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R. S. 877, 900.

P. L. 1852, p. 253.
 " 1853, p. 374.
 " 1857, p. 72.
 " 1880, p. 187.
 " 1887, p. 465.

How settlement
 obtained.

R. S. 877, § 1.

An act for the settlement and relief of the poor.

Revision—Approved March 27, 1874.

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. That 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 (i) in writing to the overseers of the poor of the township into which he, she, or they shall come to reside, of the house and place where he, she, or they do live or abide, and the number of his or her family, if any he or she hath; a copy of which said notice shall be indorsed 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 indorsement 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

How in other
 cases.

Ib., § 2.

Notice to over-
 seers.

Entered in town
 book.

(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. *Tewksbury 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 seizin of a freehold estate as the act requires. *Ib.* 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*, 2 Gr. 447. Where K., the husband and father of the pauper, 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. *Ib.* The purchaser of mortgaged property of the value required by a year's residence thereon, acquires a settlement. *Nottingham v. Amwell*, 1 Zab. 27. The statute does not require the continuous actual presence of the party, but will be satisfied by an unbroken residence on the estate or in the township. The continuity of such "dwelling" will not be broken by absences for business or pleasure, which are temporary and accompanied with a continued intent to return when the purpose of the absence has been accomplished. *Entonston v. Shrewsbury*, 20 Vr. 188.

(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*, Cox 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 Brunswick*, Pen. *442, *445. A service under an indenture that is merely voidable is sufficient to support a settlement. Hence consent of two justices indorsed on only one of the indentures was sustained. *Ib.* *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 Har. 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*, Cox 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. *Ib.*

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

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

(f) 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. *Ib.* 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. This provision does not apply to such persons as have acquired a legal settlement here before residing one year in any township. *Brown v. Smith*, 17 Vr. 72. *Marlboro v. Freehold*, 21 Vr. 511.

(g) See *Hopewell v. Kingwood*, Pen. *130. *Readington v. Tewksbury*, Pen. *289.

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

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.

3. That 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. 1880, p. 167.

6. That if any person or persons shall think proper to remove out of any township within this state into another, there to inhabit and reside, and shall, at 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 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.

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

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

Certificate to be filed.

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

(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. Amwell*, 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. See *Schomp v. Tompkins*, 17 Vr. 610.

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 afore-mentioned 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.

Sick or lame.
Ib., § 8.

Overseers' notice.

Liability for neglect.

8. That if any person or persons shall come out of any of the place or places where they are legally settled, into any township within this state, and shall happen to be taken sick or lame, so that they cannot 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 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, and after the lawful costs and charges are deducted, if any be, shall be paid to the owners.

(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. Ib.* 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. *Ib.* 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. *Ib. Alexandria v. Bethlehem*, 5 Dutch. 375. 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. *Ib.* A warrant of distress cannot be issued unless the overseer has notice of the application for such warrant and an opportunity to be heard. *Ib. 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. *Ib.*

9. That when and so often as any poor person belonging to any city, town corporate, township or precinct within this state shall apply for relief to any overseer or overseers of such place where he or she may reside, 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. That the overseer and overseers of the poor shall procure, at the public charge, a folio book well bound, wherein the name and names of all poor persons applying for relief, and being ordered the same as aforesaid, shall be registered, with the day and year when they were first admitted to have relief, the weekly or other sum or sums of money allowed by the said order for their relief, and the occasion which brought them under that necessity; and no person or persons shall be entered into the poor's books, or receive relief from the overseer or overseers of the poor, without such order procured as aforesaid; and in case any overseer or overseers shall enter into the poor's books, and relieve any such poor person or persons, without such order, he or they shall forfeit all such money and goods paid and distributed to such poor person or persons, nor shall any allowance be made unto him or them for the same, in passing his or their account and accounts; and the said overseer and overseers are hereby ordered and required to enter or cause to be entered in the said poor's books, all moneys received, laid out and disbursed by him or them for the use of the poor, and also all matters and things which shall be transacted by him or them relating to their said office; and the said overseer and overseers shall lay the said poor's books before the inhabitants; at their annual town meeting or any other of their meetings, that they may then examine and look into the state of the poor accounts, and make such further provision for them as they, upon such inspection, shall find necessary.

Overseers' book. *Ib.*, § 10.

Entries to be made.

Penalty for illegal conduct.

Account of expenditures.

May be examined at town meeting.

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

Goods of paupers inventoried and sold. *Ib.*, § 11.

12. That it shall and may be lawful for the overseers of the poor, or any two of them, with the assistance and approbation of two justices of the peace of any county or township of this state, and they are hereby enjoined and

Poor children bound out. *Ib.*, § 12.

(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, 193. *Princeton v. Mount*, 5 Dulch. 299. *Perth Amboy ads. Smith*, 4 Har. 52, 58. Although there has been a prior order of removal. *Ray v. Cook*, 2 Zab. 343. Also necessary to make the township liable on the contract of an overseer for the support of a pauper, or to make the board of freeholders or trustees of the poorhouse liable, where there is

a county poorhouse. *Ib. Perth Amboy ads. Smith*, 4 Har. 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. One who voluntarily takes a poor person out of a township, where he is supported by the county, cannot afterwards recover against the township expenses incurred in the support of that pauper. *Overbaugh v. Van Ostrand*, 3 N. J. L. J. 83.

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.

Males till twenty-one, females till eighteen.

Taught to read and write.

Guardians.

Estate of absconding parents applied to support of families.
Ib., § 13.

How sold.

Overseers accountable therefor.
Ib., § 14.

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

Justices of the peace to examine persons who have not obtained legal settlement.
P. L. 1852, p. 253, § 2.

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

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

15. [Amended by Secs. 57 and 62, *post*.]

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.

17. That 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

(a) Overseers may bind a pauper to serve in another township or county. *Franklin v. South Brunswick, Pen. #442.*

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 constable, commanding him or them to convey such person or persons (b) to the place of his, her, or their legal settlement, (c) 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.

18. That 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; (d) and in case any warrant of removal be made, it shall be accompanied by a copy of the said evidence. (e)

Justices of the peace to take evidence in regard to the settlement of paupers.
P. L. 1867, p. 72.

(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. *Id.* 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. *Id.* 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. *New Barbadoes v. Paterson*, 3 Dutch. 547. See *Elizabethtown v. Springfield*, Pen. *475, *478. In the case of a colored woman becoming chargeable, it is not necessary to set out the age of such pauper. *Franklin v. Bridgewater*, Spen. 567. Where children 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 Har. 174. The authority of two justices to make an order of removal under this section, rests upon an application to them by an overseer of the poor, where no application has been made to the overseer of the poor by or on behalf of a poor person. When such application has been made by or on behalf of a poor person, the proceeding must be before a single justice. *Bridgewater v. Bethlehem*, 21 Vr. 578.

(b) 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.

(c) 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. Plainsborough*, Cove 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. *Stillwater 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. The maiden settlement of a wife remains and is imparted to her children when the husband has no settlement in this state. *Little Falls v. Bernards*, 15 Vr. 621. By marriage, if the husband has a legal settlement in this state, the former settlement of the wife is lost or suspended, and her settlement follows that of her husband. *Ravitten v. Franklin*, 25 Vr. 536. An order for removal, not appealed from, is conclusive as to the settlement of a poor person, not only on the townships in the litigation, but as a defense to another township when application is made and proceedings taken to charge it with the support of such poor person, if no subsequent legal settlement has been acquired. *South Brunswick v. Cranbury*, 24 Vr. 128. The settlement of a bastard child is at the place of the legal settlement of its mother at the time of its birth, but unless it appears that the mother has a legal settlement elsewhere in the state, the legal settlement of a bastard child must be held to be in the township where it is born. *Martin v. Overseer*, 24 Vr. 529. When the birthplace of a pauper is severed from a township and included within the corporate limits of a town, a liability for support passes to the town along with its birthplace. *Town of Clinton v. Township of Clinton*, 27 Vr. 240.

(d) 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.

(e) When an order is made for the removal of a pauper from one township to another in the same county, where no poorhouse 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.

Persons removed
and returning,
how dealt with.
R. S. 877, § 18.

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

Proviso.

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

20. That 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 col-
ored servants.
Ib., § 3.

21. That 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.

Proviso.

Construction.
Ib., § 4.

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

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

23. That if any person be removed by virtue of this act from one township to another within this state, by warrant under the hands and seals of two justices of the peace, as above, the overseer or overseers of the poor of that place to which such poor person shall be so removed as aforesaid, are hereby required to receive the said person; and if he or they shall refuse

so to do, such overseer or overseers so refusing or neglecting, upon proof thereof by one credible witness, upon oath or affirmation before any justice of the peace of the county or township in which the place is situated whereto such person shall be so removed, shall forfeit and pay for each offense, 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 offenders' goods and chattels, by warrant under the hand and seal of the said justice, directed to the constable of the place where such offender or offenders do dwell.

Penalty for refusal.

24. That all and every such person or persons, who shall think him or themselves aggrieved by any such warrant or 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; (a) and no appeal as aforesaid shall be proceeded upon in such court of quarter sessions, unless reasonable notice be given in writing by the overseer or overseers of the poor who shall make such appeal to the overseer or overseers of the poor of such place from which the poor person shall be removed, the reasonableness of which notice shall be determined by the quarter sessions to which the appeal is made; and if it shall appear to them that reasonable time of notice was not given, then they shall adjourn the said appeal to the next quarter sessions, and then and there hear and determine the same; *provided always*, that in case any appeal as aforesaid, shall be offered to the second court of quarter sessions after such judgment or removal as aforesaid, and the said court shall be satisfied with the reasons given for every such delay, that then it shall and may be lawful for the said court to hear and determine such appeal in the same manner as if the same had been made to the next court of quarter sessions as above, anything in this act to the contrary thereof notwithstanding.

Appeal from order of removal. *Ib.*, § 20.

Who not to sit on appeal.

Notice.

Adjournment.

Proviso.

25. That upon all appeals to be made to the court of general quarter sessions of the peace to be holden for any county, city or borough within this state, against judgments 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 (b) 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 court 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, *post.*]

Defects of form to be amended. *Ib.*, § 21.

26. That 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; (c) and upon any appeal to be had for and concerning the settlement of any poor per-

What order made on successful appeal. *Ib.*, § 22.

(a) The effect of this section, which disqualifies a judge residing in the township from sitting upon an appeal, is nullified by section 264 of the practice act. *In re Burrows*, 3 N. J. L. J. 28.

(b) See *Vernon v. Wantage*, Pen. *811. *Hopewell v. Kingwood*, Pen. *130.

(c) The township to which a pauper is improperly removed must be allowed the expense of maintaining such pauper pending the action by which the liability is determined. *Evesham v. Newton*, Coxe 76.

sons, 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. That all such sum and sums of money which shall be awarded and ordered to be paid by the said quarter sessions, in the case and cases 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. That if any person or persons have, by virtue of any former act or acts of this state, gained a settlement in any township of this state, such settlement shall not be altered by anything herein contained.

29. That the president of the board of trustees of every poorhouse now established, or that may hereafter be established in any county of this state, by and with the consent of a majority of the board of trustees, or where no trustees are or shall be appointed, the director of the board of chosen freeholders, by and with the consent of a majority of the board of chosen freeholders, be and he hereby is authorized and empowered, and it shall be his duty to bind out the poor children who now are or may hereafter become chargeable upon such county, in the same manner and under the same conditions 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. [See Sec. 70, *post.*]

30. That 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. (b)

31. [Amended by Secs. 44 and 46, *post.*]

32. That 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

(a) The sessions cannot order one to maintain a grandchild without notice and a hearing. *Kiser v. Frankford, Pen.* *411 (o). The provisions of this section are designed for the indemnity of the public against the maintenance of paupers. *Ackerman v. Ackerman, 26 Vr.* 422. The action of the court may most properly be invoked by complaint or petition of the overseer of the poor of the municipality liable to support the pauper; but if it acts upon a petition showing jurisdiction to make an order, its action will not be invalidated because the petition was presented by the pauper. *Ib.* The relative to be affected by such order must have reasonable notice and opportunity to be heard. Notice may be by summons or rule to show cause. *Ib.* See *Atling v. Atling, 7 Dick.* 96.

(b) The order should show that the person either had been previously adjudged to be entitled to relief, or that the sessions have adjudged that he is such poor person and chargeable, or likely to become chargeable, as such. *Ackerman v. Ackerman, 26 Vr.* 422. The order must direct the relative to relieve and maintain the poor person in a specified manner, and fix and determine the sum per week he shall forfeit and pay if he refuse and neglect to do so. *Ib.* The sessions have no authority to require the relative to enter into bond for the performance of the order. *Ib.*

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. (a)

To whom paid.

33. That the male and female children of slaves, born after the fourth day of July, eighteen hundred and four, who have not been bound out to service by trustees or overseers of the poor, according to law, shall, after the males arrive to the age 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. (b)

Children of slaves, where settled. *Ib.*, 29.

But may gain other.

How.

By service.

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

By indenture. *Ib.* 30.

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

As other persons. *Ib.*, § 31.

36. That 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, (c) 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.

Certain passengers from abroad admitted on terms. *Ib.*, § 32.

37. That if the master or commander of any ship or vessel, arriving as aforesaid, shall land or suffer to be landed from on board his said ship or vessel, any passenger who may be sick, infirm or otherwise incapable of providing for his or her own support, except by license or permit from the overseer or overseers of the poor, without having first entered into bond as

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

(a) See *In Matter of Estate of John Jones*, 8 N. J. L. J. 310.

(b) 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. *Ib.* *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 Har. 173. A colored apprentice has a settlement in the township where born. *Franklin v. Bridgewater*, Spen. 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. *Ib.* *Tewksbury v. Branchburg*, 15 Vr. 596. Settlement of a child born of a slave after July 4th, 1804, will be gained by full seven years' service with a master who has a right to such service by legal transfer thereof from the owner of the slave mother. *Cadwalader v. Durham*, 17 Vr. 53.

(c) 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 v. Smith*, 4 Har. 52.

aforesaid, such master or commander shall forfeit and pay, for each offense, the sum of one hundred dollars, to be sued for and recovered by the overseer or overseers of the poor of the township, for the use of the same, in an action of debt, with costs of suit, before any justice of the peace of said township, or in any other court having cognizance thereof.

Construction.
Ib., § 34.

38. That the term township, made use of in this act, shall be understood to comprehend city, town corporate, borough and ward.

Limitation of act.
Ib., § 35.

39. That the provisions of this act, so far as they contravene the provisions of the act for the better relief and employment of the poor of the county of Salem, shall not extend to or be in force in the said county. (1)

Real estate of paupers may be sold.
R. S. 900, § 1.

40. That 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 anywise 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.

Proceeds applied.

Power of sale limited.

41. That all real estate to be sold by virtue of this act shall be at public vendue, upon two months' notice in a newspaper of the county where the lands lie or the property is situated; *provided*, any newspaper be published therein, and if not, in some newspaper circulating in said county, and by advertisements set up in five of the most public places of said county for the like space of time; and all conveyances therefor shall be executed by the director of the board of chosen freeholders for the time being, and the circumstances showing the application of this act shall be set forth at large in the deed; which said deed 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 advertised.
Ib., § 2.

Conveyance and title.

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

Balance of proceeds, how applied.
Ib., § 3.

Defects of substance, as well as of form in proceedings, may be amended.
R. S. 1887, p. 465.

43. That 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,

(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.

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. (1)

Supplement.

Approved April 5, 1878. P. L. 1878, p. 351.

44. SEC. 1. [This section, amending Sec. 31, *ante*, is again amended by Sec. 46, *post*.]

Supplement.

Approved March 14, 1879. P. L. 1879, p. 307.

WHEREAS, There exist in the several counties of this state duly-incorporated charitable institutions known as "children's homes," having for their object the care, management and support of children who, from any cause whatever, may be considered entitled to charity and deserving of assistance, and affording them the advantages of moral, religious and useful training, thereby relieving the several counties of the support of such children at the county poorhouses; therefore,

45. SEC. 1. That whenever any application shall be made to any overseer of the poor of any township of this state for the relief and in behalf of any poor child or children under twelve years of age, in accordance with section thirty-one of the act to which this is a supplement, as now amended, it shall be lawful for a majority of the judges of the court of common pleas of the several counties where children's homes may be located to make an order committing such child or children to the care and control of the trustees or managers of any such duly-incorporated children's homes, subject to the approval of such trustees or managers, and shall keep a record of the date of such commitment, the name and age of the child committed, as nearly as can be ascertained, and report the same to the board of chosen freeholders of the said county, who are hereby authorized and empowered to pay out of the funds belonging to said county, to the trustees or managers of such homes as have received the child or children so committed to them, a sum not exceeding one dollar and fifty cents a week for each and every child during their continuance in such home, as and for the board, maintenance and education of such child until it attains the age of fifteen years, and the county collector of said county is hereby authorized to pay the same upon an order drawn upon him for that purpose; and the said trustees or managers of such homes shall make an annual report to the said board of freeholders, giving the dates of all commitments made to them, the names and ages of all children so committed, and the places from which they were committed, as nearly as can be ascertained, and the amount of moneys received by them each year for their support, so that said freeholders shall at all times be correctly informed as to the faithful disposition of the moneys appropriated by them for that purpose; *provided*, that the provisions of this act shall not apply to counties in which there is a city of over twenty thousand inhabitants.

Preamble.

Application for relief of poor children under twelve years of age.
Commitment to incorporated children's homes.

Expenses for maintenance and education, how provided.

Proviso.

Supplement.

Approved March 10, 1880. P. L. 1880, p. 146.

46. SEC. 1. That section thirty-one of the act to which this is a supplement [see Secs. 31 and 44, *ante*], which reads as follows [see P. L. 1878, p. 351], be so amended as to read as follows:

[That on application for relief being made to any overseer or overseers of the poor of any township, by or for any poor person or persons within such township, the said overseer or overseers shall thereupon go before one of the justices of the peace of the county in which such relief is required, who is hereby required and empowered to issue his warrant to a constable, commanding him to bring such poor person or persons before him, at such time and place as he shall appoint, and the said justice shall

Proceedings before justice on application for relief.

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

Justice to determine legal settlement and may order removal.

thereupon proceed to examine every such poor person or persons, upon oath or affirmation, relating to his, her or their last place of legal settlement; and the said overseer or overseers are hereby authorized and required to take out in the name of said justice and serve process of subpoena, when necessary to bring before the said justice any person or persons to give evidence respecting such settlement; and the said justice, after examination of such poor person or 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 he believes that public relief is necessary, he shall make out an order of removal, 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 or her last legal settlement, and also to deliver to 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 or overseers 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 poor of the township to which he or she 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 poor 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 justice shall make out an order of removal or warrant to a constable, thereby commanding the removal of such poor person or persons to his, her or 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.] (a)

Proviso.

A further supplement to the act entitled "An act for the settlement and relief of the poor" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, and supplemental to the supplement approved April fifth, one thousand eight hundred and seventy-eight.

P. L. 1880, p. 325.

Approved March 12, 1880.

Proceedings to be had before a justice of the township.

47. SEC. 1. That on application for relief being made to any overseer or overseers of the poor of any township by or for any poor person or persons within such township, the said overseer or overseers shall thereupon go before one of the justices of the peace of the township in which such relief is required, and in case there is no justice of the peace of the said township then to a justice of the peace of an adjoining township; and the proceedings in all other respects shall be the same as is now required by the said act and the said supplement.

Supplement.

Approved March 8, 1881.

P. L. 1881, p. 84.

Preamble.

WHEREAS, The laws of this state fail to provide for the legal settlement of children born of alien parents after their arrival within this state, who have grown to maturity and become entitled to the rights of citizenship, and who may become objects of public charity; therefore,

Legal settlement of children born of alien parents.

48. SEC. 1. That all such persons shall gain a settlement in the same manner and under the same restrictions as are now or may hereafter be provided for the settlement and relief of poor persons born of native citizens of this state.

(a) 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. The authority of two justices to make an order of removal under Sec. 17, *ante*, rests upon an application made by

the overseer of the poor, where no application has been made to the overseer by or on behalf of a poor person. Where such application had been made by or on behalf of a poor person, the proceedings must be before a single justice. *Bridgewater v. Bethlehem*, 21 Vr. 578.

Supplement.

Approved March 25, 1881.

P. L. 1881, p. 250.

49. SEC. 1. That the board of chosen freeholders of any county that has or shall have assumed the maintenance of the poor, are hereby empowered to make provision for children between the ages of three and sixteen years, whose support they have assumed, by committing them to the care and control of such duly-incorporated charitable institution in this state as they may select, and for such time as they may see fit, during the minority of such child or children; said commitment shall be in writing, and signed by the trustees of the county poorhouse, and shall be subject to the approval of the trustees or managers of such charitable institution, who shall signify their approval by indorsing the same upon the back of a duplicate copy of said commitment, as accepted, subject to the provisions of this act, and sign their names thereto; and the trustees of said county poorhouse shall keep said duplicate copy of commitment on file, and also, in a suitable book for such purpose, shall keep a record of such commitment, showing the date thereof, the name, age, color, nativity, sex and mental and physical condition of each child thus committed, and the length of time for which committed, and shall report the same monthly to the board of chosen freeholders of said county, who are hereby authorized and required to pay out of the funds belonging to said county, to the trustees or managers of such charitable institution, a sum not exceeding one dollar and fifty cents per week for each and every child thus committed, during their continuance in said institution, for the board, maintenance and education of such child, until it arrives at the age of sixteen years; and the county collector of such county is hereby authorized to pay the same, upon an order drawn upon him and signed by the director of said board for that purpose.

Board of chosen freeholders empowered to commit poor children to care and control of charitable institutions.

50. SEC. 2. That the said trustees or managers of such charitable institution shall make an annual report to said board of chosen freeholders as to all such commitments made to the institution, the date of each, the name and age of each child thus committed, the number of such children in said institution each month, the date of the discharge of each, and the amount of money received by the institution each year for their support, and such other information as may be required by said board of freeholders as to the care and condition of the children thus committed.

Trustees or managers of institution to make annual report to board of freeholders.

51. SEC. 3. That notwithstanding the commitment of such children to any charitable institution, at any time during their stay at said institution, the board of freeholders, through the trustees of the county poorhouse, shall possess and are hereby authorized to exercise the same power now given to them by law to bind out any such child to learn some trade or business, whenever a suitable place or person can be found.

Board of freeholders authorized to bind out children to trade, &c.

52. SEC. 4. That no child or children shall be committed by any board of chosen freeholders in any county in this state to any charitable institution in this state, or elsewhere, under the control and management of any religious denomination.

Restriction of act.

A further supplement to the act entitled "A further supplement to the act entitled 'An act for the settlement of the poor'" [Revision], which supplement was approved March [tenth], one thousand eight hundred and eighty.

Approved February 17, 1882.

P. L. 1882, p. 16.

53. SEC. 1. That the overseer of the poor, the justice of the peace and the constable in and for any township of this state, for the services required to be performed by them under the thirty-first section of the act for the settlement and relief of the poor, as amended by chapter one hundred and fourteen of the public laws of one thousand eight hundred and eighty, to which this is a supplement, shall be entitled to have and receive, out of the money raised for the maintenance and support of the poor, such fees and compensation for services rendered as in the judgment of the township committee of such township shall seem reasonable and just;

Fees of officers on removal of applicant for relief.

Proviso. *provided*, said justice, after due examination, shall file with the clerk of such township an itemized bill, by him certified, of the services rendered by said justice, overseer and constable, respectively, for which certificate he shall be entitled to a fee of ten cents; *and provided further*, that no such bill shall be ordered to be paid by the said township committee except at a regular meeting of said committee, and then only when such itemized bill shall be duly certified by said justice, and be approved by the township committee.

Towns and cities excepted. **54. SEC. 2.** That all towns corporate and cities governed by special laws and charters shall be excepted from the provisions of this act.

Supplement.

P. L. 1884, p. 138.

Passed April 8, 1884.

Fees and compensation of overseer and justice of the peace.

Proviso.

Proviso.

Cities and towns, excepted.

55. SEC. 1. That the overseer and the justice of the peace in and for any township of this state, for the services required to be performed by them or either of them under and by virtue of any of the provisions of said act to which this is a supplement, and for which a compensation is not already fixed and given by law, shall be entitled to have and receive out of the money raised for the support and maintenance of the poor, such fees and compensation for such services rendered, as in the judgment of the township committee of such township shall seem reasonable and just; *provided*, said justice and overseer shall first file with the clerk of such township an itemized bill, by him certified, of the services rendered by said justice or overseer; *and provided further*, that no such bill shall be ordered to be paid by the said township committee except at a regular meeting of said committee, and then only when such itemized bill shall be duly certified as aforesaid by said justice or overseer, and be approved by said township committee.

56. SEC. 2. That all towns corporate and cities governed by special laws and charters shall be excepted from the provisions of this act.

Amendatory act.

P. L. 1886, p. 39.

Approved February 20, 1886.

Repealer.

57. SEC. 1. [This section, amending Sec. 15, *ante*, is amended by Sec. 62, *post*.]

58. SEC. 2. That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Supplement.

P. L. 1886, p. 208.

Passed April 6, 1886.

Repealer.

59. SEC. 1. [Amended by Sec. 61, *post*.]

60. 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.

An act to amend section one of the act entitled "Supplement to an act entitled 'An act for the settlement and relief of the poor,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved April sixth, one thousand eight hundred and eighty-six.

P. L. 1887, p. 180.

Approved April 21, 1887.

61. SEC. 1. [Superseded by Sec. 69, *post*.]

An act to amend an act entitled "An act to amend an act entitled 'An act for the settlement and relief of the poor' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which amendment was approved February twentieth, one thousand eight hundred and eighty-six.

Approved April 9, 1888. P. L. 1888, p. 411.

62. SEC. 1. That section fifteen of the act entitled "An act for the settlement and relief of the poor" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which section as amended was approved February twentieth, one thousand eight hundred and eighty-six [see Secs. 15 and 57, *ante*], be and the same is hereby amended to read as follows:

[That it shall and may be lawful for the overseers of the poor of any township, with the approbation and consent of the major part of the inhabitants, householders of such township, if they shall think it convenient and necessary, at any public town meeting for that purpose met and assembled, of which timely notice shall be given in the usual manner, to build, purchase or hire any house or houses in such township, and also to purchase necessary materials for that purpose, out of the money provided or to be provided for the relief of the poor, and there to keep, maintain and employ all and every such poor person and persons, and to take the benefit of the work, 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, 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 when two or more townships shall thus unite as aforesaid, the overseers of the poor of such townships so uniting shall meet as soon as practicable after the beginning of the fiscal year, and the overseers of the poor of such townships so uniting shall each serve by turn as steward of such house or houses for the term of one fiscal year each, in such succession of townships as shall be agreed upon by the overseers at their first regular meeting after the passage of this act, unless either shall waive his service, when it shall pass to the township having the right of succession; and the duties of such steward shall be the same as those of the overseer where the house or houses are kept and maintained by one township; 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

Poorhouses authorized.

Poor kept there.

Or have no other relief.

Two or more townships may unite.

Regulations in such cases.

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.]

Repealer.

63. SEC. 2. That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Supplement.

Passed May 5, 1890.

P. L. 1890, p. 283.

Overseers of the poor may, upon application, grant relief to poor persons as their immediate necessities require.

64. SEC. 1. That it shall and may be lawful in all counties of the third and fourth classes for the overseer of the poor in any township, when application shall be made to him for the relief of any poor person or persons, to grant such relief as their immediate necessities require, and to report the same to one or more members of the township committee, who then, with the overseer, may continue to grant such poor person or persons such relief from time to time, or cause their removal to the county poorhouse, according to the act to which this is a supplement.

May grant medical or surgical relief.

65. SEC. 2. That when a physician or surgeon shall be called to visit such poor person or persons suddenly taken ill or injured, he may visit the same and render such aid as the case may demand, and shall then report the same to the overseer of the poor, who may then grant such further medicine or surgical relief to the said poor person or persons as he and one or more members of the township committee may deem necessary.

Record of relief granted to be kept and reported annually.

66. SEC. 3. That the overseer of the poor of each township shall record all relief granted, together with the names of the poor persons to whom granted, and shall report the same annually to the township committee, who shall include said report, and it shall be published, in the annual township report.

Amount of relief, by whom paid.

67. SEC. 4. That the amount of the relief before mentioned shall be paid by the township committee out of the funds assessed for the relief of the poor, or from any funds of the township not otherwise appropriated.

A supplement to an act entitled "A supplement to an act entitled 'An act for the settlement and relief of the poor,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved April twenty-first, one thousand eight hundred and eighty-seven.

. L. 1890, p. 495.

Approved June 20, 1890.

68. SEC. 1. [Amended by Sec. 69, *post.*]

An act to amend section one of the act entitled "A supplement to an act entitled 'An act for the settlement and relief of the poor,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved June twentieth, one thousand eight hundred and ninety. (1)

Approved April 14, 1891. P. L. 1891, p. 422.

69. SEC. 1. That section one of the act entitled "A supplement to an act entitled 'An act for the settlement and relief of the poor,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved June twentieth, one thousand eight hundred and ninety [see Sec. 68, *ante*], be and the same is hereby amended so as to read as follows :

[That any person or persons who have or who shall have last resided in any township of this state for the period of ten consecutive years, shall be considered as legally settled in said township ; *provided*, that this act shall not be so construed as to give a legal settlement to any person or persons inmates of any home for feeble-minded, home for old people or home for the homeless, nor to any person who may be or may have been maintained by the overseer of the poor of any township, city or borough during said ten consecutive years.]

Ten consecutive years' residence to give settlement.
Proviso.

Supplement.

Approved March 30, 1892. P. L. 1892, p. 365.

70. SEC. 1. That the twenty-ninth section of the act to which this is a supplement shall be so construed that the chairman of the committee on the poorhouse or president of the board of trustees of every poorhouse, by and with the consent of a majority of said committee or board, or the director of the board of chosen freeholders of any county in this state, by and with the consent of a majority of the board of chosen freeholders, may bind out the poor children, which in said act they are authorized and empowered to bind out, to a suitable person or persons, whether resident in this state or some other state ; *provided always*, that if bound to a resident or residents of another state, the articles of indenture, and person or persons to whom such poor child shall be bound, shall be approved by one of the justices of the supreme court of this state, or by the presiding law judge of the county in which said poorhouse is situated.

Who empowered to bind out children.

Proviso.

An act for the better regulation of the poorhouses of this state.

Approved May 6, 1889. P. L. 1889, p. 350.

71. SEC. 1. That it shall be the duty of the board of freeholders or township committee in every county or township of this state wherein an institution has been established for the reception of the poor of said county or township, to provide such suitable accommodations for the reception of inmates that the females so committed may be entirely separated from the male inmates ; and that the living-rooms, halls, stairways, dining-rooms, outbuildings and yards be so built as to cause the sexes to be entirely apart.

Female inmates of poorhouses to be kept separate from the male inmates.

72. SEC. 2. That the keeper or person in charge of said poorhouse shall keep a book, to be provided by the board of freeholders or township committee, as the case may be, in which he shall set forth the date of entry, date of discharge, the description, age, birthplace and such other information, under the head of "remarks," as he may be able to obtain of the inmates committed to his care ; which book shall be open to the inspection of any taxpayer.

Keeper to keep record of inmates.

73. SEC. 3. [Amended by Sec. 77, *post*.]

(1) This act superseded the acts of April 6th, 1886 (P. L., p. 208), and April 21st, 1887 (P. L., p. 180), *ante*, Secs. 59 and 61, the proviso merely being added. The following decisions upon the acts of 1886 and 1887 are applicable : By the act of April 6th, 1886 (P. L., p. 208), to which the act of 1887, p. 180, is a supplement, the only change being the insertion of the word "consecutive" between the words "ten" and "years," the legislature expressed a design to introduce a new condition upon which a legal settlement may be acquired, and when such condition is found to exist, an absolute settlement, and not one *prima facie*, is established. *M. Lorrain v. Bridgewater Township*, 20 Vr. 614. *Merrill v. Freehold*, 21 Vr. 509. *Franklin v. Lebanon*, 23 Vr. 93. Under the act of 1886 (P. L., p. 208), as amended by the act of 1887, all persons become legally settled in that township wherein they have, or shall have last resided for ten consecutive years. *Bartan v. Franklin*, 25 Vr. 536. Such settlement thereby acquired will continue until another is legally gained. *Id.*

Supplement.

P. L. 1890, p. 74.

Approved March 12, 1890.

In almshouses, poorhouses, &c., females to be kept separate from males.

Buildings and accommodations to be provided.

Proviso.

Keepers to keep book and record of commitments, &c.

Penalty for refusal to keep book or mutilation of entry, &c.

74. SEC. 1. That in every almshouse, poorhouse, or other institution for the reception or maintenance of poor persons in this state, females shall be kept separate from males at all times in their living-rooms, bedrooms, halls, stairways, eating-rooms, outbuildings and yards; and it shall be the duty of the freeholders of any county, township committee, city council or other authority charged with the care of any such institution to provide all the buildings and accommodations necessary to carry out the intention of this act; *provided, however*, that the provisions of this act shall not apply to persons who are lawfully married and living together as man and wife, and who are now or may hereafter become inmates of such almshouse, poorhouse, or other institution. (a)

75. SEC. 2. That the keeper or person in charge of every institution for the poor in this state shall keep a book, to be provided by the authority charged with the care of the institution, in which book he shall enter from time to time the name, date of commitment, age, sex, color, description, physical and mental condition, birthplace, and date of discharge or of death and place of burial of each and every person coming into the care of such institution, together with any other information about them which may be ascertained; and the said book shall be open to inspection by the public at all times.

76. SEC. 3. That for the wrongful neglect or refusal to keep the said book according to the requirements of this act, or for the wrongful alteration of any entry in the same, or the willful mutilation or destruction thereof, the said keeper or person in charge shall be liable to a penalty of twenty-five dollars, to be recovered in any court of competent jurisdiction, together with the costs of suit, by the overseer of the poor of the county, township or city in which the said institution is situated, for the use of the poor of the said institution.

An act to amend an act entitled "An act for the better regulating of the poorhouses of this state," approved May six, one thousand eight hundred and eighty-nine.

P. L. 1891, p. 492.

Approved April 17, 1891.

77. SEC. 1. That section three of the act to which this is an amendment [see Sec. 73, *ante*], be and the same shall be amended so as to read as follows:

Penalty for failure to comply with sections 71 and 72.

[That for failure to comply with the provisions of this act any board of chosen freeholders shall be liable to an indictment for misdemeanor; and the keeper of such institutions shall be liable to a penalty of twenty-five dollars, to be sued for in any court of competent jurisdiction by any taxpayer of the county, to be applied, when collected, to the use of such institution.]

Supplement. (1)

P. L. 1894, p. 371.

Approved May 16, 1894.

In almshouses, poorhouses, &c., females to be kept separate from males.

Buildings and accommodations to be provided.

Proviso.

78. SEC. 1. That in every almshouse, poorhouse, or other institutions for the reception and maintenance of poor persons in this state, females shall be kept separate from males at all times in their living-rooms, bedrooms, halls, stairways, eating-rooms, outbuildings and yards; and it shall be the duty of the freeholders of any county, township committee, city council or other authority charged with the care of any such institution to provide all the buildings and accommodations necessary to carry out the intentions of this act; *provided, however*, that the provisions of this act shall not apply to persons who are lawfully married and living together as man and wife, and

(a) See Secs. 78 to 80, *post*.

(1) This act, with the exception of two slight changes, is the same as the act of March 12th, 1890, *ante*, Secs. 74, 75 and 76. In section 1, "institutions" is used for "institution," and in section 3, "willful alteration" for "wrongful alteration."

who are now or may hereafter become inmates of such almshouse, poor-house or other institution.

79. SEC. 2. That the keeper or person in charge of every institution for the poor in this state shall keep a book, to be provided by the authority charged with the care of the institution, in which book he shall enter from time to time the name, date of commitment, age, sex, color, description, physical and mental condition, birthplace and date of discharge, or of death and place of burial of each and every person coming into the care of such institution, together with any other information about them which may be ascertained, and said book shall be open to inspection by the public at all times.

Keeper shall keep record of inmates.

80. SEC. 3. That for the wrongful neglect or refusal to keep the said book according to the requirements of this act, or for the willful alteration of any entry in the same, or the willful mutilation or destruction thereof, the said keeper or person in charge shall be liable to a penalty of twenty-five dollars, to be recovered in any court of competent jurisdiction, together with the costs of suit, by the overseer of the poor of the county, township or city in which the said institution is situated, for the use of the poor of the said institution.

Penalty for failure to do so.

An act to empower incorporated towns having a population of not less than fourteen hundred, by the census returns of eighteen hundred and seventy-five, in any county of this state having a population of not less than fourteen thousand nor more than twenty thousand, by said census, to support the poor of said town and to relieve said towns from paying county poor tax.

Approved April 5, 1878.

P. L. 1878, p. 336.

81. SEC. 1. That any incorporated town having a town council, with a population of not less than fourteen hundred, by the census returns of eighteen hundred and seventy-five, in any county of this state having a population of not less than fourteen thousand nor more than twenty thousand, by said census returns, are hereby authorized and empowered to provide for and maintain the poor of said town, and to raise, by taxation, the money necessary therefor in each year.

Certain towns authorized to provide for and maintain poor of town.

82. SEC. 2. That if the town council of any such town shall determine that hereafter such town shall provide for and support the poor of said town, and shall, before the first day of May in any year, pass an ordinance to that effect, said town shall thereafter provide for and support, in a proper manner, the poor of said town, and shall not thereafter be assessed with any county poor tax nor be liable to pay to the county in which it is situated any poor tax or tax for any provision for or the support of the poor of said county.

Town council may pass an ordinance to provide for poor, &c.

An act to provide for the relief of the poor.

Approved February 26, 1878.

P. L. 1878, p. 53.

83. SEC. 1. That where separate appropriations are made for indoor and outdoor relief of the poor in any city, borough or town in this state having twenty-five thousand inhabitants and upwards, and any one of such appropriations has been or shall be expended, or is or may be inadequate alone for either of such indoor or outdoor relief, it shall be lawful for the board of aldermen or other authority of any such city, borough or town to modify, change or unite such appropriations, and expend the same for either of such purposes; *provided, however,* that such modification, change or union shall not authorize an expenditure in excess of the sum of the two separate appropriations.

Certain municipalities may modify, change or unite indoor and outdoor appropriations for poor

Proviso.

An act authorizing the inhabitants of the respective townships in the several counties of this state to purchase lands on which to keep and maintain the poor.

Approved March 12, 1880.

P. L. 1880, p. 259.

Legal voters of townships may authorize township committees to purchase lands on which to keep the poor.

84. SEC. 1. That it shall and may be lawful for the inhabitants of the respective townships in any of the counties of this state, in which there are not provisions for maintaining the poor by counties, to purchase and hold in the corporate name of the township any tract or tracts of land and real estate lying contiguous, not exceeding in the whole three hundred acres, and not costing more than ten thousand dollars, for the purpose of keeping and maintaining the poor of said township thereon, whenever a majority of the legal voters of any such townships, at their regular town meeting, or at any special town meeting called for that purpose, shall authorize the township committee of such township to make such purchase.

Notice of meeting to be given by advertisement.

85. SEC. 2. That at least ten days' notice in writing shall be given, by advertisements signed by not less than ten of the legal voters and taxpayers of said townships, posted in ten or more public places in said township, giving notice that at the next annual town meeting, and in case a special town meeting be called for that purpose, then at such special town meeting, it will be decided by the vote which shall be cast whether or not the said township committee shall purchase for said township a tract or tracts of land as aforesaid, for the purpose of keeping and maintaining the poor of said townships.

Question of purchasing lands to be determined by ballot.

86. SEC. 3. That at every such town meeting the question of purchasing a tract or tracts of lands as aforesaid, for the purpose aforesaid, shall be determined by ballot, in the same manner and upon the same ballot by which the officers of said township are elected; that those desiring to vote in favor of such purchase shall do so by a written or printed ballot containing the words "purchase a farm for the poor," and those desiring to vote against such purchase shall do so by a written or printed ballot containing the words "no purchase of a farm for the poor."

Township committees to purchase tract or tracts of land when majority of votes decide in favor.

87. SEC. 4. That if a majority of votes cast at any such town meeting shall be in favor of making such purchase, then it shall be the duty of the township committee of such township to purchase such tract or tracts of land as they shall deem most suitable and convenient for the purpose, and shall take a deed therefor in the corporate name of such township; and that in order to pay for said land, said township committee are empowered to borrow money and to give a promissory note or notes therefor, payable at any time within three years, after nine months, with interest, to be signed by them as "committee of the township of _____" (naming the township), and countersigned by the clerk of said township, and that said clerk shall keep a record of said note or notes in the town book, showing the date, amount, when payable, and to whom given, and that the inhabitants of said township and the property thereof shall be liable to the lawful holder of said notes for the payment thereof, and that any action brought thereon shall be brought against the inhabitants of the township (naming the township); or if deemed more expedient, said township committee may execute their bond in the same manner that they are authorized to execute said notes, and secure the same by a mortgage on the lands so purchased.

May borrow money on notes or bonds.

88. SEC. 5. That it shall be the duty of the said township committee each year to furnish the assessor of said township with the amount of the principal and interest of said notes or bonds which mature within the year; and that it shall be the duty of the assessor to assess, and of the collector to collect the same, with and in the same manner that other taxes for township purposes are assessed and collected, until the moneys sufficient are raised to pay and satisfy said notes, which moneys shall be applied to the payment of said notes as they become due by said committee.

Principal and interest on bonds or notes, how assessed and collected.

89. SEC. 6. That the township committee of said township are hereby authorized and empowered to make all necessary repairs, or to enlarge the buildings on said land at the time of purchase, or to build new ones, at their discretion, suitable for the purposes intended, and to stock the same, and to find the necessary implements of husbandry to cultivate and improve said land in a reasonable and husbandlike manner, and to rent the same upon such terms as shall be most for the interest of said township and the comfort and happiness of the poor maintained thereon; but that in no case shall said committee expend, by virtue of this section, more than two thousand dollars, which they are hereby authorized to borrow, and the assessor to assess and the collector to collect in the same manner as the said purchase-money may be borrowed, assessed and collected; and that after the first year from the date of said deed the said committee shall expend no money on or about said lands beyond the amount from time to time appropriated for that purpose at the annual town meetings of said township.

Township committees authorized to make repairs, and to purchase and erect buildings and to stock farm, &c.

90. SEC. 7. That said committee are authorized to make all necessary and proper rules and regulations for the management, control and health of the poor of said township kept and maintained on said land and premises.

Committee authorized to make rules, &c.

91. SEC. 8. That all the poor of said township shall be kept and maintained on the said lands and premises; and in case any poor person or persons, claiming and entitled to relief of any township where lands have been purchased for keeping and maintaining the poor as aforesaid, shall refuse to be lodged, kept to work and maintained on such lands and premises, the names of such poor person or persons so refusing shall be erased from the book where the names of the poor are ordered to be registered by virtue of the act entitled "An act for the settlement and relief of the poor," approved March twenty-seventh, one thousand eight hundred and seventy-four, and shall not be entitled to ask or receive any relief from the overseer of any such township.

Poor of township to be kept and maintained on said land, &c.

An act relative to the duties of township committees.

Approved March 12, 1880.

P. L. 1880, p. 290.

92. SEC. 1. That hereafter the poor-farm of each township in this state shall be and remain under the control and management of the township committee of such township.

Poor-farm to be under control and management of township committee.

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

Repealer.

An act to provide for the further relief of the poor in cities of this state.

Approved February 14, 1888.

P. L. 1888, p. 35.

94. SEC. 1. That where the appropriation now made for the aid and relief of the poor in cities of this state has been already expended, or is or may be inadequate or insufficient for the necessary relief of the suffering and destitute poor, it shall be lawful for the common council or other governing body of any such city, by and with the concurrence of the board having charge or control of the finances in such city, to increase said appropriation, at any time during the fiscal year for which the same was made, in such amount, not exceeding one thousand five hundred dollars, as said board may deem necessary for the purpose of such aid and relief, and it shall be the duty of such board thus making such appropriation to adopt and enforce such measures and regulations respecting the disbursing of such appropriation, or otherwise relieving the poor, as in their judgment will seem a prudent, wise and economical expenditure of such appropriation and afford the desired aid to the poor.

Further relief of the poor in cities, how granted.

Board having control of city finances authorized to borrow money in anticipation of collection of taxes, &c.

95. SEC. 2. That the board having charge and control of the finances in any such city is hereby authorized to borrow the amount of money which said board may by this act appropriate for the purpose of such appropriation, in anticipation of taxes next thereafter to be levied, and to issue proper evidences of indebtedness therefor, to be signed by the mayor, sealed with the city seal and attested by the city clerk, and the said board shall provide for the repayment of the said borrowed money in the tax levy to be made next thereafter, unless the same be previously paid; and it is hereby made the duty of said mayor to sign, and the said clerk to attest, and seal with the corporate seal, such evidence of indebtedness, the issue of which may be ordered under this act as herein provided.

An act relating to the appointment, term of office and compensation of overseers of the poor in cities of the first class in this state.

Approved April 6, 1889.

P. L. 1889, p. 214.

Overseers of the poor in first-class cities, how appointed.

Term and salary of.

96. SEC. 1. That the overseer of the poor in cities of the first class in this state shall hereafter be appointed by the board of aldermen or common council in such cities.

97. SEC. 2. That the overseer of the poor so appointed, shall hold his office during good behavior, and shall receive and be paid an annual salary of sixteen hundred dollars as full compensation for his services as such overseer of the poor.

Repealer.

98. SEC. 3. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

An act concerning overseers of the poor in cities of the first class.

Approved March 10, 1893.

P. L. 1893, p. 177.

Appointment and compensation of assistant overseer in cities of the first class.

Money required included in tax levy.

99. SEC. 1. That in all cities of the first class in this state it shall be lawful for the overseer of the poor to appoint and employ an assistant, by and with the consent of the board of aldermen, who shall receive a compensation of not exceeding one thousand dollars per annum, to be determined by the board having charge and control of the finances of such city.

100. SEC. 2. That the money necessary for the purposes of this act shall be provided by the said board having charge and control of the finances as aforesaid, and shall be included in the tax levy of each year.

An act fixing the term of office of overseers of the poor in second-class cities.

Approved March 28, 1893.

P. L. 1893, p. 495.

Appointment of overseers of the poor in cities of the second class.

When appointment to be made.

Salary to be fixed.

Repealer.

101. SEC. 1. That in cities of the second class the overseers of the poor shall hereafter be appointed for the term of three years and until the qualification of his successor; it shall be lawful for the common council, board of aldermen, the mayor, board of commissioners of police or other governing body of any such city having the appointment of such officer, to appoint him at any time after the passage of this act for the term of three years as aforesaid, notwithstanding any appointment heretofore made; upon the appointment of said officer under the provisions of this act the term of the overseer of the poor heretofore appointed shall cease; at the time of such appointment the salary of the overseer of the poor shall be fixed as now provided by law.

102. SEC. 2. That all general, public or other acts of any kinds whatsoever or any part thereof inconsistent with the provisions of this act are hereby abrogated and repealed, and that this act shall take effect immediately.

An act providing a fund in certain cities of the state for the care of the indigent sick.

Approved May 15, 1894. P. L. 1894, p. 333.

103. SEC. 1. That in cities of this state, having a population exceeding seventy-five thousand inhabitants by the last census, and which have no city hospital or hospitals, and there are two and no more charitable hospitals therein, the board of aldermen, common council or other board which fix the annual appropriations, shall include in such annual appropriations and raise by taxation a sum equal to one-fourth of one mill of the assessable property of such city for the preceding year, which sum shall be disbursed by said board of aldermen, common council, or other governing body for the care of the indigent sick of such city.

Certain cities which have no hospitals may raise fund for care of the indigent sick.

An act concerning the office of overseer of the poor in certain cities in this state.

Approved February 18, 1895. P. L. 1895, p. 83.

104. SEC. 1. That in all cities in this state, having a population of not less than fifty-five thousand, the common council, board of aldermen or other governing body of such city, shall, within one month after this act shall take effect therein, appoint an overseer of the poor in lieu of and to be substituted for, and to act in the place of, and who shall be invested with and shall have all the powers and perform all the duties of such officer, by whatsoever title he may be now designated by law, to act in such office.

In cities having a population of not less than 55,000, governing body shall appoint overseer.

105. SEC. 2. That such officer shall be appointed for two years and until his successor shall be appointed and shall receive such salary as the body appointing him shall prescribe; and the term of office of every person holding such an office in any such city at the time of such appointment, by whatsoever name the same may be known, shall end at such appointment, and every such officer whose term of office shall so end shall immediately deliver up his office and all property, books and papers, matters and things whatsoever connected therewith, to his successor.

Term of office.

106. SEC. 3. That all acts and parts of acts, general, special, public or local, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

An act to provide for the indenture of indigent children to the managers or governing body of any incorporated children's home in this state.

Approved February 27, 1895. P. L. 1895, p. 136.

107. SEC. 1. That from and after the passage of this act, any indigent child residing within this state under the age of twelve years may be bound to the managers, trustees, directors or other governing body of any duly-incorporated children's industrial home or homes for the care, nurture and maintenance of orphans, half orphans or destitute children, willing to accept thereof, by indenture signed by the father and mother of such child, if living and residing in this state, or by the surviving and resident parent, if the other be deceased or non-resident, or if there be no parent resident in this state, then by the guardian or nearest of kin of such child, residing in this state; *provided*, that if such child be above the age of ten years its consent thereto shall be first obtained.

Indigent children under twelve years of age may be bound to the managers, directors, &c., of any duly-incorporated children's industrial home, &c., by indenture.

Proviso.

108. SEC. 2. That any indigent child indentured as provided in the first section of this act shall be subject to such guardianship, discipline and control of the managers, trustees, directors or other governing body of the children's home to which it is indentured, as parents may exercise over their minor children under the laws of this state, until it shall attain the age of sixteen years, and shall in the meantime be entitled to support in such home and to proper food, clothing and maintenance and to such education and industrial training as are provided for by the by-laws, catalogue or practice of such home for children under its care.

Managers, &c., or such homes to exercise same control as parents.

Managers, &c.,
may assign such
indentures.

109. SEC. 3. That the managers, trustees or other governing body of any children's home to which any child shall be indentured under the provisions of this act, shall be authorized and empowered to assign such indenture to any proper person who will take upon himself the care, support, education and maintenance of such indigent child under the supervision and oversight of such governing body.

Managers, &c.,
may apprentice
children to serve
as clerks, &c.

110. SEC. 4. That the managers, trustees or other governing body of any children's home to which any child shall be indentured under this act shall have authority at any time to apprentice such child, with his or her own free will and accord, to serve as a clerk, apprentice or servant, in any art, craft, mystery, profession, trade, employment, manual occupation or labor, until, if a male, he arrives at the age of twenty-one years, and if a female, until she arrives at the age of eighteen years, or for any shorter time by indenture as its father and mother might do under the provisions of the act entitled "An act respecting apprentices and servants," approved April tenth, one thousand eight hundred and forty-six, and the supplements thereto.

Judges of common
pleas may commit
poor children to
the care of the
managers of any
duly-incorporated
children's home.

111. SEC. 5. That any order made by the judges of the court of common pleas of any of the several counties in this state committing any poor child or children to the care and control of the trustees or managers of any such duly-incorporated children's home under the provisions of the act entitled "An act for the settlement and relief of the poor," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the several supplements thereto, shall give to such managers or other governing body the same control over and custody of such child or children with the same duty as to education and support as if the latter were indentured under the provisions of this act.

Port Wardens.

1. Appointment of port wardens.

Wardens to keep records of proceedings, &c.

3. Duty in examining damage to any cargo.

4. May examine goods in any warehouse, &c.

5. Wardens to attend sales of vessels condemned, damaged goods, &c.

6. Amended by section 7.

7. Who may act as port warden. Penalty for violation.

8. No person not appointed to assume to act as port warden.

9. By whom certificates, &c., shall not be issued.

10. No person not appointed to advertise himself as port warden.

11. Penalty for violation.

12. Additional penalty.

An act to authorize the appointment of port wardens in certain cities of this state.

Approved April 5, 1878.

P. L. 1878, p. 296.

Appointment of
port wardens.

Term of office.

Wardens to keep
record of all acts
and proceedings.

May examine
witnesses, &c.

Office to be kept
in county for
which warden is
appointed.

1. That the governor may nominate and, by and with the consent of the senate, appoint one port warden for each county of this state in which there is a town or city of more than ten thousand inhabitants, situate on any bay, harbor or navigable stream in this state, who shall each hold his office for the term of five years and thence until his successor is appointed.

2. That it shall be the duty of each of the said wardens to keep, in such books as may be necessary, a full, true and complete account and record of all his acts, proceedings, surveys and reports, and such books shall be open to the inspection of any person interested therein; and said wardens shall each have full power and authority to administer oaths, examine witnesses and take affidavits concerning the business of said office; and all willful false swearing, under such oaths, shall be deemed perjury and punished accordingly; and the said wardens shall each keep an office in the county in and for which he is appointed, which shall be kept open during business hours (Sundays and holidays excepted); and they shall each have the exclusive right to perform all the duties of port warden for the county in and for which he is appointed, as specified in this act.