

Treasurer shall hold deposit subject to claims.

Proceedings to recover fines and penalties.

Penalties for violating act.

Penalty for false statement in application for license, &c.

Repealer.

indorse the date of delivery and cancellation thereon, and place the same on file; he shall then hold the special deposit of each licensee hereinbefore mentioned for the period of sixty days, and after satisfying any and all claims made upon the same as hereinafter provided shall return said deposit or such portion of the same, if any, as may remain in his hands to the licensee depositing it; each deposit made with the treasurer as aforesaid shall be subject, so long as it remains in his hands, to legal process in behalf of creditors whose claims arise in connection with the business of the licensee as an itinerant vender; such deposit shall also be subject to the payment of any and all fines or penalties incurred by the licensee through violation of this act, and the clerk of the court in which, or the trial justice by whom, such fine or penalty is imposed, or the officer or other person prosecuting for such fines or penalties shall thereupon notify the treasurer of the name of the licensee against whom such fine or penalty is adjudged and of the amount of such fine or penalty, and the treasurer, if he has in his hands a sufficient sum deposited by such licensee, shall pay the sum so specified to said clerk or trial justice, and if the treasurer shall not have a sufficient sum so deposited he shall make payment as aforesaid of so much as he has in his hands; all claims upon said deposit shall be satisfied after judgment, fine or penalty in the order in which notice of the claim is received by the treasurer, until all such claims are satisfied or the deposit exhausted, but no notice filed after the expiration of the sixty days' limit aforesaid shall be valid; no deposit shall be paid over by the treasurer to licensees so long as there are any outstanding claims or notice of claims against them respectively unless he is satisfied that such claims will not be prosecuted to final judgment or that no fine or penalty will be imposed; notice of claim under this section shall be in writing, and shall contain the names of the claimant and of the itinerant vender against whom the claim is made, the amount of the claim and the circumstances under which it arose and shall be verified by the oath of the claimant, and if the said claimant fails or neglects to commence an action to enforce his said claim within sixty days after the filing of the said notice he shall be deemed to have waived all claim on the fund aforesaid.

13. That every person, either principal or agent, who shall in any manner advertise any sale of goods, wares or merchandise to be conducted contrary to the provisions of this act, and every itinerant vender or his agent who shall conduct any sale or who shall sell or expose for sale any goods, wares or merchandise contrary to the provisions of this act, is guilty of a misdemeanor and shall be further liable to the penalty of one hundred dollars; to be recovered by any person prosecuting the same, one-half of which shall be retained by such person, the remainder to be paid in for the use of the town, village or city where the penalty is incurred.

14. That any false statement in an application, either original or supplementary, for a license and any failure on the part of the licensee to comply with the requirements of this act shall subject such itinerant vender to the same penalty as if he had no license.

15. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Jails and Workhouses.

1. Price for victualing prisoners to be fixed by board of freeholders.
2. Board of freeholders may remit part of sentence for good conduct of prisoner.
3. If such person be again committed, required to serve time remitted.
4. Board of freeholders may remit fines and costs.
5. Amended by section 7.
6. Jailers to put and keep at work all persons detained for non-payment of fines or costs of conviction.
7. Action of board of freeholders in remitting fine or term of imprisonment to be approved by judge of court.
8. Keeper of jail to keep record of inmates.
9. Penalty for failure to comply with act.
10. Deputy keepers and wardens to give bonds.
11. Board of freeholders may assume custody of jail, &c.
12. In such case, board to appoint keeper or warden. Warden to give bond.
13. When sheriffs are not to be held liable for escape of prisoner. When board or warden shall be liable.

14. Sheriff may take from persons arrested bail bond, &c.
15. Warden to be master of workhouse.
16. Persons committed to be delivered to warden.
17. Board to prescribe rules, &c., for management of jail, &c.
18. When appointment of warden to take effect.
19. Persons under sixteen years to be kept in separate confinement.
20. Jails, &c., to be arranged for such separate confinement.
21. How long magistrate may detain person under sixteen without such separate confinement.
22. Sheriff, &c., to set prisoners at work.
23. Examination to be made of prisoner appearing to be insane. If insane, to be removed to lunatic asylum.
24. County collector to pay costs of examination.
25. Term of warden in first-class counties.
26. Repealer.
27. Bonds may be issued in fourth-class counties for purpose of building county jails.
28. Principal and interest shall be provided for by taxation.
29. Repealer.
30. When prisoners may be confined in the jails of adjoining counties.
31. Repealer.
32. Charge of jails in Essex and Hudson to be in board of freeholders.
33. Sheriff, on delivery of prisoner to jailer, not responsible for escape.
34. Persons arrested *en casis* and committed to jail, how discharged.
35. Board of freeholders to appoint jailer.
36. Jailer to be master of workhouse.
37. Board of freeholders to prescribe rules, &c., for management of jail.
38. Persons under twenty-one may be sentenced to jail instead of state prison.
39. Such persons from other counties may be sentenced to Essex or Hudson county jail.
40. This act may be adopted by other boards of freeholders.
41. When person is sentenced to Essex or Hudson jail from another county, he shall be transported thither within twenty days.
42. Rate to be paid for keeping such prisoners.
43. Sheriff to have custody of jails, &c., in first-class counties.
44. Term of present jailer, &c., to cease immediately.
45. Board of freeholders, on notice from sheriff, to appoint wardens, &c.
46. Repealer.
47. Repealer.
48. Boards of freeholders may build workhouses.
49. Workhouses, how governed.
50. What prisoners to be sent to workhouse.
51. How money may be raised for purchasing materials for employment of inmates.
52. Repealed by P. L. 1880, p. 97.
53. Repealed by P. L. 1880, p. 97.
54. Duties of masters of workhouses.
55. Persons escaping, how to be further punished.
56. Masters of workhouses to keep record respecting prisoners.
57. Penalty for neglect by master of workhouse.
58. Two or more counties may unite in building or purchasing a workhouse.
59. Courts and magistrates of such counties may commit offenders to it.
60. Duties of the master of such workhouse.
61. Freeholders may convert part of a jail into a workhouse.

An act concerning county jails.

Approved April 20, 1876.

P. L. 1876, p. 230.

1. That it shall hereafter be lawful for the boards of chosen freeholders in the several counties of this state to fix the price per day for victualing the prisoners confined in the county jails; *provided*, that the price so fixed shall not in any case exceed the amount now fixed by law in any county.

Price for victualing prisoners to be fixed by board of freeholders.

An act respecting county jails.

Approved April 21, 1876.

P. L. 1876, p. 381.

2. SEC. 1. That from the sentence of any person to the common jail of any county in this state there may be remitted by the board of chosen freeholders of said county, or by the committee on discharge of prisoners of such board, upon the recommendation of the sheriff or jail warden in whose custody such person may be, for good conduct, a term not exceeding one day for every six days of said sentence.

Board of freeholders may remit part of sentence for good conduct of prisoner.

3. SEC. 2. That if any such person shall be again convicted and sentenced to imprisonment in such county jail, such person shall, in addition to such sentence, be required to serve out the number of days remitted to him or her on the previous term.

If such person be again committed, required to serve time remitted.

4. SEC. 3. That the board of chosen freeholders of the several counties of this state, or the committee on discharge of prisoners of any such board, shall have power to remit fines and costs due to their respective counties, and to discharge from imprisonment in the county jail of such county, any person committed or held therein, in default of the payment of such fines and costs; but no person shall be discharged, under the provisions of this section, until he or she shall have remained confined for such default for a term at least equaling one day for every dollar so remitted, or for a term of six months in the whole.

Board of freeholders to have power to remit fines and costs.

5. SEC. 4. [Amended by Sec. 7, *post*.]

A supplement to "An act respecting jails," approved April twenty-first, one thousand eight hundred and seventy-six.

P. L. 1880, p. 82.
 Jailers to put and keep at work all persons detained for non-payment of fines or costs of conviction.

Approved March 8, 1880.

6. SEC. 1. That it shall be the duty of the jailer of every county jail in this state to put and keep at such work as they are able to perform, any and all persons detained in his custody for the non-payment of any fine or costs of conviction; such work to be directed and provided by the boards of chosen freeholders of the respective counties, and to be performed for the benefit thereof if they shall see fit to order and direct such work to be done, unless any such person shall be excused from such work, for good cause shown, by the president judge of the court which may have imposed sentence on such person.

An act amending "An act respecting county jails," approved April twenty-first, one thousand eight hundred and seventy-six.

P. L. 1883, p. 107.

Approved March 19, 1883.

Action of board of chosen freeholders in remitting fine or term of imprisonment to be approved by judge of court.

7. SEC. 1. That the fourth section of the act to which this is an amendment be and the same is hereby amended to be and read as follows:

[That the action of the board of chosen freeholders, or of the committee on discharge of prisoners of such board, in remitting a part of the term of imprisonment, or a part of the fine or costs of any prisoner detained in the county jail under the sentence of the court of oyer and terminer, shall, before it take effect, be approved in writing by the president judge of said court; and in the case of any prisoner so detained under the sentence of the court of general quarter sessions of the peace, or of the court of special quarter sessions of the peace, shall, before it take effect, be approved in writing by the president judge of the court, if there be one, and if there be no president judge or law judge, or in his absence, then by any one of the judges thereof; all sentences to the county jail of any county, and all commitments thereto for non-payment of fines or costs, or both, shall be construed and understood to be made subject to the provisions of this act.]

A supplement to an act entitled "An act respecting county jails," approved March eighth, one thousand eight hundred and seventy-seven.(1)

P. L. 1889, p. 349.
 Keeper of jail to keep record of inmates.

Approved May 6, 1889.

8. SEC. 1. That the keeper of every jail or other penal or reformatory institution, supported by public moneys of any county or township of this state, be required to keep a book, provided by the board of freeholders in the county wherein such institution shall be, in which he shall set forth the date of entry, date of discharge, the description, age, birthplace, and such other information as he may be able to obtain of the inmates committed to his care, that this book shall be exposed in a conspicuous place in said institution and be open to the inspection of any taxpayers.

Penalty for failure to comply with act.

9. SEC. 2. That upon any failure to comply with the requirements of this law, the keeper of said institution, thirty days after complaint of ten legal voters of the county wherein such institution is situate, to the board of freeholders of said county, shall be subject to a fine of twenty-five dollars, to be sued for in any court of competent jurisdiction by any taxpayer of the county and to be applied when collected to the use of the county.

An act respecting deputy keepers of jails.

P. L. 1882, p. 15.
 Deputy keepers and wardens to give bonds.

Approved February 17, 1882.

10. SEC. 1. That each deputy keeper or warden of any county jail in this state shall hereafter give bond to the keeper or warden or to the board of chosen freeholders by whom he has been appointed, in such sum as shall be required by the person or board, as the case may be, appointing

(1) Observe that the original act was approved April 21st, 1876, and not March 8th, 1877. The error is probably due to a like error in Revision, p. 1108.

him, conditioned for the faithful performance of his duties as such deputy-keeper or warden, which bond shall be approved by the person or the board making the appointment of such deputy.

An act to authorize the boards of chosen freeholders in the several counties of this state to assume and exercise the custody, rule, keeping and charge of the county jails in their respective counties, and of the prisoners in such jails, and for the regulation and management of such jails and of the prisoners therein.

Approved March 23, 1887. P. L. 1887, p. 42.

11. SEC. 1. That it shall be lawful for the board of chosen freeholders of any county in this state to assume and hereafter to exercise the custody, rule, keeping and charge of the county jails in their respective counties, and of the prisoners therein, whenever any such board shall decide, by the affirmative votes of two-thirds of all its members, so to do, and shall file a certificate of such decision attested by the director and the clerk of such board, in the office of the secretary of state; and when such certificate shall have been so filed, the custody, rule, keeping and charge of the county jail in such county shall be no longer in the sheriff of that county, but in the board of chosen freeholders thereof, and in such jailer, keeper or warden as they shall appoint for that purpose.

Board of freeholders may assume custody of jail, &c.

12. SEC. 2. That in any county where the board of chosen freeholders shall assume the custody, rule, keeping and charge of the county jail and of the prisoners therein, as aforesaid, such board shall, by the votes of a majority of all its members for the time being, appoint some fit person to be the keeper or warden of the jail or jails of the county, who shall hold his office for the term of five years and until his successor shall be appointed in his stead and shall have duly qualified and given bond; such jail warden may be removed from office at any time, by the affirmative votes of two-thirds of all the members of the board of chosen freeholders of the county for the time being, for good cause appearing to them; such warden before he enters upon the discharge of the duties of his office, shall give bond to said board of chosen freeholders, in such sum and with such sureties as said board shall prescribe, conditioned for the full and faithful performance of the duties of his office.

In such case, board to appoint keeper or warden.

Warden to give bond.

13. SEC. 3. That in all cases where any sheriff, under-sheriff, coroner or constable shall be by law authorized or required to confine or keep in jail any person arrested or in custody on any civil process, or in any civil suit or proceeding, by surrender in discharge of bail or in any other way, such sheriff, under-sheriff, coroner or constable shall deliver said person so arrested or in custody to the jail warden of said county, if there shall be one, within said jail, with a copy of the process, commitment or surrender by virtue of which said person was arrested or is in custody, and after such delivery such sheriff, under-sheriff, coroner or constable shall not be liable for any escape of such prisoner; but the board of chosen freeholders of the county, or their warden, if they shall have appointed one under the provisions of this act, shall, for any escape after such delivery, be liable in the same manner as the sheriff of the county would be if he had the custody, rule, keeping and charge of the county jail of such county and of the prisoners therein; such sheriff, under-sheriff, coroner or constable may require such jail warden to give a receipt, upon the process or commitment by which such prisoner may be arrested or held, for the body of such prisoner.

When sheriffs are not to be held liable for escape of prisoners.

When board or warden shall be liable.

14. SEC. 4. That the sheriff, under-sheriff, coroners or constables in each of said counties shall take from any person arrested on a *capias ad respondendum*, and committed thereon to the county jail in manner aforesaid, at any time before the return of the writ, the like bail bond, with like condition and sureties as are by law required in other cases, and shall certify the same to the warden of such jail, and direct such person to be discharged from said custody, and such certificate of the sheriff or other officer as aforesaid, shall authorize such jail warden to discharge such person from

Sheriff may take from persons arrested, bail bond, &c.

To certify same to warden.

custody in the suit wherein the bond was taken, and the sheriff or other officer shall make such return to said writ, and be required to produce the bail bond, if required, in the same manner as if the defendant had not been committed to jail.

Wardens to be masters of workhouse.

15. SEC. 5. That in every county where the board of chosen freeholders shall appoint a jail warden as aforesaid, such warden shall be the master of the workhouse in such county, if there be one, and said workhouse, or so much of it as shall be so declared by said board, shall be part of the common jail of said county; said jail warden shall put and keep at such work as they are able to perform, at such place or places in the county as may be designated by the said board, all persons who may be by law required to work, during their continuance in his custody.

Persons committed to be delivered to the warden.

16. SEC. 6. That all persons committed to the county jail according to law, by any committing magistrate, shall be delivered to the warden of such jail, if there be one, and by him held in custody until discharged by due process of law.

Board to prescribe rules, &c., for management of jail, &c.

17. SEC. 7. That when the board of chosen freeholders of any county shall have assumed the custody, rule, keeping and charge of the county jail of such county, said board shall prescribe rules and regulations for the management and conduct of such jail, and the employment, maintenance and keeping of the prisoners therein, and may authorize and require the jail warden to enforce such rules and regulations, and to punish any breach of the same by the prisoners, and any refusal to work, or any insubordination, by solitary confinement, change or diminution of food and diet, or such other reasonable punishments as they may prescribe.

When appointment of warden to take effect.

18. SEC. 8. That no appointment of any jail warden as aforesaid shall take effect in any county during the term of office of any sheriff now in office in any such county.

An act respecting the confinement of persons under the age of sixteen years detained in the jails, workhouses, penitentiaries and other places of confinement in the several counties of this state.

P. L. 1888, p. 188.

Approved March 21, 1888.

Persons under sixteen years to be kept in separate confinement.

19. SEC. 1. That it shall be the duty of the sheriffs, jailers, wardens, keepers and other persons having charge and control of the jails, workhouses, penitentiaries and other places of confinement in this state to keep all persons under the age of sixteen years who shall be detained in such jails, workhouses, penitentiaries and places of confinement, for any purpose whatever, separate and apart from and so that no communication take place between them and other persons above such age confined therein on a charge or conviction of crime.

Jails, &c., to be arranged for such separate confinement.

20. SEC. 2. That the boards of chosen freeholders of the several counties of this state be and they are hereby required to so arrange the jails, workhouses, penitentiaries and places of confinement in their respective counties that all persons under the age of sixteen years who shall be detained in such jails, workhouses, penitentiaries and places of confinement, for any purpose whatever, shall be kept separate and apart from and so that no communication take place between them and other persons above such age confined therein on a charge or conviction of crime; and in case it is impracticable to so arrange the buildings now used for such purposes, it shall be the duty of such boards of chosen freeholders, and they are hereby required to provide such places as shall be necessary to accomplish the purposes of this act.

How long magistrate may detain person, under sixteen, without such separate confinement.

21. SEC. 3. That no justice of the peace, police justice, recorder or other magistrate in this state shall detain or cause to be detained, in any station-house, lock-up or other place of confinement, for a longer period than twenty-four hours after such person shall be first brought before such justice of the peace, police justice, recorder or other magistrate, any person under the age of sixteen years, unless there shall have been provided in such station-house, lock-up or place of confinement, means by which such persons under sixteen years of age may be detained separate and apart from persons above such age.

An act to authorize the employment of prisoners in county jails in cooking and other work in and about the county buildings.

Approved May 6, 1889. P. L. 1889, p. 349.

22. SEC. 1. That the sheriff, warden or keeper of the county jail in any county of this state is hereby authorized to employ and set at labor any convicted person committed to his care and custody at any reasonable labor, such as cooking, cleaning, gardening, mechanical or other service necessary to be performed within the bounds of the court-house or county property.

Sheriff, &c., to set prisoners at work.

An act concerning insane prisoners in county jails, penitentiaries, workhouses and like places of confinement in this state.

Approved June 10, 1890. P. L. 1890, p. 433.

23. SEC. 1. That if any person confined in any county jail, penitentiary, workhouse, or like county prison or institution of any county in this state, under any sentence of imprisonment, shall appear to be insane, the judge of the circuit court of the county, or in his absence the presiding or law judge of the court of common pleas of the county in which such place of imprisonment is situated, shall, upon information of the fact from the county physician of such county or from any other physician whose official duty it shall be to visit such place of imprisonment, cause by his order to be instituted a careful inquiry into the case by at least two reputable physicians; request the prosecutor of the pleas of the county to aid in the inquiry at his discretion; and if such judge shall think it necessary in any such case he shall call a jury, and for this purpose he is hereby fully empowered to compel the attendance of jurors and also witnesses before such physicians to aid in the inquiry; and if it satisfactorily appear to such physicians upon the verdict of such jury, in any case where a jury shall be called, or in any other case without the aid of such jury, that such person is insane, and such physicians, or a majority of them, shall certify in writing to such judge that such is the fact, such judge may, if the report or certification shall satisfy him, order such insane person, in safe custody, to be removed to the county lunatic asylum, if there be such asylum in such county, or to the state lunatic asylum, where he or she shall remain at the expense of the county until restored to his or her right mind; and then, if the term of imprisonment of such person shall not have expired, the superintendent or head officer of such asylum shall inform the said judge and said prosecutor of the restoration of the mind of such person; whereupon he shall be remanded, in safe custody, to the aforesaid jail, penitentiary, workhouse or prison, to serve out the unexpired portion of his term of imprisonment.

Examination to be made of prisoner appearing to be insane.

If insane, to be removed to lunatic asylum.

24. SEC. 2. That the said judge shall certify to and order to be paid for the duties and services imposed by this act, such fees and sum or sums of money as to him shall seem proper, having regard to the duty and service performed; and the same shall be paid by the county collector of such county.

County collector to pay costs of examination.

An act concerning the tenure of office of wardens or chief keepers of penitentiaries in counties of the first class.

Approved April 16, 1891. P. L. 1891, p. 473.

25. SEC. 1. That the term of office of the warden or chief keeper of penitentiaries in counties of the first class shall be five years from the date of his appointment and until the election of his successor.

Term of warden in first-class counties.

26. SEC. 2. That all acts and parts of acts inconsistent with this act be and are hereby repealed, and that this act shall take effect immediately.

Repealer.

An act to authorize the issuing of bonds for the purpose of building jails in counties of the fourth class in this state.

P. L. 1894, p. 27.

Bonds may be issued in fourth-class counties for purpose of building county jails.

Approved March 22, 1894.

27. SEC. 1. That it shall be lawful for the board of chosen freeholders of any county of the fourth class in this state, by resolution approved by not less than two-thirds of all the members of such board, for the purpose of building jails in any such county, to issue bonds in the corporate name of such county and under the corporate seal of such board, signed by the director and clerk of the board of chosen freeholders, and countersigned by the county collector of such county, to an amount not to exceed one-half of one per centum of the assessed value of the taxable property of such county, exclusive of the surplus revenue indebtedness of such county; *provided*, that nothing in this act shall authorize any county whose indebtedness, exclusive of the surplus revenue indebtedness of such county, exceeds, or would with such issue of bonds exceed, one-half of one per centum of the assessed value of its taxable property, to issue bonds or incur indebtedness for any of the purposes of this act; such bonds may be registered or coupon bonds, and shall bear a rate of interest not exceeding five per centum per annum, payable half yearly, and shall be redeemable at any time or times not exceeding twenty years from their date, in the discretion of the board of chosen freeholders of any such county; which bonds may be sold, either at public or private sale, for the best price that can be obtained for the same, but shall not be sold for less than their par value; and all real estate and personal property within any such county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

Principal and interest shall be provided for by taxation.

28. SEC. 2. That the board of chosen freeholders of any such county shall have power and authority to provide by taxation for the payment of the said bonds and the interest thereon, and shall, yearly and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the same time and in the same manner that other taxes in any such county are assessed and collected, a sum sufficient to pay the principal and interest on the said bonds as the same shall become due and payable.

Repealer.

29. SEC. 3. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

An act to authorize courts and justices of the peace of any county to direct prisoners to be confined in the jails of the adjoining counties in certain cases.

P. L. 1894, p. 29.

When prisoners may be confined in the jails of adjoining counties.

Approved March 22, 1894.

30. Sec. 1. That in all cases where the jail now used as a common jail for the confinement of prisoners in any county of this state has been, or shall hereafter be, condemned by the grand inquest in and for said county, and shall become insecure or inadequate to the needs of such county by reason of repairs, alterations or additions thereto being in progress, or by reason of a new jail for such county being in process of erection or construction, involving the use therein of some portion of the material in the present jail of such county, the jails of the counties adjoining to such county shall be and are hereby also constituted jails for the confinement of prisoners of such counties as contain such condemned, insecure, or inadequate jails until such time as secure and adequate jails shall be erected or constructed therein; and the courts of oyer and terminer and general jail delivery, the courts of general quarter sessions of the peace, and the several justices of the peace of such counties as contain such condemned, insecure or inadequate jails may respectively, in their discretion, when they deem it necessary, direct and order the confinement of any prisoner or prisoners under sentence or charged with any criminal offense, or any person or persons held to bail under any civil process, to be confined in the jail of any such adjoining county, and the keepers thereof are hereby required to receive

and safely keep all such prisoners in the same manner as they are by law required to keep the prisoners of their respective counties, until he, she or they shall be demanded, under authority of law, by the proper officer or officers of the county from where they were committed, or be otherwise discharged by due course of law; and the keepers of the said jails shall be entitled to demand and receive from the board of chosen freeholders of the county from which such prisoners shall be committed such fees as are or shall be allowed by law in such cases, and such compensation for the board and care of such prisoners as the board of chosen freeholders of the county wherein such prisoners are confined shall deem just and reasonable.

31. SEC. 2. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

An act to transfer the charge and keeping of the jails, and custody of the prisoners, in the counties of Essex and Hudson, from the sheriffs to the boards of chosen freeholders, and for the employment of the prisoners, and to regulate their term of service therein.(1)

Approved February 27, 1857.

P. L. 1857, p. 40.

32. SEC. 1. That in the counties of Essex and Hudson, the custody, rule, keeping, and charge of the jails in said counties, and of the prisoners in such jails, shall not be in the respective sheriffs of said counties, but, in each of said counties, shall be in the boards of chosen freeholders of that county, and in such jailer as they shall appoint for that purpose; and said board of chosen freeholders and such jailer shall, in the receiving, custody, and discharge of prisoners, and in their treatment and maintenance, be subject to all laws and regulations to which sheriffs and their jailers are subject, except so far as the same may be changed by the provisions of this act. (a)

Charge of jails in Essex and Hudson to be in board of freeholders.

33. SEC. 2. That in all cases where any sheriff, under-sheriff, or coroner of either of said counties, shall be by law authorized or required to confine or keep in jail any person arrested or in custody on any civil process, or in any civil suit or proceeding, by surrender in discharge of bail, or in any other way, such sheriff, under-sheriff, or coroner shall deliver said person, so arrested or in custody, to the keeper of the jail of said county, within said jail, with a copy of the process, commitment, or surrender, by virtue of which he was arrested or in custody, and after such delivery, such sheriff, under-sheriff, or coroner shall not be liable for any escape of such prisoner, but said board of freeholders, or their jailer, shall, for any escape after such delivery, be liable in the same manner as sheriffs of other counties by law are or may be; and such sheriff, under-sheriff, or coroner may require such jailer to give a receipt upon the process or commitment by which such prisoner may be arrested or held, for the body of said prisoner.

Sheriff on delivery of prisoner arrested on civil process to jailer not responsible for escape.

34. SEC. 3. That the sheriff and coroners in each of said counties shall take from any person arrested on a *capias ad respondendum*, and committed thereon to jail, in manner aforesaid, at any time before the return of the writ, the like bail bond, with like condition and sureties as are by law required in other cases, and shall certify the same to the keeper of the jail and direct such person to be discharged from said custody, and such certificate and order of the sheriff shall authorize such jailer to discharge said person from custody, in the suit wherein said bail bond was taken, and the sheriff shall make such return to said writ, and be required to produce the body of such defendant at the return of the writ, and to assign the bail bond, if required, in the same manner as if the said defendant had not been committed to jail.

Persons arrested on *capias* and committed to jail, how discharged.

(a) As to the power of the board of chosen freeholders to remove a jailer without assigning any reason therefor, see *Sweeney v. Stevens*, 17 Vr. 344. The act confers no powers on the board of chosen freeholders of any county, except those named in the

title of the act, to exclude the sheriff from the custody of the jail and prisoners therein, or to appoint a jailer for the county. *Daubman v. Smith*, 18 Vr. 201.

(1) This act, and the supplement following it, were repealed by P. L. 1894, p. 597. The repealing act was repealed by section 46, *post*.

Board of freeholders to appoint jailer.

Term of office.

35. SEC. 4. That in each of said counties, the board of freeholders shall appoint some proper person to be the jailer or keeper of the jail of said county, who shall hold his office for the term of five years, and until another be appointed in his stead; but such jailer may at any time be removed from office, by a vote of two-thirds of all the chosen freeholders of said county for the time being, and no jailer shall be elected, except by a vote of a majority of all the members of the board; said jailer, before he enters upon the duties of his office, shall give bond to said board of chosen freeholders, in such sum and with such sureties as said board shall prescribe, conditioned for the full and faithful performance of the duties of his office.

Jailer to be master of workhouse.

36. SEC. 5. That in each of said counties, the jailer shall be the master of the workhouse therein; and the workhouse therein, or so much of it as shall be so declared by the board of freeholders, shall be part of the common jail of said county, and that said jailer shall keep at such work as they are able to perform in said workhouse during their continuance in his custody, all persons sentenced for crime or misdemeanor, or upon indictment, to hard labor or imprisonment for any term less than six months, or to be imprisoned until their fine or costs be paid, all persons detained or committed for crime, who may neglect or are unable to pay for their board while in jail, all persons convicted of petit larceny by two justices of the peace, all persons convicted and committed under or by virtue of "An act to describe, apprehend, and punish disorderly persons," all persons convicted and committed, by virtue of the provisions of "An act for suppressing vice and immorality," and all persons convicted and sentenced to jail or imprisonment for the violation of any municipal ordinance, and all other persons, who are or may be by law directed to be employed at such work in the workhouse in the several counties of this state.

Board of freeholders to prescribe rules, &c., for management of jail.

37. SEC. 6. That the board of chosen freeholders of each of said counties shall prescribe rules and regulations for the management and conduct of the same, and the employment, maintenance, and keeping of the prisoners therein, and may contract with any person or persons for the labor of the prisoners, or any part of them, and may authorize and require the jailer or master of the same to enforce such rules and regulations, and to punish any breach of the same by the prisoners, and any refusal to work, or insubordination, by solitary confinement, change or diminution of food and diet, or such other reasonable punishments as they may prescribe.

Persons under twenty-one may be sentenced to jail instead of state prison.

38. SEC. 7. That it shall be lawful for the courts of oyer and terminer and of the general quarter sessions of the peace, in each of said counties, in all cases where persons under the age of twenty-one years shall be convicted in either of said courts, of any offense punishable by imprisonment in the state prison, if in the discretion of said court it shall be advisable so to do, to adjudge that such person so convicted be confined at hard labor in the jail of said county, for any length or term of years for which such person might, for such offense, have been sentenced to the state prison.

Such persons from other counties may be sentenced to Essex or Hudson county jail.

39. SEC. 8. That it shall be lawful for the courts of oyer and terminer and of the general quarter sessions of the peace, in either of the other counties of this state, to sentence any person under the age of twenty-one years, who may be convicted, in either of such courts, of any offense punishable by imprisonment in the state prison, to the county jail of either of said counties of Essex and Hudson, for the same term, and to the like punishment, to which such person might have been sentenced by the said courts of the counties of Essex and Hudson; *provided*, the same be done by the consent of the board of chosen freeholders of the county to which such person might be sent, and according to such terms as shall by them be prescribed. [See Sec. 41, *post*.]

This act may be adopted by other boards of freeholders.

40. SEC. 9. That the board of chosen freeholders of the several counties in this state are hereby authorized to adopt all the provisions of this act, and fully to carry out the same, to all intents and purposes, in their respective counties, whenever a majority of such board of chosen freeholders shall, at a regular meeting thereof, vote so to do, and file a certificate thereof in the office of the secretary of state.

Supplement.

Approved February 26, 1858.

P. L. 1858, p. 178.

41. SEC. 1. That when any of the courts of this state shall sentence any person, under the age of twenty-one years, to the county jail of Essex or of Hudson, pursuant to the provisions of the eighth section of the act to which this is a supplement [see Sec. 39, *ante*], it shall be the duty of the sheriff of the county to which said person shall be sentenced, or his deputy, to transport such person to the jail of the said county of Essex or of Hudson, within twenty days after the sentence, together with a certified copy of the sentence, and said person shall be safely kept in the said jail until the term of his or her imprisonment shall have expired ; and the said sheriff, or his deputy, shall be entitled to receive compensation for the expense of transporting such person at the same rate per mile as is allowed for transporting offenders to the state prison, to be paid by the treasurer of this state, upon the certificate of the keeper of said jail ; *provided*, that no more shall be paid in any case than the said sheriff, or his deputy, would be entitled to receive, had he transported such offender to the state prison.

When person sentenced to Essex or Hudson jail from another county, he shall be transported thither within twenty days.

42. SEC. 2. That in case any person shall be sentenced, as aforesaid, to the jail of the county of Essex or of Hudson, the expense of keeping such offender, not exceeding the rate of one dollar per week, shall be paid to the keeper of said jail, by the collector of the county from which such criminal shall be sent, upon the rendering to him of the bill for the same, by the keeper of the jail to which such person shall be sent.

Rate to be paid for keeping such prisoners.

An act to regulate the custody of jails and prisoners therein in counties of the first class in this state, and to repeal an act entitled "An act to repeal an act entitled 'An act to transfer the charge and keeping of the jails and custody of the prisoners in the counties of Essex and Hudson, from the sheriffs to the boards of chosen freeholders, and for the employment of the prisoners, and to regulate their term of service therein,' approved February twenty-seventh, one thousand eight hundred and fifty-seven, and the supplements thereto ;" passed May sixteenth, one thousand eight hundred and ninety-four.

Approved May 25, 1894.

P. L. 1894, p. 534.

43. SEC. 1. That the sheriff in all counties of the first class in this state, shall have the custody, rule, keeping and charge of the jail or jails within such county, and of the prisoners in such jail or jails, and shall be responsible for the conduct of any keeper whom he shall appoint for the same ; *provided, however*, that this act shall not apply to any jail or penitentiary upon any county farm in any county of the first class.

Sheriff to have custody of jails, &c., in first-class counties.

44. SEC. 2. That upon the sheriff in any county of the first class, taking the custody, rule, keeping and charge of the jail or jails, affected by the provisions of this act, the term of office of any jailer, warden or keeper theretofore appointed or elected in any way whatsoever, shall immediately cease and terminate ; and the authority of the board of chosen freeholders of such county to appoint a jailer, warden or keeper of such jail or jails, shall be suspended so long as such sheriff shall keep the custody thereof, and of the prisoners therein.

Term of present jailer, &c., to cease immediately.

45. SEC. 3. That the sheriff in any county of the first class of this state may by written notice direct the board of chosen freeholders in such county to take and have the custody, rule, keeping and charge of the jail or jails, to which this act is applicable, and upon such notice having been given by any sheriff in any county of the first class in this state to the board of chosen freeholders of such county, said board shall appoint a jailer, warden and such keepers as may be necessary, and said board of chosen freeholders and such jailer or warden, shall in receiving, custody and discharge of prisoners, and in their treatment and maintenance of such prisoners, be subject to all laws and regulations to which sheriffs and their jailers are subject.

Board of freeholders on notice from sheriff to appoint wardens, &c.

Repealer.

46. SEC. 4. That the act entitled "An act to repeal an act entitled 'An act to transfer the charge and keeping of the jails and custody of the prisoners in the counties of Essex and Hudson, from the sheriffs to the board of chosen freeholders, and for the employment of the prisoners, and to regulate their term of service therein,' approved February twenty-seventh, one thousand eight hundred and fifty-seven [P. L. 1857, p. 40], and the supplements thereto;" passed May sixteenth, one thousand eight hundred and ninety-four [P. L. 1894, p. 597], be and the same is hereby repealed.

Repealer.

47. SEC. 5. That all acts and parts of acts inconsistent herewith or repugnant hereto, be and the same are hereby repealed, and that this act shall take effect immediately.

An act for the establishment of workhouses in the several counties in this state.

Rev. 443.

R. S. 619.

Board of chosen freeholders may build workhouses.

Passed February 20, 1799.

48. SEC. 1. That the board of chosen freeholders of every county in this state are hereby authorized, whenever they may think proper, to build or purchase a workhouse, at such place in the county as the said corporation shall think fit. (a)

Workhouses, how governed.

49. SEC. 2. That the said workhouse shall be under the direction, superintendence, and government of the said corporation, who are hereby authorized to appoint and hire some fit person to be master of the said workhouse, and other officers and servants, if necessary, and to make such regulations, ordinances and by-laws, relative to the well ordering and governing the said workhouse, and keeping the persons confined therein to labor, and the manner of their being confined, and relative to the due execution of this act, as they shall from time to time deem necessary or convenient, provided the same be not contrary to the constitution or laws of this state.

What prisoners to be sent to workhouse.

50. SEC. 3. That every person sentenced to hard labor and imprisonment, according to the act for the punishment of crimes or other law, for any time not exceeding six months, shall, by the sheriff or other proper officer of the county in which the conviction was had, be delivered to the master of the workhouse, together with a copy of the sentence of the court, certified under the hand and seal of the clerk of the said court, or an order under the hand and seal of one or more of the justices of the peace of the said county, by whom the said sentence may be imposed and shall be there received and safely kept to hard labor by the said master, agreeably to such sentence, and if he be fined, as well as sentenced to hard labor, then also to be kept to such labor until he pay the said fine, and likewise the costs of prosecution in the former, as well as in the latter instance, or be discharged by due course of law; but this section shall not extend to any offender whose sentence shall be imprisonment, or the payment of a fine, or imprisonment and the payment of a fine, without the addition of hard labor in either case.

How money may be raised for the purchase of materials for employment of inmates.

51. SEC. 4. That all disorderly persons and others, who are or shall be ordered by law to be sent to such workhouse, shall be kept therein at the charge and expense of the county, unless otherwise directed by law; and the said corporation are hereby empowered to procure suitable articles, materials and things for their labor, work and employment; and the money necessary to be expended for the purposes specified in this act, shall be granted and raised by the order of the said corporation, in the like manner as money for other county purposes is directed to be granted, assessed, collected, and raised in and by the act entitled, "An act to incorporate the chosen freeholders in the respective counties of the state."

52. SEC. 5. [Repealed by P. L. 1880, p. 97.]

53. SEC. 6. [Repealed by P. L. 1880, p. 97.]

54. SEC. 7. That the master of such workhouse shall receive all such disorderly persons and others aforesaid, as shall be legally sent to him, and shall keep them to such work and labor as they are capable of and able to perform, during their continuance in the said house ; and if they are guilty of indecent language or behavior, or of profane cursing or swearing, or are disobedient, stubborn, rude, refractory or abusive, or are negligent or idle, or do not perform their task properly and in good condition, or willfully mismanage their work, or destroy or injure the materials provided for them, then the said master is hereby authorized and required to punish them, by abridging them of their food and diet, as the case may require, until they be reduced to obedience, submission and order.

Duties of masters of workhouses.

55. SEC. 8. That if any person committed to the said workhouse, shall unlawfully abscond, or make his escape, or depart therefrom, then such person, on being returned to the said workhouse, shall be punished by imprisonment at hard labor for double the time which may remain unexpired of the original sentence, or by abridging him or her of his or her food and diet, in such manner as the board of chosen freeholders may direct by the rules and regulations, which may be established for the government of the said workhouse.

Persons escaping, how to be further punished.

56. SEC. 9. That the master of every such workhouse shall keep an exact account of the time of the commitment and liberation of the said offenders, of their maintenance, of the articles and materials provided for them to work, and of the earnings and proceeds of their labor, and present the same to the said corporation, at their annual meeting, and also whenever he shall by them be thereunto required ; *and further*, that he shall pay the amount of such earnings and proceeds to the said corporation, at the time of exhibiting his accounts as aforesaid ; which said earnings and proceeds shall be appropriated by the corporation to the uses of such county.

Masters of workhouses to keep record respecting prisoners.

57. SEC. 10. That if the master of such workhouse neglect or refuse to account and pay as aforesaid, or neglect or refuse to perform any of the duties required of him by this or any other law, he shall for every offense forfeit fifty dollars, to be recovered, with costs, by action of debt, in any court having cognizance of the same, in the name and for the use of the said corporation.

Penalty for neglect by master of workhouse.

58. SEC. 11. That the boards of chosen freeholders of any two or more counties are hereby authorized to unite in building or purchasing a workhouse, in common for the said counties, at such place as they shall agree upon ; which shall be under the joint direction, superintendence and government of the said corporations, who shall have the powers and do the duties hereinbefore given to and enjoined upon any of the said boards ; and the moneys necessary for the said purposes shall be apportioned between the said counties in such manner as the said corporations shall fix upon ; and the sums so fixed to be paid by each county, shall be granted and raised in the same manner as money for other county purposes is directed to be granted, assessed, collected and raised, by the act to incorporate the chosen freeholders in the respective counties of the state.

Two or more counties may unite in building or purchasing a workhouse.

59. SEC. 12. That the court, justices of the peace, and other competent authority of that county, uniting to build or purchase as aforesaid, wherein such workhouse happens not to be, shall have as full power to send and commit any person to the said house, as the said court, justices of the peace or other competent authority would by law have, if the said house were within the county to which they belong.

Courts and magistrates of such counties may commit offenders to it.

60. SEC. 13. That the master of the workhouse, so built or purchased by two or more of the said corporations, shall do the like services and duties, and be under the like regulations and penalties, as are hereinbefore directed and enjoined upon the masters of other workhouses.

Duties of the master of such workhouse.

Supplement.

Approved March 4, 1847*

P. L. 1847, p. 175.

Freeholders may convert part of jail into a workhouse.

61. SEC. 1. That the board of chosen freeholders of the several counties in this state are hereby authorized to convert so much of the buildings, in their respective counties, known as the common jail of the county, as to them may seem proper, into a workhouse, taking care, in all cases, to reserve space and room enough in the said jails for the uses and purposes of the public jail, in order that the act to which this is a supplement may be carried out as fully, to all intents and purposes, in the several counties in this state, as though a workhouse had been built or purchased according to the provisions of the aforesaid act. (a)

(a) For distinction between a jail and a workhouse under our old acts, see *Fairbanks v. Sheridan*, 14 Vr. 484.

Judgments.

I. LIEN OF.

1. Lands liable to be sold for debt.
2. Judgment binds lands only from entry.
3. Judgment of common pleas not to affect land unless a rule be entered.

II. RECORDING.

4. To be entered and indexed within six months.
5. Bond of clerk may be prosecuted for neglect.

III. DOCKETING.

6. Judgment docketed in supreme court.
7. Clerk to keep docket.
8. Form of statement to be entered in docket.
9. Clerks to transmit copies of judgments to the supreme court.
10. Dockets to be public records.
11. Operation of judgments docketed in supreme court.
12. Execution not to issue in court below after docketing.
13. Judgment, how revived.
14. Execution to be stayed in case of writ of error.
15. Judgment may be removed to supreme court.
16. Proceedings in case of reversal.
17. Fees of clerks.

R. S. 660, 826, 974,
998.

P. L. 1856, p. 195.
" 1862, p. 219.
" 1867, p. 809.
" 1871, p. 108.
" 1873, p. 47,
147.

Lands liable to be sold for debt.

R. S. 660, § 1.

IV. ASSIGNMENTS OF, RECORDED.

18. Assignment of judgments to be recorded.
19. Certified copies to be evidence.
20. Fees for recording assignment.

V. ENTRY OF SATISFACTION.

21. Manner of making entry of.
22. Party having judgment satisfied, to enter satisfaction.
23. Warrant to enter satisfaction.
24. Attorney of record may authorize clerk to enter satisfaction.
25. Preceding section extended to mechanics' liens and decrees in chancery.
26. Fees for services.
27. Court may order satisfaction entered.
28. Satisfaction may be entered by survivor.
29. Parties may proceed before court to have satisfaction entered.
30. Amended by section 31.
31. When judgment is recovered against two or more defendants, satisfaction may be entered as to defendant satisfying the same.
32. Clerk of court to enter satisfaction upon record of judgment or decree when execution is returned satisfied.

I. Lien of.

An act concerning judgments.

Revision—Approved March 27, 1874.

1. That all lands, tenements, hereditaments and real estate shall be and hereby are made liable to be levied upon and sold by executions to be issued on judgments, which are or shall be obtained in any court of record of this state (except justices' court constituted for the trial of small causes) for the payment and satisfaction of the debt, damages, sum of money and costs so recovered or to be recovered; *provided*, that no lands, tenements, hereditaments, or real estate, of any testator or intestate, shall be sold or in any wise affected by any judgment or execution against executors or administrators. (a)

(a) Where a claim is barred by the statute of limitations at the time of the testator's death, and the debt is to be satisfied out of the *real estate*, no acknowledgment of the executor will bind the real estate in the hands of the devisee. *Stark v. Hunton*, 2 Gr. Ch. 300. But see *Shreve v. Joyce*, 7 Vr. 44. A decree or judgment against executors does not bind heirs or devisees. *Hazen v. Titman*, 1 Hal. Ch. 363. *Den v. Ayres*, 1 Gr. 153. *Den, Cozens v. Coison*, Pen. *873. *Budd v. Hiler*, 3 Dutch. 44. The private property of individuals within the limits of a municipal corporation cannot be subjected to the payment of its debts except by taxation; nor can property used by such corporation in the exercise of its functions of government, be taken under execution. After judgment, the creditor's claim is enforceable by *mandamus*. *Lyon v. Elizabeth*, 14 Vr. 153. Proceedings on a judgment at law will not be enjoined in equity in order to give the defendant an opportunity to set off or recoup a counterclaim, where that claim is unliquidated and arose out of an

entirely distinct transaction. *Jackson v. Bell*, 4 Stew. 551. Evidence newly discovered, relevant and material, which appears not to have been undiscovered through the appellant's negligence, consisting of papers in respondent's possession during the trial at law, constitutes ground sufficient for staying proceedings on the judgment obtained at law, and for ordering a retrial. *Cairo and Fulton R. R. Co. v. Titus*, 5 Stew. 397, 8 Stew. 384. A judgment at law can only be impeached in a court of equity for fraud in its concoction, or upon a purely equitable defense, or upon the ground that a good defense at law has been lost by fraud, ignorance or accident. *Mechanics' National Bank v. Burnet Manuf. Co.*, 6 Stew. 456; affirmed, 8 Stew. 344. Judgments of courts of record, in one state, are entitled to recognition by the courts of sister states as evidence of a debt, but they have no extra-territorial force as judgments. *Elizabethtown Savings Institution v. Gerber*, 7 Stew. 130; affirmed, 8 Stew. 153.