitled to, and to appropriate so much</p>
<p>Proceeds applied.</p>	<p>of the proceeds thereof, as shall be necessary to defray the expenses of said paupers whilst chargeable to any county or township in this state; <i>provided,</i> that no sale or lease of any estate, real,</p>
<p>Power of sale limited.</p>	<p>personal or mixed, of any person who has been, or may hereafter become chargeable as a pauper, to any city or township of this state, and shall be maintained by such city or township, shall be made by any board of chosen freeholders, unless the proper corporate authority of such city or township shall apply to such board for such purpose; <i>and provided,</i> that this act shall not apply in any case when the pauper shall have paid his expenses while so chargeable, nor to any estate acquired by such pauper, after he shall cease to be chargeable as aforesaid; <i>and provided,</i> that no real estate of any such pauper shall be sold, unless such pauper shall have been chargeable to such county, city or township, for the period of one year immediately prior to such sale.</p>
<p>How sale advertised.</p>	<p>2. <i>And be it enacted,</i> That all real estate to be sold by virtue of this act, shall be at public vendue, upon two months notice in a newspaper of the county where the lands lie or the property is situated, provided any newspaper be published therein, and if not, in some newspaper circulating in said county, and by advertisements set up in five of the most public places of said county, for the like space of time; and all conveyances therefor, shall be executed by the director of the board of chosen freeholders for the time being; and the circumstances showing the application of this act, shall be set forth at large in the deed; which said deed or conveyance shall vest in the purchaser or purchasers as good and perfect an estate in the premises so conveyed as the said person shall be seized of at the time any such person became a pauper and chargeable.</p>
<p>Conveyance and title.</p>	

3. *And be it enacted*, That it shall be the duty of said boards of chosen freeholders, after paying the expenses of such pauper, and the expenses of such sale, to pay over the balance remaining in their hands to such pauper, his executors, administrators or assigns; and until the same shall be demanded, the said balance shall belong to the said counties respectively.

TIT. XXXII.
CHAP. 4.
Balance of
proceeds,
how applied.

CHAPTER 4.

PROSECUTION OF SUITS.

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| <p>1. To have process gratis.
2. Counsel assigned.</p> | | <p>3. And not to pay costs.</p> |
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An Act to assist poor persons in the prosecution of their suits.

REV. 393.

Passed January 28, 1799.

WHEREAS justice ought to be administered to such poor persons as are not of ability to sue according to law for the redress of injuries and wrongs, or the recovery of their demands and rights—therefore,

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 such poor person, as shall have cause of action against any person in this state, shall have, at the discretion of the court before which he or she would sue, a writ or other process, according to the nature of his or her case, without paying for the same.

Poor persons
to have pro-
cess gratis.

2. *And be it enacted*, That the said court shall, at their discretion, assign to such poor person counsel, learned in the law, attorneys and other officers, requisite to prosecute the said action, who shall perform their respective duties therein without fee or reward.

Courts to as-
sign them
counsel, etc.

3. *And be it enacted*, That such poor person, being complainant in any such action, shall not be compelled to pay costs.

Being plain-
tiff, not to
pay costs

CHAPTER 5.

OF BASTARDS.

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| 1. Relief and maintenance. | } | 5. Property of absconding parents. |
| 2. Examination and arrest. | | 6. This act may be pleaded. |
| 3. Discharge from recognizance. | | 7. Remedy where defendant absconds. |
| 4. Discharge from imprisonment. | | 8. Construction. |

An Act for the maintenance of bastard children.

Revision....Approved April 10, 1846.

REV. 171.
1840-1.
PAMPH. 37.
Order for relief and maintenance.

How enforced.

Surety.

Examination to be taken.

Warrant to issue.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any two justices of the peace of the county, within which any bastard shall be born, upon examination of the cause and circumstance, shall and may, at their discretion, take order for the better relief of every township in which such bastard shall be born, in part or in all; and also, shall and may, at like discretion, take order for the keeping of every such bastard child, by charging the mother or reputed father with the payment of money weekly, or other sustenance for the relief of such child, as they shall think meet and convenient; and if, after the same order, by them subscribed under their hands, the mother or reputed father, upon notice thereof, shall not, for his or her part, observe and perform the said order, that then every such party, so making default in not performing the said order, shall be committed to the house of correction, or for want thereof, to the common jail of such county, there to remain without bail or mainprise, except he or she shall put in sufficient surety to perform the said order, or else personally to appear at the next court of quarter sessions, to be holden in and for the county where such order shall be taken, and also to abide such order as the court shall take in that behalf, if they then and there shall take any; and if at the said sessions, the said court shall take no other order, then to abide and perform the order before made as aforesaid.

2. *And be it enacted*, That if any woman shall be delivered of a bastard child, which shall be chargeable or likely to become chargeable to any township, or shall declare herself to be with child, and that such child is likely to be born a bastard, and to be chargeable to any township, and shall, in either of such cases, in an examination to be taken in writing, upon oath, before any one or more justice or justices of the peace of any county wherein such township shall lie, charge any person with having gotten her with child, it shall and may be lawful to and for such justice or justices, upon application made to him or them, by the overseers of the poor of such township, or persons acting as such, or by any one of them, to issue his or their warrant or warrants for the immediate apprehension of such person so charged as aforesaid, and for bring-

ing him before such justice or justices, or before any other of the justices of the peace of such county; and the justice or justices, before whom such person shall be brought, is and are hereby authorized and required to commit the person so charged as aforesaid to the house of correction or common jail of such county, unless he shall give security to indemnify such township, or shall enter into recognizance, with sufficient surety, with condition to appear at the next court of quarter sessions to be holden for such county, and abide and perform such order or orders as shall be made in pursuance of this act.

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CHAP. 5.

Commitment.

3. *Provided nevertheless, and be it enacted*, That if the woman so charging any person as aforesaid, shall happen to die or be married before she shall be delivered, or if she shall miscarry of such child, or shall appear not to have been with child at the time of her examination, then, and in any of the above cases, such person shall, at the next court of quarter sessions to be holden for such county, be discharged from his recognizance, or immediately released out of custody, by warrant, under the hand and seal, or hands and seals of any one or more justice or justices of the peace of such county.

In what cases reputed father discharged.

4. *Provided also, and be it enacted*, That upon application made by any person who shall be committed to any jail or house of correction by virtue of this act, or by any person in his behalf, to any one or more justice or justices of such county, such justice or justices is and are hereby authorized and required to summon the overseer or overseers of the poor of the township to appear before him or them, at a time and place to be mentioned in such summons, to show cause why such person should not be discharged; and if no order shall appear to have been made in pursuance of this act, within six weeks after such woman shall have been delivered, such justice or justices shall and may discharge him from his imprisonment in such jail or house of correction to which he shall have been committed.

Application for discharge

Overseer summoned.

When discharge made.

5. *And whereas*, the putative father and lewd mother of bastard children often run out of the township, and sometimes out of the county, and leave the said bastard children a charge upon the township where they are born or legally settled, although such putative father or mother have estate sufficient to support such children, and discharge the township—*be it therefore enacted*, that it shall and may be lawful for the overseers of the poor of such township, where any bastard child shall be born or settled, to apply to any two justices of the peace of the county, where the estate, real or personal, or any part thereof, of such putative father or lewd mother may be, and, by warrant or warrants, under the hands and seals of the said two justices, who are hereby authorized and required to issue the same, to seize and take the goods and chattels,

Preamble.

Real and personal estate seized.

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CHAP. 5.

and to let out and receive the annual rents and profits of the lands and tenements of such putative father or lewd mother, so absconding as aforesaid, for and towards the sustenance, bringing up and education of such bastard child so left as aforesaid; and as soon as the said seizure shall be allowed of and confirmed by the court of quarter sessions, it shall and may be lawful for the overseers of the poor of such township, from time to time, and as often as the case may require, to sell and dispose of so much of the said goods and chattels at public vendue, to the highest bidder, and to receive the said rents and profits, or so much thereof as shall be ordered by the said sessions, and to apply the money arising therefrom towards the sustenance, bringing up and education of such bastard child so left as aforesaid: *and further*, that the said overseers of the poor shall be accountable to the court of quarter sessions for all such sum or sums of money as shall or may arise by every such sale or sales, or be by them received for the rents and profits of such lands or tenements.

Personal estate sold.

Money applied.

Overseers to account.

Persons sued may plead this act.

6. *And be it enacted*, That if any person or persons shall be sued for any matter or thing which he or they shall do in execution of this act, he or they may plead the general issue, and give the special matter in evidence; and if a verdict shall pass for the defendant or defendants, or if the plaintiff shall be nonsuited, or discontinue his suit, the defendant or defendants shall recover treble costs, and shall have the like remedy for the same, as any defendant hath in other cases by law.

Costs.

Defendant absconding,

7. *And be it enacted*, That if any person against whom a warrant has been or shall be issued by any justice or justices of the peace of any county in this state, under and by virtue of the second section of this act, shall escape, go into, reside, or be in any other county out of the jurisdiction of the justice or justices granting such warrant, it shall and may be lawful for, and is hereby declared to be the duty of, any justice of the peace of the county into which such person shall escape or go, or where he shall reside or be, upon proof being made, on oath or affirmation, of the handwriting of the justice or justices granting such warrant, to endorse his name thereon, which shall be a sufficient authority for the person or persons bringing such warrant, and to all other persons to whom the same was originally directed, to execute such warrant in such other county, and to apprehend and carry the person therein named, before the justice or justices who issued the same, or some other justice or justices of the county in which the same was issued.

warrant to issue.

Construction

8. *And be it enacted*, That the term "township", made use of in this act, shall be construed to comprehend city, town corporate, borough, precinct and ward, respectively.