

road alone, so long as the company use and take toll upon the same; but such company, upon filing in the office of the secretary of state a certified copy of the order or orders of said court dedicating said highway or highways, or any part or parts thereof, for the purpose aforesaid, is and shall be thereafter invested with, and authorized to exercise, all the powers, rights and privileges conferred in the tenth section of the act to which this is a supplement, necessary to construct the said plank road or roads thereon.

25. SEC. 3. It shall be sufficient, in forming a company under the act to which this is a supplement, for the purpose of constructing a plank road or plank roads upon any public highway or highways, or any part or parts thereof, that have been dedicated by order of the court as aforesaid, if the survey mentioned in the first and second sections of the said act, describes the highway or highways, or part or parts thereof, intended to be taken for a plank road or plank roads, in general terms; and that it shall not be necessary for the same to set forth the names of the owners or occupants of lands, or to be signed by any of the owners of the land, or to set forth their opinions or consent; and that the said company may be formed before or after the application to the court mentioned in the first section of this act. Return of survey.

26. SEC. 4. Any plank road company taking a public highway or highways, or part or parts thereof, pursuant to this act, for the purposes of a plank road or roads, shall not, for so much of their road or roads as are upon such highway, charge toll at more than three-fourths the rates specified in the fourteenth section of the act to which this is a supplement; and so much of the said act as requires compensation to be made to the owner or owners of land shall not apply to any land within the limits of a public highway taken for the purposes of a plank road pursuant to this act. Rates of toll.

27. SEC. 5. County or township bridges on any public highway dedicated by virtue of this act for the purpose of a plank road, shall be used by the company in connection with their road, and the company shall keep the same in good repair, and rebuild the same, when necessary, at the expense of the company, so long as the company take toll upon their road, but no toll shall be demanded for crossing said bridges. Company to keep bridge in repair.

28. SEC. 6. Any person using a public highway so dedicated, on which a plank road has been constructed, shall pay the legal toll, according to the rates of the company, whether the part of the highway that is planked be used or not, except when less than half a mile on either side of a toll gate or bridge is used, or a person, or his or her family, or those in his or her employ, pass from one part of his or her farm to another, (a) without going farther, or in case of funerals, or going to or from religious meetings on Sunday. No toll to be charged in certain cases.

29. SEC. 7. The third section of the act to which this is a supplement, and such parts of the tenth section of said act as are inconsistent with the provisions of this supplement, and such other parts of said act as are inconsistent with the provisions of this supplement, shall not apply to any plank road constructed upon a public highway by virtue of this act. Parts of former act not applicable to this.

[For act concerning sale of railroads, canals, turnpikes, bridges and plank roads, see *post*, Title RAILROADS].

(a) A person owning and cultivating two or more farms and passing from one to another with teams engaged in his ordinary agricultural pursuits, is within the meaning of the statute, *Turnpike Co. v. Fowler*, 4 Zab. 205.

Poor.

- | | |
|--|---|
| <ul style="list-style-type: none"> 1. How settlement obtained. 2. How in other cases. Notice to overseers. 3. What servants not to gain settlement. 4. When bastard children settled. 5. Settlement of persons born in poorhouses. 6. Persons may reside in another township if they bring certificate. 7. To be removed if they become chargeable. | <ul style="list-style-type: none"> 8. Sick or lame. Overseers' notice. 9. Township, how reimbursed. 10. Overseers' book. 11. Goods of paupers inventoried and sold. 12. Poor children bound out. 13. Estate of absconding parents applied to support families. 14. Overseers accountable therefor. |
|--|---|

15. Poorhouses authorized.
16. What removals not to gain a settlement.
17. Justices of the peace to examine persons who have not gained a legal settlement.
18. To take evidence in regard to settlement.
19. Persons removed and returning, how dealt with.
20. Removal of paupers.
21. Removal of colored servants.
22. Construction.
23. Overseer to receive pauper on removal.
24. Appeal from order of removal.
25. Defects of form to be amended.
26. What order made on successful appeal.
27. How money recovered by suit where persons reside.
28. Former settlement not affected.
29. Who empowered to bind out children.
30. Liability of relatives to maintain their poor.
31. Application for relief.
32. Fines, forfeitures and escheats.
33. Children of slaves where settled.
34. By indenture.
35. Born free, settlement as other persons.
36. Certain passengers from abroad admitted on terms.
37. Penalty if terms not complied with.
38. Construction.
39. Limitation of act.
40. Real estate of paupers may be sold.
41. How sale advertised. Conveyance, title.
42. Balance of proceeds, how applied.
43. Defects of substance, as well as of form, may be amended.

R S. 877, 900.

An act for the settlement and relief of the poor.

Revision—Approved March 27, 1874.

P. L. 1852, p. 253.
 " 1853, p. 374.
 " 1857, p. 72.
 " 1860, p. 167.
 " 1867, p. 463.

How settlement obtained.

R. S. 877, § 1.

How in other cases.
Ib. § 2.

Notice to overseers.

1. That every person who shall become seized 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; (a) and every person who shall have served an apprenticeship under indenture, (b) and every indentured servant legally and directly imported from Europe, or brought in from the neighboring 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; (c) and if afterwards such apprentice or servant shall duly serve in any other place for the space of one full year, (d) 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; (e) and that all mariners coming into this state, and having no settlement in this nor any of the neighboring 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. (g)

2. No person or persons whatsoever, other than those hereinbefore mentioned, coming into any township within this state, shall be esteemed or deemed to have obtained a legal settlement in the same, (h) unless such person or persons, within forty days after his, her, or their coming into such township, shall give notice (k) in writing to the overseers of the poor

(a) Although a person purchases and pays for a piece of land and dwells thereon for more than one year, yet unless he resides thereon for the term of one full year after the delivery of such deed, he does not acquire a legal settlement in the township where such land lies, *Teuksbury v. Readington*, 3 *Hal.* 319. A title to land which amounts only to a trust by mere implication, not arising by deed, nor established by any previous decree, is not such seizure of a freehold estate as the act requires. *Ibid.* A farm was conveyed to A. S. in trust for C. (the pauper) and his wife during their joint lives; and after the death of the survivor of them to their children in fee. The pauper paid the consideration money, took possession of the farm conveyed in trust for him and resided thereon about five years, receiving the rents and profits, and paying the taxes. *Held*, that the pauper was so seized of a freehold estate, as to give him a settlement, *Bernards v. Warren*, 3 *Gr.* 447. Where K. the husband and father of the paupers, purchased a house and lot above the value required, and paid nothing for it, but had, at the same time, mortgaged it to the grantor for the whole of the purchase money. *Held*, that K. must be considered as seized of a freehold estate required by statute, *Newark v. Pompton*, *Pen.* *1039. But if fraud be alleged in the transaction, it would be proper to examine it, *Ibid.* The purchaser of mortgaged property of the value required by a year's residence thereon, acquires a settlement, *Nottingham v. Amwell*, 1 *Zab.* 27.

(b) It must be actual service by the apprentice for one year. Subjection to indenture without service does not fulfill the act, and running away is not service, *Jefferson v. Pequannock*, 1 *Gr.* 187. *Upper Alloways v. Elsinborough*, *Coxe* 389. By his master's consent the apprentice may serve with another man, so as to gain a settlement, *Kingwood v. Bethlehem*, 1 *Gr.* 222. By serving, the apprentice gains a settlement although the master has none, *South Brunswick v. Independence*, 2 *Gr.* 549. A child three years old bound by indenture, gains a settlement, *Franklin v. South Brun-*

wick, *Pen.* *442, *445. A service under an indenture that is merely voidable is sufficient to support a settlement. Hence consent of two justices endorsed on only one of the indentures was sustained, *Ibid.* *Bloomfield v. Acquackanonk*, 3 *Hal.* 257. Service under an instrument with a scroll instead of a seal, is not a service under an indenture within the statute, *Hopewell v. Amwell*, 1 *Hal.* 169. Nor service under a written agreement between the apprentice and master alone, and without seals, *North Brunswick v. Franklin*, 1 *Harr.* 535. Nor by living with another person in another township without the master making assignment, or claiming any benefit from his services, does the apprentice gain a settlement, *Orange v. Springfield*, 2 *Gr.* 321.

(c) Such indentured servant must perform actual service for an entire year, *Trenton v. Nottingham*, *Coxe* 289. If he leaves after three months' service under an assigned indenture, makes part payment for his time, and hires with a new master with whom he serves nine or ten months, receiving his own wages, he does not gain a settlement, *Ibid.*

(d) See *Hopewell v. Amwell*, *Pen.* *422.

(e) The assignment may be express or implied, *Orange v. Springfield*, 2 *Gr.* 321.

(g) Such person coming from Europe to a sister state, and thence into this state, does not gain a residence in the township in which he first settles and resides for one year, *Stillwater v. Green*, 4 *Hal.* 59. To gain a settlement under the act, he must come directly from Europe into this state, *Ibid.* But if, intending to come into this state, he merely lands in New York without remaining there, and takes a conveyance to his place of destination, which is in this state, it is coming directly from Europe into this state, within the meaning of the statute, *New Barbadoes v. Paterson*, 3 *Dutch.* 544.

(h) See *Hopewell v. Kingwood*, *Pen.* *130. *Readington v. Teuksbury*, *Pen.* *289.

(k) Notice is necessary when the pauper comes from another state, *Northampton v. Stafford*, *Pen.* *126.

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, then and in such case, such person or persons so giving notice, and entering the same in the town clerk's book as aforesaid, shall be deemed, esteemed, and taken to be legally settled in such township, to all intents, purposes, and constructions whatsoever.

Entered in town book.

3. No servant or servants, bought, hired, or otherwise procured from the jails, hospitals and workhouses of the neighboring 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, anything hereinbefore to the contrary notwithstanding.

What servants not to gain settlement. *Ib.* § 3.

4. 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(a) of the last legal settlement of the mother of such bastard child or children, any law, usage or custom to the contrary notwithstanding.

Where bastard children settled. *Ib.* § 4.

5. Whereas, certain townships in this state have poorhouses located without their limits and within the limits of neighboring townships, and in accordance with the laws of this state, all legitimate children born therein, of parents who have no legal settlement in this state, gain a legal settlement in the township where such poorhouses are located; therefore, no person born of parents who have no legal settlement in this state, shall gain a legal settlement in any county, township, city or borough in this state by reason of such birth; but that the legal settlement of such persons shall be as though they had been born within the limits of the township from which their parents were legally entitled to relief.

Settlements of persons born in poorhouses. P. L. 1860, p. 167.

6. 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 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 and 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

Persons may reside in another township if they bring certificate. R. S. 877, § 6.

(a) "The place, &c." means the place of legal settlement of the mother at the time of the bastard's birth. Its settlement does not change with that of its mother, *Nottingham v. Annell*, 1 Zab. 27. *Paterson v. Byram*, 3 Zab. 394. A bastard's settlement is in the township where born, unless the mother has a settlement elsewhere in the state. Twelve

months continuous residence by the mother in another township than that where the child was born, does not constitute such a legal settlement of the mother that the child could derive therefrom a settlement different from that of its birth, *McCoy v. Newton*, 8 Vr. 133.

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.
To be removed if they become chargeable.
Ib. § 7.

7. *Provided, always*, 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 aforesaid 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.

But not after settlement gained there.

Clauses limited to persons settled in this state.

8. 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 conveniently move 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 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 shall neglect or refuse 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^(a) 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; and such sum or sums of money so recovered shall be paid to

Sick or lame.
Ib. § 8.

Overseers' notice.

Liability for neglect.

(a) The proceedings cannot be sustained upon proof merely, that notice has been given to the overseer of the poor that a pauper belonging to his township is sick in another township, and requiring the said overseer to relieve and maintain said pauper. It must be proved that the pauper was legally settled in, and chargeable to the township of the overseer receiving such notice, and the services rendered, or the money expended in relieving and maintaining the pauper, must be proved. *Youngs v. Hardiston*, 2 Gr. 517. *Day v. Pompton*, Feb. 1814, cited by *Hornblower, C. J.*, *Ibid.* As the justices act judicially, the party ought to be summoned, or have reasonable notice of the time and place of hearing, before they proceed, *Ibid.* The legal residence of the pauper must first be judicially determined, and an order of removal regularly made out; such order, or a copy of it, together with the notice required by the act, should be served by the overseer where the pauper is, upon the overseer of the place where his settlement has been adjudged to be, *Ibid.* *Alexandria v. Bethlehem*, 5 Dutch. 373. It is erroneous for the justices to render judgment and issue execution against the overseer. The process directed by the statute is a warrant, and ought to set forth the whole proceeding, and show how much they adjudged or assessed as the sum necessarily expended, *Ibid.* A warrant of distress cannot be issued unless the overseer has notice of the application for such warrant and an opportunity to be heard, *Ibid.* *Tewksbury v. Washington*, 1 Hal. 177. If such warrant be issued against two overseers, and only one of them has been served with notice, the warrant will be set aside, *Ibid.*

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.

9. When and so often as any poor person belonging to any city, town or 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, the said overseer or overseers shall make application^(a) 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,^(b) 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 person 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.

Township, how reimbursed.
Ib. § 9.

Mode of obtaining relief.
Justices' order.

10. 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.

Overseers' book.
Ib. § 10.

Entries to be made.

Penalty for illegal conduct.

Account of expenditures.

May be examined at town meeting.

11. 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.
Ib. § 11.

(a) Justices cannot order an overseer to maintain a pauper, without an application made by the overseers for such purpose, *Van Nuis v. M'Collister*, Pen. *805.
(b) No pauper is to receive support except those in favor of whom a justice of the peace has made an order, *Sayres v. Springfield*, 3 Hal. 166, 138. *Princeton v. Mount*, 5 Dutch. 299. *Perth Amboy* ads. *Smith*, 4 Harr. 52, 58. Although there has been a prior order of removal, *Bay v. Cook*, 2 Zab. 343. Also necessary to make the township liable on the con-

tracts of an overseer for the support of a pauper, or to make the board of freeholders or trustees of the poor house liable, where there is a county poor house, *Ibid.* *Perth Amboy* ads. *Smith*, 4 Harr. 52, 58. An action may be maintained against an overseer of the poor to recover from him the expenses of supporting a pauper, who was legally entitled to relief, whom the overseer, after notice, neglected to relieve. Under what circumstances such action is maintainable, *Shreve v. Budd*, 2 Hal. 435.

Poor children
bound out.
Ib. § 12.

Males till twenty-
one, females till
eighteen.

Taught to read
and write.
Guardians.

Estate of abscond-
ing parents ap-
plied to support
of families.
Ib. § 13.

How sold.

Overseers ac-
countable there-
for.
Ib. § 14.

Poorhouses
authorized.
Ib. § 15.

Poor kept there.

12. 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,^(a) or whose parents shall apply to the said overseer or overseers for relief, or the child or children of any poor parent 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 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. 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. 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. 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, labor, 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,

(a) Overseers may bind a pauper to serve in another township or county, *Franklin v. South Brunswick, Pen.* *142.

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, labor, 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 shall be built, purchased, or hired for the purposes aforesaid, at a 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.

Or have no other relief.

Two or more townships may unite.

Regulations in such cases.

16. *Provided always*; 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, anything to the contrary notwithstanding.

What removals not to gain settlement. *Ib.* § 16.

17. If any overseer or overseers of the poor of any city, town corporate or township within this state, shall have reason to believe that any person or persons within such township, city or town corporate, who have not obtained a legal settlement therein, according to the directions, true intent and meaning of this act, is chargeable, or likely to become chargeable thereto, such overseer or overseers may apply to any two justices of the peace of that county, and inform them thereof, who are hereby 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 they shall in their warrant appoint, and shall examine said person or persons when brought before them upon oath or affirmation relating to his, her, or their last place or places of legal settlement, and thereby finding the information given to them to be true, they shall issue their warrant(a) to the overseer or overseers to them applying, or to a con-

Justices of the peace to examine persons who have not obtained legal settlement.

P. L. 1852, p. 253, § 2.

(a) A warrant for removal should not issue until after an adjudication of the settlement, and some order or request has been made upon the pauper to remove in compliance therewith, *Paterson v. Byram*, 3 Zab. 394. In making an order of removal the proceedings of justices must be strictly according to the statute; and everything necessary to give jurisdiction must not only be done, but must appear on the face of the order; and the defect cannot be supplied by proof on the appeal or on the *certiorari*, *Princeton v. South Brunswick*, 3 Zab. 169. An order of removal can be made only upon application of the proper overseer of the poor; and such fact must appear upon the face of the

order, *Ibid.* It must also clearly appear that the officers making such order acted within their authority, *New Barbadoes v. Paterson*, 3 *Dutch*. 544. It must further show that the facts necessary to authorize such order were duly proved before the officers making it, *Ibid.* An order stating that "whereas the overseer of the poor having reason to believe that C. * * * was chargeable," is insufficient; it must state the fact that the person was chargeable, or likely to become so, *Ibid.* 547. See *Elizabethtown v. Springfield*, *Pen.* *475, *478. In the case of a colored woman become chargeable, it is not necessary to set out the age of such pauper, *Franklin v. Bridgewater*, *Spen.* 567. Where children

stable, commanding him or them to convey such person or persons^(a) to the place of his, her, or their legal settlement,^(b) and to deliver him, her, or them to the overseer of the poor thereof, for which service the constable shall be paid by said overseer or overseers applying to said justice, so much money as said justices shall determine that he reasonably deserves; and the expenses of said examination and removal shall be paid in by the overseer or overseers of the poor of the township in which application for relief is made; and if such justices shall find that such person or persons have no legal settlement within this state, they shall proceed to inquire, in manner aforesaid, if he, she or they shall have resided for twelve months, continuously, in any city, town corporate or township within this state, and shall by warrant, to be issued and executed in manner above directed, remove such person or persons to such city, town corporate or township where they adjudge that such persons shall have last resided for twelve months continuously, to be delivered to the overseer of the poor thereof, there to be provided for according to law.

Justices of the peace to take evidence in regard to the settlement of paupers.

P. L. 1857, p. 72.

18. Upon such examination pursuant to the foregoing section of any person or persons chargeable, or likely to become chargeable to any city, town corporate or township within this state, who have not obtained a legal settlement therein, it shall and may be lawful for the said overseer or overseers of the poor to take out in the names of the said justices of the peace, or either of them, and to serve process of subpoena for the purpose of bringing before the said justices any person or persons to give evidence in regard to the legal settlement of the person or persons chargeable, or likely to become chargeable as aforesaid, and in regard to the city, town corporate or township within this state, where he, she or they shall have last resided for six months continuously;^(c) and in case any warrant of removal be made, it shall be accompanied by a copy of the said evidence.^(d)

Persons removed and returning, how dealt with.

R. S. 377, § 18.

19. 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 condi-

Proviso.

are removed with their father or mother in consequence of such father or mother's settlement, the order must set forth the age of such children, in order to show that they could not have gained a settlement of their own; or it must contain an express adjudication to that effect, to wit, that they have gained no settlement themselves, *Elizabethtown v. Springfield, Pen. *475*. The order need not contain the pauper's refusal to give security against becoming chargeable, *Vernon v. Wantage, Pen. *311*. The overseers of the poor of a township, in whose favor an order is made, are bound to maintain it, and if it be once voluntarily and expressly abandoned, it cannot be afterwards enforced, *Perth Amboy v. Piscataway, 4 Harr. 174*.

(a) Children under six years of age, living with their mother, are not to be separated from her, but may be removed with her to her settlement, without inquiry into or adjudication upon their settlement, *Paterson v. Byram, 3 Zab. 394*.

(b) The order of the justices or sessions for the removal of an apprentice, or chargeable pauper, should be to the last place of legal settlement; they cannot make an order upon the master to support such apprentice, *Upper Alloways v. Elsingborough, Coxz 389*. "Legal settlement" in an order of removal, is equivalent to last legal settlement, and is

sufficient, *Franklin v. Bridgewater, Spen. 567*. If a pauper has obtained no legal settlement by residence or otherwise, he must be maintained by the township where he becomes chargeable, *Silkwater v. Green, 4 Hal. 59*. So, in the case of a lunatic whose settlement cannot be discovered on account of his disability, *South Brunswick v. East Windsor, 3 Hal. 64, 66*.

(c) An order of removal to the last place of residence for six continuous months, must adjudge that such person has no legal settlement within the state, *Paterson v. Byram, 3 Zab. 394*. Since the act of 1846, there can be no removal of a pauper only likely to become chargeable, to his place of legal settlement, but only to such place where he has resided for six months previous to such order. *Query*, whether this authority, is not confined to cases where the pauper has no legal settlement within the state, *Princeton v. South Brunswick, 3 Zab. 169*.

(d) When an order is made for the removal of a pauper from one township to another in the same county, where no poor house is erected, it is not necessary to transmit and deliver with the order a copy of the evidence on which the adjudication was made, *Knowlton v. Independence, 4 Hal. 276*.

tion 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 hereinbefore is directed, anything in this act to the contrary thereof in anywise 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.

20. When any person having a legal settlement in this state shall become chargeable to any township, city or town corporate in this state, and shall be removed to his or her place of settlement by an order of two justices, and shall thereafter return to the township, city or town corporate, from whence so removed as aforesaid, and shall there again become chargeable, it shall be the duty of the overseer of the poor of the township, city or town corporate where the legal settlement of such pauper has been so fixed as aforesaid, on being notified, by mail, by the overseer of the poor of the township, city or town corporate where such pauper has again become chargeable, to take back said pauper, on the original order, to the place of his or her legal settlement, fixed as aforesaid, and to refund to the said township, city or town corporate, where the said pauper has become chargeable as aforesaid, any money that may have been expended in the support of such pauper.

Removal of paupers.
P. L. 1853, p. 374,
§ 2.

21. When any poor colored servant has a right to support from any person, or from the estate of any person deceased, and shall become chargeable, in any township, city or town corporate, such poor colored servant may be removed in the same manner as other paupers are removed, to the township, city or town corporate where the said servant last served with the said person liable for his or her support as aforesaid, which said last mentioned township, city or town corporate shall be deemed and taken as the place of legal settlement of said poor servant; *provided*, that nothing herein contained shall be deemed to exonerate any such person or estate from liability to support such poor colored servant, but the township, city or town corporate to which such servant is removed, shall and may recover from such person or estate all charges for the support of such colored servant.

Removal of colored servants.
Ib. § 3.

Proviso.

22. Any thing in the nineteenth section of this act, repugnant to or conflicting with the twentieth section thereof, shall be held to be of none effect.

Construction.
Ib. § 4.

23. 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 or offender's 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.

Overseer to receive pauper on removal.
R. S. 877, § 19.

Penalty for refusal.

24. 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

Appeal from order of removal.
Ib. § 20.

Who not to sit on appeal.

Notice.

- 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, anything in this act to the contrary thereof notwithstanding.
25. 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 or orders given or made by any justices of the peace for the removal 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^(a) 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. (See *Sec. 43*).
26. If the court of quarter sessions, upon an appeal before them had, concerning the settlement of any poor person or persons, determine in favor of the appellant or appellants, that such poor person or persons was or were unduly removed, 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;^(b) 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 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.
27. 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 aforesaid, 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 shall be given as aforesaid; and a true copy of such award and order of such quarter sessions, signed and sealed by the clerk of the court, when produced, shall be sufficient evidence for the recovery of such sum or sums of money so awarded and ordered as aforesaid.
28. 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 anything herein contained.
29. 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
- Adjournment.
- Proviso.
- Defects of form to be amended. *Ib.* § 21.
- What order made on successful appeal. *Ib.* § 22.
- Costs and charges.
- How money recovered by suit where persons reside. *Ib.* § 23.
- Evidence.
- Former settlement not affected. *Ib.* § 24.
- Who empowered to bind out children. *Ib.* § 25.

(a) See *Vernon v. Wantage*, Pen. *311. *Hopewell v. Kingwood*, Pen. *130.

(b) The township to which a pauper is improperly re-

moved, must be allowed the expense of maintaining such pauper, pending the action by which the liability is determined, *Evesham v. Newton*, *Coze* 76.

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 as those by 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.

30. The father and grandfather,^(a) 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 six dollars per week, together with all reasonable costs incurred in making application to the court for such order of relief.

Liability of relatives to maintain their poor.
Ib. § 26.

31. 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 required 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 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 respecting 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,^(b) commanding the said overseer or overseers to remove the said poor person or persons to the poorhouse of the county (where poorhouses are erected), or if there 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 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 poorhouse, or to the overseer or overseers of the township to which he shall be removed, as the case may be; and the expense of said examination and removal shall be paid by the overseer or overseers of the township where the application for relief is made; *but provided*, if it shall appear on the examination had as aforesaid, 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.

Application for relief.
Ib. § 27.

Examination.

Testimony.

Order of removal.

Expense.

Proviso.

(a) The sessions cannot order one to maintain a grand child, without notice and a hearing, *Kiser v. Frankford*, Pen. *411o.

(b) It is necessary that it should appear on the face of

the order that application for relief had been made to the overseers, by or on behalf of such pauper, *Princeton v. South Brunswick*, 3 Zab. 169.

Fines, forfeitures
and escheats.
Ib. § 28.

32. In all cases where any fines or forfeitures 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 poorhouses, it shall be the duty of every overseer or overseers receiving any such moneys to pay over the same to the trustees of such poorhouse, 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 poorhouse, which payment and account aforesaid shall be rendered and made yearly and every year, on or before the first day of March.

To whom paid.

Children of
slaves where
settled.
Ib. § 29.

33. 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; *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.^(a)

But may gain
other.

How.

By service.

By indenture.
Ib. § 30.

34. 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 by indenture would obtain the same, under the first section of this act.

As other persons.
Ib. § 31.

35. 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 color, the proceedings shall be the same as in cases of other persons who may be chargeable or likely to become chargeable.

Certain passen-
gers from abroad
admitted on
terms
Ib. § 32.

36. In all cases wherein any ship or vessel shall arrive within any port or harbor within 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,^(b) 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.

Penalty if terms
not complied
with.
Ib. § 33.

37. 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

(a) If the owner of a slave, who is of sufficient ability to maintain such slave, removes into another state, the slave does not acquire a legal settlement in the township where the master had his last legal settlement, *South Brunswick v. East Windsor*, 3 Hal. 64. A slave acquired no settlement, unless he was legally manumitted or his master became insolvent, *Ibid. Morris v. Warren*, 2 Dutch. 312. A slave, who has not been manumitted according to law, cannot be considered a pauper subject to be removed by an order, so long as his master is able to provide for him. *Perth Amboy v. Piscataway*, 4 Harr. 173. A colored apprentice has a settlement in the township where born, *Franklin v. Bridge-*

water, *Spenn. 563*. A service elsewhere is necessary to change such settlement unless there has been a service under an indenture of apprenticeship, and the binding in such case can only be made by trustees or overseers, *Ibid.*

(b) If an overseer takes a bond from the master of a ship and permits the landing of sick or infirm passengers, he is bound to provide for them in their emergency, and may bind the township by his reasonable contracts for their support and for necessary medical aid, without a special order of a justice of the peace for specific relief for each individual, *Perth Amboy ads. Smith*, 4 Harr. 52.

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.

38. The term township, made use of in this act, shall be understood to comprehend city, town corporate, borough and ward. Construction.
Ib. § 34.

39. 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. (1) Limitation of
act.
Ib. § 35.

40. It shall and may be lawful for the boards of chosen freeholders in the several counties in 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 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; *provided*, that no sale or lease of any estate, real, 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; *and provided*, that this act shall not apply in any case when the pauper shall have paid his expenses so chargeable, nor to any estate acquired by such pauper after he shall cease to be chargeable as aforesaid; *and provided*, 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. Real estate of
paupers may be
sold.
R. S. 900, § 1.
Proceeds applied.
Power of sale
limited.

41. 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 of 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. How sale adver-
tised.
Ib. § 2.
Conveyance and
title.

42. 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. Balance of pro-
ceeds, how
applied.
Ib. § 3.

43. Upon all appeals to be made to the court of general quarter sessions of the peace, to be holden for any county within this state, against judgments or orders given or made by any justices of the peace for the removal of any pauper or paupers, such courts shall cause any defect or defects of substance as well as of form that shall be found in any such original judgments or orders, (a) or in any proceedings connected therewith, to be rectified and amended upon such terms as may be deemed reasonable and just; *provided*, it shall be made to appear by affidavits, or other satisfactory proof, that such amendments are warranted by the facts of the case, and after such amendments made, to proceed to hear and determine said appeals on the merits of the case; and in case said original judgments, orders or proceedings shall be removed into the supreme court, either before or after an appeal therefrom, it shall be the duty of said supreme court to make all such amendments, in matters of substance, as may be shown, in manner aforesaid, to be warranted by the facts of the case. (2) Defects of sub-
stance, as well as
of form in pro-
ceedings, may be
amended.
R. S. 1867, p. 465.

(a) See *Vernon v. Wantage*, Pen. *311. *Hopewell v. Kingwood*, Pen. *130.

(1) For special poor law for the county of Salem, see R. S. p. 893, and Nix. Dig. 1855, p. 617, and supplement thereto, P. L. 1864, p. 70.

(2) For act to prevent the importation of paupers and vagrants into the counties of Burlington, Passaic, Camden, Gloucester and Mercer, approved March 23, 1852, see P. L. 1852, p. 277, and supplement thereto, P. L. 1863, p. 499.