

moiety of said forfeiture to the state, and the other moiety to the person suing for the same.

3. That every person who shall offend against this act, shall, on conviction thereof, be adjudged and ordered to enter into a recognizance, with sufficient sureties, to convey and transport, within such reasonable time as shall be directed by the court, to some place without the limits and jurisdiction of the United States, every such felon-convict or other person of the description aforesaid, which he or she shall have been convicted of having brought, imported or sent, or having caused or procured to be brought, imported or sent, or having been aiding or assisting therein, into this state, or of having so as aforesaid sold or offered for sale; and in default of entering into such recognizance, with sufficient sureties as aforesaid, he or she shall be committed to jail, there to remain, without bail or mainprize, until he or she shall enter into such recognizance, or shall cause such felon-convict, or other person of the description aforesaid, to be conveyed or transported to some place without the limits and jurisdiction of the United States.

Recognizance to be given to transport such convicts out of the state.

## Infants.

### I. SALE OF REAL ESTATE.

1. Minors in certain cases to be wards in chancery.
2. Chancellor to appoint guardian.
3. May direct sale of lands.
4. Sale, &c., to be approved by chancellor.
5. Interest of purchaser in real estate.
6. Sale may be free from curtesy or dower or estate for life or years.
7. Married woman may release without husband joining.
8. Guardians to account.
9. Proceeds of sale may be ordered to be paid to general guardian.
10. Amended by section 13.
11. In case of death, new guardian to be appointed.
12. Rent charge and rent reserved on any conveyance of land in fee, to be included in words "land" and "real estate."
13. Before an order, directing special guardian to pay the proceeds of sale of lands of an infant to his general guardian, shall be made, general guardian shall give security.

### II. ADOPTION.

14. Amended by section 22.
15. Amended by section 24.
16. Amended by section 19.
17. Proceedings on petition for adoption, &c., to be recorded.  
Effect of decree of adoption.
18. Expense of proceedings, by whom borne.
19. Proceedings on petition for adoption.
20. When testimony need not be recorded.
21. Repealer.
22. Who may petition for permission to adopt child.
23. Repealer.
24. What petition for adoption shall specify.
25. Repealer.

### III. PREVENTION OF CRUELTY.

26. Penalty for ill-treating or abusing minor child.
27. Employment of children under fifteen years as acrobats, &c.  
Penalty.
28. Employment of children under eighteen years for mendicant purposes. Penalty.
29. Employment of children under fifteen years to act in any dance-house, &c. Penalty.
30. Employment of children under twelve years in mines, &c.  
Penalty.
31. Offenders may be arrested on warrant.
32. Orphans' court may appoint guardians, &c.
33. Officers of humane societies may act as constables, &c.

34. When children may be committed to care of humane society.
35. Adoption of children who have been deserted by their parents.
36. When offender may be committed to county prison.
37. When child may be committed to guardians of poor.
38. Penalty for cruelty to children.
39. Societies may bring suit.
40. When child may be committed to orphan asylum, &c.
41. Fines, how disposed of.
42. Societies for the prevention of cruelty to children, how formed and incorporated.
43. Corporate powers.
44. May make complaints.
45. Certain societies may consolidate.
46. Children may be committed to the custody of societies.
47. Who shall aid society, &c.
48. Act not to apply to certain associations.
49. Repealer.

### IV. MISCELLANEOUS ACTS.

50. Amended by section 52.
51. Act concerning custody of infants, &c., extended to all cases unless there is a decree of divorce.
52. Custody of minor children of parents living in a state of separation.
53. When parents or custodians of children are immoral or unfit, chancellor or supreme court may, on petition, afford relief.
54. Proceedings on petition.
55. The children may be committed to the care of a society.
56. Repealer.
57. Tavern-keepers prohibited from entertaining minors.
58. Storekeepers likewise prohibited.
59. Debts so contracted, void.
60. Who deemed a minor.
61. Amended by section 68.
62. Amended by section 69.
63. Penalty for violation of act protecting the health of boys and girls, &c.
64. Action, where and how instituted.
65. Judgments and costs of suit, how taxed and recovered.
66. How defendant's costs recovered.
67. When offense shall be indictable.
68. Liquor not to be sold to minors.
69. Minors not to be permitted to frequent liquor places.
70. Tobacco not to be sold to minors under sixteen years of age.
71. Penalty.
72. Where minor shall not play billiards, &c.
73. Penalty.

## I. Sale of real estate.

R. S. 550.

P. L. 1861, p. 48.  
 " 1864, p. 812.  
 " 1865, p. 790,  
 " 1866, p. 964.  
 " 1870, p. 13.

Minors in certain  
 cases to be wards  
 in chancery.  
 R. S. 550, § 1.

## An act relative to the sale and disposition of the real estates of infants.

Revision—Approved March 27, 1874.

Chancellor to  
 appoint guardian.  
 Ib., § 2.

May direct sale  
 of lands.  
 Ib., § 3.

Proviso.

Sale, &c., to be  
 approved by  
 chancellor.  
 Ib., § 4.

Interest of pur-  
 chaser in real  
 estate.  
 Ib., § 5.

1. That whenever an infant shall be seized of any lands or tenements, or be entitled to any term to come in any lands in this state, and it shall be represented to the chancellor, on behalf of said infant by his or her guardian or next friend, that his or her interest requires that the said lands or term should be sold or disposed of, the chancellor may, in a summary manner, proceed to inquire into the merits of the application; and from such time the infant shall, so far forth as relates to such property, its proceeds and income, be considered a ward of the court of chancery. (a)

2. That on every such application, the chancellor shall in his discretion appoint a suitable guardian or guardians, of the infant in the premises, who shall give bond to the infant, to be filed with the clerk of the court of chancery, in such penalty and with such surety as the chancellor shall direct, conditioned for the just and faithful performance of the trust reposed in such guardian and for the observance of such orders and directions as the chancellor shall from time to time make in the premises in relation to such trust; which bond, if forfeited, may be prosecuted in any court having cognizance of the same, by the direction of the chancellor.

3. That after such bond shall be given and filed as aforesaid, the chancellor may proceed in a summary manner, by reference to a master, to inquire into the merits of such application; and whenever, and as often as it shall satisfactorily appear to the court that the interest of the infant requires, or will be substantially promoted by a sale or other disposition of the lands or term of such infant, or of any part or parts thereof, the chancellor may direct a sale or other disposition of such lands or term to be made by the guardian or guardians, in such way and manner, and with such restrictions, as shall be deemed expedient; and all sales, dispositions, and conveyances, made in good faith in pursuance of and in conformity with the direction of the court, when confirmed as hereinafter mentioned, shall be valid and effectual as if made by such infant when of full age; *provided however*, that nothing in this act contained shall authorize the sale or disposition of any lands or term for years, against the provisions of any last will or conveyance by which the same were devised or granted to such infant.

4. That all sales and dispositions made in pursuance of this act, shall be reported on the oath or affirmation of the guardian or guardians aforesaid, to the chancellor, to be approved by him before a conveyance shall be executed; and if the sale or disposition is confirmed by the chancellor, and a conveyance directed to be executed, he shall then make order for the application and disposition of the proceeds of the same, and for the investment of the surplus belonging to such infant, so as to secure it to the infant in such way and manner as may seem most for his or her benefit and advantage; and a report of such investment or disposition shall also be made to the chancellor by such guardian or guardians, on oath or affirmation as aforesaid, as soon as conveniently may be, and filed in the office of the clerk in chancery. (b)

5. That no sale of any real estate, made in pursuance of the provisions of this act, shall give to any person any other or greater interest in the proceeds of such sale than he or she had or would have had in the lands,

(a) The reversionary estate of an infant will not be sold because there may be great advantage in such sale to the tenant for life, when the benefit to the infant is doubtful. *In re Steele*, 4 C. E. Gr. 120. That the property is out of repair is not a sufficient reason for ordering a sale, when it has been in the possession of the life tenants, whose duty it is to make the repairs. *In re Heaton*, 6 C. E. Gr. 221. Proceedings, reference to master, &c. *Ib.*

(b) A deed for an undivided part of lands made by a special guardian of the infant owners thereof without the approval of the chancellor, as required by this section, cannot, on a bill for partition of the premises, prevail against a subsequent grantee of such owners who claims under a deed executed by them after they had attained full age. *Tutman v. Eiker*, 16 Stev. 122.

provided the same had not been sold ; but the said proceeds shall be considered relative to the statutes of descents and distribution, and for every other purpose, as real estate of the same nature as the property sold.

How proceeds applied.

6. That if the lands of any infant or any part thereof shall be subject to an estate by the curtesy or in dower, or to an estate for life or years devised to any woman in lieu of dower, and the person entitled to such estate shall consent in writing to accept in lieu of his or her right or estate in such lands, either a gross sum to be approved by the chancellor, or the investment of a reasonable sum with like approval, in such manner as that the interest thereof be made payable to the person entitled to such estate by the curtesy, in dower, or for life, or years, during the period for which such estate would by its own limitation continue, the chancellor may, after such consent in writing has been filed in the office of the clerk in chancery, direct the payment of such sum in gross, or the investment of such sum, as he shall deem reasonable and shall be acceptable to the person entitled to such estate, in manner aforesaid ; which sum, so paid or invested, shall be taken out of the proceeds of the sale of the real estate of such infant, so subject to such estate as aforesaid ; *provided, however*, before any such sum shall be paid, or such investment made, the chancellor shall be satisfied that an effectual release of such estate or right has been executed.

Sale may be free from curtesy or dower or estate for life or years. *Ib.*, § 6.  
P. L. 1861, p. 48.  
" 1866, p. 964.

How compensated for.

Provided such right be released.

7. That if any woman entitled to dower or to an estate devised for life or years in lieu of dower in the real estate of any infant or infants, sold under the provisions of this act, shall be a married woman, it shall be lawful for such married woman to execute a release of her right, interest and estate in such real estate, without her husband joining in or executing the deed of such release, and to receive and hold for her own separate use the moneys ordered by the court to be paid to her, or the interest on the sum invested for her benefit, for such release ; and such deed of release when executed and given as aforesaid, shall have the same force and effect as if her husband had joined in said deed, or as if she were sole and unmarried.

Married woman may release without husband joining.  
P. L. 1870, p. 13.

8. That the guardian or guardians appointed as aforesaid, shall be liable to account, under the order of the court of chancery, before such master as the chancellor may designate from time to time, upon the application of any person or persons interested in the funds ; and the report of such master, made thereupon, shall be liable to exceptions, as in other cases of masters' reports requiring confirmation ; and the chancellor shall have full power and authority to make all such orders and decrees in the premises as shall be necessary to give complete relief to the parties.

Guardians to account.  
R. S. 550, § 7.

9. That when any special guardian appointed under this act shall have sold the lands and real estate of the infant, and his account been presented and approved by the chancellor, it shall be lawful for the chancellor to make an order directing the said guardian to pay the proceeds of such sale, after deducting such commissions and expenses as shall be allowed by the chancellor, to the general guardian of the said infant ; (a) and upon the payment to the general guardian of the amount ascertained by the chancellor to be due to the infant in the hands of the special guardian, and the assignment of the securities held by him, in case the money has been invested by order of the court, the special guardian may, by an order of the chancellor, be discharged from further duties and liability in relation to his office ; and the receipt of the general guardian for the moneys and securities so ordered to be paid and transferred shall be a sufficient release and discharge of such special guardian from his trust ; which release, having been acknowledged or proved, as deeds for land are required to be acknowledged or proved, may be filed and recorded in the office of the clerk of the court of chancery, and a certified copy thereof shall be competent evidence in all courts and places.

Proceeds of sale may be ordered to be paid to general guardian.  
P. L. 1865, p. 790, § 1.  
Amended.

And special guardian may be discharged by order of the chancellor.

Certified copy evidence.

10. [Amended by Sec. 13, *post.*]

(a) The power of the chancellor under this section is entirely discretionary, so that no appeal will lie from his decision. *In re Anderson*, 2 C. E. Gr. 536.

In case of death,  
new guardian to  
be appointed.  
P. L. 1884, p. 312.

Bond of.

Powers and  
duties of.

11. That in case of the death of any special guardian appointed under this act, the chancellor may appoint another guardian in the place of such deceased guardian, who shall give bond according to the provisions of this act, and shall then have power, by the order of the chancellor, to perform and shall be liable to all the duties, requirements and provisions of this act; and all proceedings now pending or to be commenced, may be continued and conducted by said newly-appointed guardian, who shall be invested with the same power and authority as if he had been originally appointed.

#### Supplement.

Approved February 24, 1875.

P. L. 1875, p. 18.

Rent charge and  
rent reserved on  
any conveyance  
of land in fee to  
be included in  
words "lands"  
and "real estate."

12. SEC. 1. That the word "lands" and the words "real estate," wherever they occur in the act to which this is a supplement, and in any and every supplement to said act, shall embrace and include, and shall be deemed to embrace and include any and every rent charge, and any and every rent reserved on any conveyance of land in fee-simple, heretofore made or hereafter to be made; and any and every rent granted out of any lands by deed, heretofore made or hereafter to be made.

#### Supplement.

Approved April 1, 1887.

P. L. 1887, p. 122.

Before order  
directing special  
guardian to pay  
the proceeds of  
the sale of lands  
of an infant to his  
general guardian  
shall be made,  
general guardian  
to give security.

Proviso.

13. SEC. 1. That section ten of the above-entitled act be amended to read as follows:

[That before any order directing the special guardian to pay or transfer the proceeds of the sale of the lands of such infant to his general guardian shall be made, the general guardian shall give bond with sureties in a sum sufficient to secure the amount of such proceeds, which bond shall be approved by the orphans' court of the county in which the general guardian was appointed, and filed with the surrogate of said county; and a certificate from such orphans' court, signed by at least two judges thereof and attested by the surrogate under his official seal, certifying that a good and sufficient bond has been filed in the surrogate's office sufficient to cover the amount (naming it) to come into the hands of the general guardian, shall be filed with the clerk of the court of chancery; *provided, however*, that in case such general guardian was appointed by the prerogative court, the general guardian shall give bonds with sureties in a sum sufficient to secure the amount of such proceeds, which bonds shall be approved by the ordinary and filed in the office of the clerk of the prerogative court.](a)

## II. Adoption.

### An act providing for the adoption of children.

P. L. 1877, p. 123.

Approved March 9, 1877.

Proceedings on  
petition for adop-  
tion to be recorded  
and kept in the  
surrogate's or  
county clerk's  
office.

Proviso.

Effect of decree of  
adoption.

14. SEC. 1. [Amended by Sec. 22, *post.*]

15. SEC. 2. [Amended by Sec. 24, *post.*]

16. SEC. 3. [Amended by Sec. 19, *post.*]

17. SEC. 4. That the petition, decree, testimony and proceedings shall be recorded at length in a book kept for that purpose and properly indexed; said book shall become part and parcel of the records of the surrogate's office of the county where the said court is located, and the surrogate, for recording the same, shall receive the same fees as for the recording of a will; *provided, however*, if the said proceedings shall have been begun in the circuit court, and the decree made by said circuit court, then and in that case the petition, decree, testimony and proceedings shall be recorded at length and in manner and form as aforesaid, in the clerk's office of the county wherein said circuit court is located; and upon the entry of such decree of adoption the parents of the child, if living, shall be divested of

(a) In granting such applications, the chancellor shall see to it that proper security is given before making the order. And if he be satisfied as to the security, still it is discretionary with

him whether to make the order or not. *In re Anderson*, 2 C. E. Gr. 536. *Smith v. Gummere*, 12 Stew. 27.

all legal rights and obligations due from them to the child or children, or from the child or children to them ; and the child or children shall be free from all legal obligations of obedience or otherwise to the parents ; and the adopting parent or parents of the child or children shall be invested with every legal right in respect to obedience and maintenance on the part of the child or children as if said child or children had been born to them in lawful wedlock ; and the child or children shall be invested with every legal right, privilege, obligation and relation in respect to education, maintenance and the rights of inheritance to real estate, or to the distribution in personal estate on the death of such adopting parent or parents as if born to them in lawful wedlock ; *provided, always*, that said child or children shall not be capable of taking property expressly limited to the heirs of the body of the adopting parent or parents, nor property coming from the collateral kindred of such adopting parent or parents by right of representation ; *and provided, also*, that on the death of the adopting parent or parents and the subsequent death of the child or children so adopted, without issue, the property of such adopting deceased parent or parents shall descend to and be distributed among the next of kin of said parent or parents and not to the next of kin of adopted child or children ; *and provided, also*, that if such adopting parent or parents shall have other child or children, theirs by birth, then and in that case the adopted child or children shall share the inheritance with the child or children born to the adopting parent or parents, in which case he, she or they shall respectively inherit from and through each other as if all had been children of the same parents born in lawful wedlock.

Proviso.

Proviso.

Proviso.

18. SEC. 5. That all the expense of the aforesaid proceedings shall be borne by the petitioner or petitioners.

Expense, how borne.

Supplement.

Approved March 31, 1882.

P. L. 1882, p. 254.

19. SEC. 1. That section three of the act to which this is a supplement be amended so as to read as follows :

[That upon the presentation of such petition to the court, the same shall be ordered filed with the clerk of said court, and the court shall appoint a day for the hearing of said petition and the examination under oath of the parties in interest, not less than ten nor more than thirty days from the filing of the petition ; and it shall be at the option of the court to adjourn the hearing of said petition or the examination of the parties in interest from time to time, as the nature of the case may require ; and if it shall be necessary under the provisions of this act that a discreet and suitable person shall be appointed as next friend to the child or children sought to be adopted, then and in that case the court shall order a notice of the petition, and of the time and place when and where the appointment of next friend will be made, to be published in two newspapers circulating in the county where said court is located, once a week for three weeks successively ; and at the time and place so assigned, and upon due proof of the publication of such notice, the court shall make such appointment, and shall thereupon assign a day for the hearing of said petition and examination of the parties in interest, not less than ten nor more than thirty days from the time of appointing the next friend ; and upon the day so appointed, the court shall proceed to a full hearing of the petition and the examination of the parties in interest, under oath, with the right as aforesaid of adjourning the hearing and examination from time to time as the nature of the case may require ; and if the court, from the testimony, shall be of the opinion that the facts stated in the petition are true, and if, upon examination, the court is satisfied that the petitioner or petitioners is or are of good moral character and of reputable standing in the community, and of ability to properly maintain and educate the child or children sought to be adopted, having reference to the degree and condition in life of the child or children's parents, and furthermore, that the best interests of the child or children would be promoted by such adoption, then and in

Proceedings on petition for adoption.

Decree to be made.

Proviso.

Proviso.

When testimony  
need not be  
recorded.

Repealer.

such a case the court shall make a decree reciting the facts at length, and the name or names by which the child or children shall thereafter be known, declaring and adjudging that from the date of such decree the rights, duties, privileges and relations theretofore existing between the child or children and his or their parent or parents shall be in all respects at an end, excepting the right of inheritance; and further, that the rights, duties, privileges and relations between the child or children and his, her or their parent or parents by adoption, shall thenceforth in all respects be the same, including the right of inheritance, as if the child or children had been born to such adopted parent or parents in lawful wedlock, except only as otherwise provided in this act; *provided, however*, that the said court may, if they shall deem it for the interest of said child or children, omit to make the said order for a notice of the petition and of the time and place when and where the appointment of next friend will be made, and may immediately appoint a next friend for said child or children, and assign a day for the hearing of said petition and examination of the parties in interest as is herein provided; *and provided, also*, that this act shall not affect any suit or proceedings under said act now pending in any court of the state.]

20. SEC. 2. That it shall not be necessary to record the testimony taken upon the hearing of said petition in any case when the same shall have been given orally before the court or without subscription by the witnesses sworn.

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

#### Supplement.

Approved February 23, 1885.

P. L. 1885, p. 38.

Who may petition  
court for permis-  
sion to adopt child.

Proviso.

Repealer.

22. SEC. 1. That section one of the act to which this is a further supplement be amended so as to read as follows :

[That from and after the passage of this act it shall and may be lawful for any person not married, or any husband with his wife's consent, or any wife with her husband's consent, or any husband and wife jointly, to petition the circuit court or the orphans' court of the county wherein any minor child or children may reside, for permission to adopt such minor child or children, and also petition for a change of name of such child or children; *provided*, that if such child or children be of the age of fourteen years or over, the written consent of such child or children to such adoption, duly acknowledged, must be obtained and presented with the petition, and also the written consent of the parent or parents, if living and not hopelessly intemperate or insane; if both parents should be dead, or unknown, or hopelessly intemperate or insane, or shall have abandoned the child or children sought to be adopted, then and in such case the written consent, acknowledged as aforesaid, must be obtained from the legal guardian of such child or children, and if there be no legal guardian then such consent must be obtained from some discreet and suitable person appointed by the court to be next friend of such child or children sought to be adopted.](a)

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

(a) The written consent of parents is requisite as well when the child is under the age of fourteen years as afterwards. *Winans v. Luppie*, 2 Dick. 302, reversing *Luppie v. Winans*, 10 Stev. 249. A parent may be deemed to have abandoned his child so as to render his written consent to the adoption of the child unnecessary, when his conduct has evinced a settled purpose to forego all parental duties and relinquish all parental

claims to the child. *Ib.* When such an abandonment has taken place, and in consequence thereof the child has formed new ties and entered upon a new station in life, so that the resumption of new parental claims would seriously jeopardize the child's happiness and welfare, the abandonment may lawfully be deemed irrevocable. *Ib.*

Supplement.

Approved March 10, 1893.

P. L. 1893, p. 197.

24. SEC. 1. That section two of the act to which this act is a further supplement be and the said section hereby is amended to read as follows :

[That such petition shall specify the name, age, and place of residence of the petitioner or petitioners and of the child or children, and the name or names by which the child or children shall be known ; whether such child or children be possessed of any property, and the full description of the property if any ; whether such child or children has or have either father or mother or both living ; in case he, she or they are alive then the name or names and place of residence of such father and mother must be given, unless proven to be unknown to the petitioner or petitioners ; the person or one of the persons petitioning as aforesaid shall be at least ten years older than the child or children sought to be adopted, and the petition shall be duly verified according to law ; and no adoption heretofore granted in accordance with the provisions of the act to which this is a supplement shall be deemed in any way void or voided because the petitioners or either of them were not of the age required by said act ; but such adoption shall be held in all respects valid and lawful ; *provided, always*, that such adoption has been made agreeably to the provisions of this supplement.]

What petition for adoption shall specify.

Proviso.

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

Repealer.

III. Prevention of cruelty.

An act to protect children from neglect and cruelty, and relating to their employment, protection and adoption.

Approved March 4, 1880.

P. L. 1880, p. 124.

26. SEC. 1. That any person whatsoever who shall cruelly ill-treat, abuse or inflict unnecessary cruel punishment upon any infant or minor child, and any person having the care, custody or control of any minor child who shall willfully neglect to supply the same with sufficient food, clothing, regular school education, or who shall willfully abandon or neglect the same, shall be guilty of a misdemeanor, and, upon conviction thereof, before any justice of the peace, magistrate or court of record, shall be fined by such justice, magistrate or court of record not less than ten dollars nor more than fifty dollars for each offense.

Penalty for ill-treating or abusing minor child, &c.

27. SEC. 2. That any person having the care, custody or control of any minor child under the age of fifteen years who shall in any manner sell, apprentice, give away or otherwise dispose of such child, and any person who shall take, receive, or employ such child for the vocation or occupation of rope or wire-walking, or as an acrobat, gymnast, contortionist or rider, and any person having the care, custody or control of any minor child whatsoever who shall sell, apprentice, give away or otherwise dispose of such child, or who shall take, receive or employ such child for any obscene, indecent or illegal exhibition or vocation, or any vocation injurious to the health or dangerous to the life or limb of such child engaged therein, or for the purpose of prostitution, and any person who shall retain, harbor or employ any minor child in or about any assignation-house or brothel, or in any place where any obscene, indecent or illegal exhibition takes place, shall be guilty of a misdemeanor, and upon conviction thereof, before any justice of the peace, magistrate or court of record, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.

Employment of children under fifteen years as acrobats, &c.

Penalty.

28. SEC. 3. That any person having the care, custody or control, lawful or unlawful, of any minor child under the age of eighteen years, who shall use such minor or apprentice, give away, let out, hire or otherwise dispose of such minor to any person for the purpose of singing, playing on a musical instrument, begging, or for any mendicant business whatsoever, in the streets, roads or other highways of this state, and whosoever shall take, receive, hire, employ, use or have in custody any such minor for the voca-

Employment of children under eighteen years for mendicant purposes.

Penalty.	tion, occupation, calling, service or purpose of singing, playing upon musical instruments or begging upon the streets, roads or other highways of the state, or for any mendicant business whatever, shall be guilty of a misdemeanor, and upon conviction thereof, in the manner provided in the first section of this act, shall be fined not less than fifty dollars nor more than one hundred dollars.
Employment of children under fifteen years to act in any dance-house, &c.	<b>29. SEC. 4.</b> That any person having the care, custody or control of any minor child under the age of fifteen years, who shall in any manner sell, apprentice, give away or permit such child to sing, dance, act or in any manner exhibit in any dance-house whatever, or in any concert saloon, theater or place of entertainment where wines or spirituous or malt liquors are sold or given away, or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected by any passageway or entrance, and any proprietor of any dance-house whatever, or any such concert saloon, theater or place of entertainment so employing any such child, shall be guilty of a misdemeanor, and upon conviction thereof, in the manner provided in the first section of this act, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.
Penalty.	<b>30. SEC. 5.</b> That any person who shall take, receive, hire or employ any child under twelve years of age in any underground works or mine or like place whatsoever, shall be guilty of a misdemeanor, and upon conviction thereof, in the manner provided in the first section of this act, shall be fined not less than ten dollars nor more than fifty dollars.
Employment of children under twelve years in mines, &c. Penalty.	<b>31. SEC. 6.</b> That whenever any person shall, before a magistrate or justice of the peace, make oath or affirmation that the affiant believes that this act has been or is being violated in any place or house, such justice or magistrate shall forthwith issue a warrant to a constable or other authorized officer to enter such place or house and investigate the same, and such person may arrest or cause to be arrested all offenders and bring them before any justice, magistrate or court of record for a hearing of the case; and it shall be the duty of all constables and policemen to aid in bringing all such offenders before said authorities for a hearing.
Offenders may be arrested upon warrant.	<b>32. SEC. 7.</b> That whenever any person having the custody or control of any minor shall be convicted of a violation of any of the provisions of this act, it shall be lawful for any person to apply to the orphans' court of the county wherein the offense has been committed for the appointment of a proper guardian for the person of such minor, and the said court may in its discretion make any such appointment, having due regard in the selection of a guardian to the religious persuasion of the parent or former guardian, or it may place such child in an asylum or home for children, with the powers of a guardian of the person, as may be most expedient; and the said court may order the parent to pay such a reasonable sum towards the maintenance of such child, and at such times and in such amounts as the said court may see fit; and such courts may at any subsequent time, upon being satisfied that the parent has become a fit person to resume the custody of said minor, and upon reasonable security, to be fixed by the court, being given for the faithful observance of the provisions of this act, remand such minor to the custody of such parent, subject, nevertheless, to the obligation of any indentures or legal engagements already entered into on behalf of said minor by his or her guardian.
Orphans' court may appoint guardians for minors, &c.	<b>33. SEC. 8.</b> That any duly-organized or incorporated humane society, having for one of its objects the protection of children from cruelty, may offer any agents or officers employed by them to the mayor of any city for the purpose of being commissioned to act as police officers through the limits of said city, for the purpose of arresting all the offenders against this act or any of the provisions thereof, whereupon the mayor in such city shall, if such persons are proper and discreet persons, commission them to act as such police officers, with all the rights and powers appertaining thereto; but no such city shall be liable in any way for the salary or wages of such officers, or for any expense whatever in relation thereto, except for the detention of prisoners; and in district or township not incorpo-
May order parent to pay for maintenance.	
Officers and agents of humane societies may act as police officers and constables.	



rated such humane society may offer similarly-qualified persons to the court of common pleas of the county, whereupon such court, or any judge thereof, shall, if they be fit persons, commission such persons to act as constables, with power to arrest all offenders against this act or any provisions thereof; but no township, borough or county shall be in anywise liable for the salary or wages of any such officer, or for any expense in relation thereto, except for the detention of prisoners; all persons thus qualified under this section shall be deemed to be constables and authorized officers within the meaning of section six of this act, and the keepers of jails or lock-ups or station-houses in any of said counties are required to receive all persons arrested by such policemen or constables.

**34. SEC. 9.** That whenever any person having the custody or control of any minor child shall be convicted of an assault and battery upon such child, or of any violation of the provisions of this act, it shall be lawful for the justice of the peace, magistrate, or court before whom such conviction has taken place, or where the parents or proper guardian of any child cannot be found, it shall be lawful for any magistrate or court to commit such child to the care and custody of any duly-authorized or incorporated humane society within this state having for one of its objects the protection of children from cruelty, and such society shall thereupon have all the rights of a guardian of the person of such child; but such society may at any time apply to the orphans' court of the proper county for the appointment of a guardian of the person or the commitment of such child to an asylum or home for children, as provided in the seventh section of this act.

When children may be committed to care of any humane society.

**35. SEC. 10.** That whenever it shall be made to appear to the satisfaction of the court of common pleas of any county that any minor child has been deserted by its parents or surviving parent, and that it has no legal guardian, it shall be lawful for any person desirous of adopting the said child to adopt the same in the manner now provided by law in the case of the death of the parents.

Persons may adopt children who have been deserted by their parents.

**36. SEC. 11.** That in default of payment of the fine or penalty imposed under any of the sections of this act, together with the costs of the proceedings, then the said justice of the peace, magistrate, or court of record shall commit said offender to the county prison, there to remain for not less than twenty nor more than ninety days, or until discharged by due course of law; *provided*, that when the fine imposed exceeds the sum of ten dollars the party complained against may appeal from the decision of said justice of the peace or magistrate to the court of quarter sessions, upon his entering bail in the nature of a recognizance, in the usual manner, for his appearance at said court, when the offense shall be prosecuted in the same manner as is now directed by law in other cases of misdemeanor; if, in lieu of deciding the cause, such justice of the peace or magistrate shall bind over or commit such person to appear at the court of quarter sessions, or if such person shall appear as aforesaid, or upon such binding over or commitment appear before the said court and be there convicted of such misdemeanor, he shall be sentenced to pay a fine not exceeding two hundred dollars, payable as aforesaid, or undergo an imprisonment not exceeding one year, or both, at the discretion of the court.

On failure to pay fine or penalty, offender to be committed to county prison.

Proviso.

**37. SEC. 12.** That whenever the parents or proper guardian of any infant unable to support itself have been convicted of any of the offenses enumerated in this act, or are dead, or cannot be found, and there is no other person legally responsible for the maintenance and support of such child willing to assume such support, or to be found within the county, any magistrate or court of record of the county in which such child may be found, may commit such child to the care and custody of the guardians of the poor of the said county; but nothing herein contained shall exempt any person from the duty of maintaining and supporting such child as now imposed by law.

On conviction or death of parent, child may be committed to guardians of poor.

**An act for the punishment of cruelty to children.**

P. L. 1883, p. 14.

Approved January 30, 1883.

Penalty for cruelty  
to children.

**38. SEC. 1.** That whoever, having the care, custody or control of any child within the state, shall willfully cause or permit the life of such child to be endangered, or its health to be injured, or who shall willfully cause or permit such child to be placed in such situation that its life may be endangered, or its health injured, or who shall willfully, maliciously or in a cruel and inhuman manner beat, whip or punish any child so as to endanger its life or injure its health, upon conviction thereof shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a term not exceeding six months, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

Societies may  
bring suit, &c.

**39. SEC. 2.** That it shall be lawful for any society, incorporated and organized under an act entitled "An act for the incorporation of societies for the prevention of cruelty to children," approved April eighteenth, one thousand eight hundred and seventy-six, to prefer a complaint against and cause to be arrested and prosecuted before any court or magistrate within this state having jurisdiction for the trial of misdemeanors, any person or persons who shall offend against any of the provisions of section one of this act, and may aid in bringing the facts before such court or magistrate in any proceeding taken under this act.

When child may  
be committed to  
orphan asylum,  
&c.

**40. SEC. 3.** That whenever, upon conviction of any person of a criminal assault upon any child in his or her custody, the court or magistrate before whom such conviction is had shall deem it desirable for the welfare of such child that the person so convicted shall be deprived of its custody thereafter, such court or magistrate may commit such child to any orphan asylum, children's home or other charitable institution for its best care, welfare and protection.

Fines, how  
disposed of

**41. SEC. 4.** That all fines, penalties and forfeitures imposed and collected in any case where any society, organized under the provisions of the act mentioned in the first section of this act, shall be complainant—shall inure to such society, in aid of the purpose for which it was incorporated; all other fines, penalties and forfeitures imposed and collected by any court or magistrate shall be paid to the overseer of the poor of the city or township wherein the conviction shall be had, to be applied by the overseer of the poor for the benefit of the poor of such city or township.

**An act for the incorporation of societies for the aid of children and the prevention of cruelty to children.**

P. L. 1890, p. 46.

Passed March 5, 1890.

Formation of  
societies for the  
aid of, and the  
prevention of  
cruelty to,  
children.

**42. SEC. 1.** That any ten or more persons of full age, citizens of and residents within this state, who shall desire to associate themselves together for the purpose of providing a lodging-house, reading-room and other provisions for the mental, moral and physical improvement and care of abused and homeless children and the prevention of cruelty to children, may make, sign and acknowledge before any person authorized to take the acknowledgment of deeds in this state, and file in the office of the secretary of state, and also in the office of the clerk of the county in which the business of the society is to be conducted, a certificate in writing, in which shall be stated the name or title by which such society shall be known in law, the particular business and objects of such society, the number of trustees, directors or managers to manage the same and the names of the trustees, directors or managers of the society for the first year of its existence; but such certificate shall not be filed unless the written consent and approbation of one of the justices of the supreme court of the district in which the place of business or principal office of such society shall be located be indorsed on such certificate.

Certificate to  
be filed.

Consent of justices  
of supreme court  
to be had.

General corporate  
powers.

**43. SEC. 2.** That upon filing the certificate as aforesaid, the persons who shall have signed and acknowledged such certificate, and their associ-

ates and successors, shall thereupon, by virtue of this act, be a body politic and corporate, by the name stated in such certificate, and as such shall have power :

- I. To have perpetual succession by its corporate name ; Succession.
  - II. To sue and be sued, complain and defend, in any court of law or equity ; To sue.
  - III. To make and use a common seal, which may be affixed by making an impression directly on the paper, and alter the same at pleasure ; Common seal.
  - IV. To appoint such officers, managers and agents as the business of the corporation may require ; Officers.
  - V. To make by-laws not inconsistent with the laws of the state or of the United States for the management of its property and the regulation of its affairs ; By-laws.
  - VI. To contract and be contracted with ; To contract.
  - VII. To take and hold by gift, purchase, grant, devise or bequest any property, real or personal, and the same to dispose of at pleasure ; but such corporation shall not, in its corporate capacity, hold real estate the yearly income derived from which shall exceed the sum of twenty-five thousand dollars ; To hold real or personal property.
  - VIII. To assist the destitute in the said state to support themselves by providing for them employment, protection and instruction, according to their necessities ; To assist the destitute.
  - IX. To provide partial or entire support, with suitable instruction, to children and others in said state incapable of self-support and not satisfactorily provided for by their parents, guardians or existing institutions ; To support.
  - X. As a principal auxiliary to the last end, to establish in the city of Newark school or schools where destitute, vagrant, abused or neglected children or others may be gathered from day to day, temporarily clothed, fed, and taught industry, morality and the precepts and truth of the Christian religion ; To establish schools, &c.
  - XI. To procure suitable building sites and lands and erect and maintain thereon an asylum for such children, when practicable, under the regulations to be adopted by the board of directors or managers and the laws of the state or New Jersey, city of Newark and county of Essex, as may be entrusted or committed to the care and management of said corporation ; such an asylum shall embrace buildings necessary for the comfortable accommodation of the children therein, for their instruction, moral, intellectual and industrial, and for their general treatment in such manner as may best promote their welfare and most fully accomplish the beneficent designs and objects of the said corporation ; and until such building sites and land shall be procured, and the permanent building of the asylum thereon erected and completed for use, the corporation may procure such accommodations as may be necessary for its purposes ; To erect and maintain asylums, &c.
  - XII. To exercise any corporate powers to the exercise of the powers above enumerated and given. Other powers.
44. SEC. 3. That any society so incorporated may prefer a complaint before any justice, court or court of record having jurisdiction, for the violation of any law relating to or affecting children, and may aid in bringing the facts before such justice, court or court of record in any proceedings taken. Societies may prefer complaints.
45. SEC. 4. That the "children's aid society of the city of Newark," and "the society for the prevention of cruelty to children" or any other societies of like character in said state, may consolidate and operate under the name of one society, according to the provisions of this act, without affecting the validity of any bequests, devises or legacies given to said societies. Certain societies may consolidate.
46. SEC. 5. That when any minor, child or children shall have been abandoned, abused, violated, assaulted, or cruelly treated in any manner whatsoever by parents, guardian or custodians, and satisfactory and legal proof of the same produced before a justice of the peace or judge of any court of record of said state before whom such proof is taken and received, it shall be lawful for any justice of the peace, or judge or judges, or any
- Children may be committed to the custody of societies.

court of record aforesaid, to commit such child or children to the care and custody of any society so incorporated, and that said society may indenture said child or children until eighteen and twenty-one years of age, with a view to provide homes suitable for the mental, moral and physical improvement of said child or children.

Certain officers to aid societies in the enforcement of all laws.

**47. SEC. 6.** That all judges, justices of the peace, constables, sheriffs and officers of police shall, as occasion may require, aid the society so incorporated, its officers, members and agents in the enforcement of all laws which now are or may hereafter be enacted relating to or affecting children, and that for the purpose of bringing offenders against such laws to justice, the like powers shall be and are hereby given to the members, officers and agents of any such incorporated society as are given by law to the members, officers and agents of the society for the prevention of cruelty to animals.

Act not to apply to any association using name of any incorporated society.

**48. SEC. 7.** That the provisions of this act shall not extend or apply to any association or individuals who shall, in the certificate filed as hereinbefore provided, use or specify a name or style the same or substantially the same as that of any previously-incorporated society in this state.

Repealer.

**49. SEC. 8.** That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall be a public act and take effect immediately.

#### IV. Miscellaneous acts.

##### An act concerning the custody of infants.

P. L. 1860, p. 437.

Approved March 20, 1860.

**50. SEC. 1.** [Amended by Sec. 52, *post.*]

##### Supplement.

P. L. 1861, p. 458.

Approved March 15, 1861.

Act concerning custody of infants extended.

**51. SEC. 1.** That the act to which this is a supplement shall be extended so as to apply to all cases in which a husband and wife shall live in a state of separation, unless a decree of divorce separating them shall provide for the custody and disposition of their minor child or children.

##### Supplement.

P. L. 1892, p. 158.

Approved March 22, 1892.

Custody of minor children of parents living in state of separation.

**52. SEC. 1.** That the first section of the act to which this is a further supplement be and the same is hereby amended so as to read as follows :

[That when any husband and wife shall live in a state of separation without being divorced, and shall have any minor child or children of the marriage, the chancellor, upon the said child or children being brought before him upon habeas corpus, shall make an order for the access of the mother to her infant child or children at such times and under such circumstances as he may direct ; and if the said child or children be within the age of seven years, shall make an order that the said child or children be delivered to and remain in the custody of the mother until said child or children shall attain such age, unless said mother shall be of such character and habits as to render her an improper guardian for said child or children ; and if the said child or children be over the age of seven years, then, upon presenting to the chancellor a petition of the mother, alleging sufficient grounds therefor (the allegations of which petition shall be satisfactorily proved), or upon presenting the consent of the father of such child or children, which consent shall be in writing, and signed and acknowledged by the father in the presence of two witnesses present at the same time, who shall subscribe their names thereto as witnesses, he may make an order in accordance with such petition or consent, and may direct that such child or children be delivered to and remain in the custody of the mother, or of such mother and some other person or persons, to be selected by him, for such length of time as he may deem best ; and upon the entering of such

order with the clerk of the court of chancery, such disposition of the custody of such child or children so made as aforesaid shall be good and effectual against all and every person or persons claiming the custody or tuition of such child or children as guardian by nature or otherwise for the time specified in said order.](a)

An act concerning the care and custody of infants.

Approved March 22, 1895.

P. L. 1895, p. 630.

53. SEC. 1. That when the parents of any minor child or children, or the parent or other person or persons having the actual care and custody of any minor child or children, are grossly immoral or unfit to be entrusted with the care and education of such child or children, or shall neglect to provide such child or children with proper protection, maintenance and education, or are of such vicious, careless or dissolute habits as to make such child or children chargeable or likely to become chargeable to any township, borough, city or other municipality in this state, it shall and may be lawful for any person or persons interested in the welfare of said child or children, to present to the chancellor, the supreme court of this state, or any justice of the supreme court, a petition setting forth the facts in the case, duly verified by affidavit, and praying that the said child or children may be brought before said chancellor, supreme court or supreme court justice, as the case may be, and for further relief under this act.

When parents or custodians of children are immoral or unfit, chancellor or supreme court, on petition, may afford relief.

54. SEC. 2. That upon presentation of such petition, an order shall issue addressed to the parents or parent or other person or persons in whose care or custody said infant, child or children may be, and also to the said child or children, requiring their appearance at such time and place as shall be designated in the order, to answer said petition and to abide the order of the court; said order shall be served in such manner, whether by personal service, mailing, publication or otherwise, as in said order shall be directed, and said order may further direct that a copy or copies thereof be served upon any other person or persons named therein; at the time and place so appointed, or to which the hearing may be adjourned, and upon proof of due and legal service of said order in the manner therein directed, which proof may be by affidavit of the person or persons serving the same, a summary examination shall take place before the said chancellor, supreme court or supreme court justice, and thereupon, upon proof of the material facts set forth in said petition to the satisfaction of said chancellor, court or justice, an order shall be made committing the said child or children to the care and custody of such person or persons who will accept the same, as the chancellor, supreme court or supreme court justice shall for that purpose designate and appoint, until such child or children, respectively, shall attain the age of eighteen years or the further order of the court; said order shall briefly set forth the grounds of granting the same and need not set forth the evidence nor the substance thereof; and said order may, in the discretion of the chancellor, court or justice granting the same, require the giving of a bond by the person or persons to whose care or custody the said child or children may be committed, with such security and on such condition or conditions as to the said chancellor, court or justice shall seem proper.

Proceedings on petition.

Order may be made for custody.

Bond.

55. SEC. 3. That the chancellor, court or justice before whom proceedings shall or may be conducted under this act, may in lieu of committing such child or children, as in the last preceding section specified, commit such child or children to the care and custody of any society for the prevention of cruelty to children duly incorporated under the act entitled "An act for the incorporation of societies for the aid of children and the

Children may be committed to care of a society.

(a) This act is a supplement to the act of March 20th, 1860, and in some particulars changes that enactment and also adds other provisions thereto. The following cases are referred to upon the original act of 1860: *Bennett v. Bennett*, 2 Beas. 114, in which that act was held not to be unconstitutional as in violation of any vested rights of the husband, or void as being incompatible with the fundamental principles of government.

It was also held that the act of 1860 takes away the discretion of the chancellor as to the custody of children under seven years of age. In these particulars, the decision of *Bennett v. Bennett* would apply to the act of 1892. See, also, *State, Baird v. Torrey*, 3 C. E. Gr. 194. S. C., 4 C. E. Gr. 461. *Landis v. Landis*, 10 Vr. 214.

prevention of cruelty to children," passed March fifth, one thousand eight hundred and ninety.

Repealer.

**56. SEC. 4.** 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 prohibit tavern-keepers, storekeepers, confectioners, and hucksters from entertaining minors at colleges, academies, and schools, for the purposes of instruction, and from selling to them.**

R. S. 590.

Tavern-keepers prohibited from entertaining minors.

Approved April 10, 1848.

**57. SEC. 1.** That from and after the passing of this act, it shall be unlawful for any tavern-keeper in this state to receive and entertain at his or her house of public entertainment, any minor under the age of twenty-one years, who is a scholar or member of any college, academy, or school within this state; and if any such tavern-keeper shall receive and entertain any such minor or scholar, or sell, or directly or indirectly supply him with any wine, ardent spirits, porter, or strong drink of any kind, he or she shall for each offense forfeit and pay the sum of ten dollars, to be recovered by action of debt, with costs of suit, by the parent or guardian of such minor, or by any other person who shall sue for the same, one-half of which penalty shall belong to the person so prosecuting, and the other half to the college, academy, or school of which such minor may be a member; *provided always*, that nothing in this act shall prevent the reasonable entertainment of such minor in coming to, or returning from such college, academy, or school, and until he is provided with lodging and board, according to the usage and practice of such college, academy, or school.

Storekeepers, &c., likewise prohibited.

**58. SEC. 2.** That from and after the passing of this act, it shall be unlawful for any storekeeper, confectioner, or huckster within this state, to sell, or directly or indirectly to supply any minor, who is a member of any college, academy or school within this state, at the place where such college, academy or school is situate, or within three miles therefrom, with any wine, ardent spirits, porter, or other strong drink, without the special permission in writing of the president, principal master, or teacher of the said college, academy, or school; and if any storekeeper, confectioner, or huckster shall sell, or directly or indirectly supply any such minor with the said liquors, or any of them, without such permission, he or she shall, for each offense, forfeit the sum of ten dollars, to be recovered by action of debt, with costs of suit, by any such parent or guardian, or by any other person who shall sue for the same, one-half of which penalty shall belong to the person so prosecuting, and the other half to the college, academy or school of which such minor is a member.

Debts so contracted void.

**59. SEC. 3.** That no debt contracted by any minor under the age of twenty-one years, being a scholar or student of any college, academy or school within this state, without the special permission in writing of the parent or guardian of such minor, or of the president, principal master, or teacher of the said college, academy, or school, shall be binding on or recoverable of the said minor, or his parent or guardian, in any of the courts of this state; *provided*, that nothing herein contained shall prevent the recovery of any debt contracted by such minor, for reasonable entertainment in coming to or returning from such college, academy or school, and until he is provided with lodging and board according to the usage and practice of such college, academy or school; or for the convenient and proper board and lodging of any scholar or student of such college, academy or school, boarding and lodging out of the same, by the permission of the president, principal master, or teacher thereof.

Who deemed a minor.

**60. SEC. 4.** That in all actions, suits and proceedings, which may be brought to recover any debt contracted as aforesaid (except debt contracted as mentioned in the proviso of the preceding section), every person being a regular scholar or student of any college, academy or school, within this state, shall be deemed and taken to be a minor, unless he shall be proved to be of full age, by other evidence than the admission or declaration of such person.

**An act to protect the health of boys and girls, and secure to parents the control of their children.**

Approved March 10, 1880. P. L. 1880, p. 176.

- 61.** SEC. 1. [Amended by Sec. 68, *post.*]  
**62.** SEC. 2. [Amended by Sec. 69, *post.*]  
**63.** SEC. 3. That for every such offense against this act, the party offending shall forfeit and pay the sum of sixty dollars, which penalty shall be recovered in an action of debt, and given to the overseer of the poor of the township in which such offense occurs, for the use of the poor.  
**64.** SEC. 4. That the action for the recovery of the penalty aforesaid shall be instituted in the circuit court or court of common pleas of the county in which the offense occurred, and shall be in the corporate name of the township in which the offense occurred, and the name of the person complaining shall be joined as co-plaintiff in such action.  
**65.** SEC. 5. That in case judgment is recovered for penalty, full costs of suit shall be taxed and recovered against the defendant or defendants, as in the case of judgment for debts or damages over one hundred dollars, and execution for said penalty and costs shall issue against the goods and chattels, lands, tenements and hereditaments of such defendant or defendants, and in default of any personal or real property to satisfy such execution, that the body of such defendant shall be taken and confined in the common jail of the county until such execution is paid or the court orders his discharge from custody; and further, such defendant or defendants shall not have the benefit of the insolvent laws.  
**66.** SEC. 6. That in any action instituted to recover the penalty aforesaid, and judgment shall be rendered in favor of defendant, he or she shall recover from the complainant, joined as aforesaid as co-plaintiff, full costs of suit, as now taxed by law in the circuit court or court of common pleas, and shall have the like execution against such complainant as is heretofore provided in case judgment is rendered against such defendant.  
**67.** SEC. 7. That if the provisions of this act shall be violated more than three times within six months by the same person, his agents or employes, that he or she shall be indictable for misdemeanor, and on conviction shall be punished by a fine not exceeding two hundred dollars, or imprisonment in the county jail not exceeding six months, or both.

Penalty for violation of this act.

Action, where and how instituted.

Judgments and costs of suit, how taxed and recovered.

How defendant's costs recovered.

When offense shall be indictable.

**Supplement.**

Approved March 26, 1888. P. L. 1888, p. 253.

- 68.** SEC. 1. That the first section of the act to which this is a supplement be amended so as to read as follows :  
 [That no vinous, spirituous or other alcoholic liquors, and no ale, strong beer, lager, porter or other malt liquors shall be sold or given, in great or small quantities, to any boy or girl under the age of eighteen years, by any wholesale or retail liquor dealer, any tavern-keeper, saloon-keeper or other dealer in such alcoholic or malt liquors, their servants or agents.]  
**69.** SEC. 2. That the second section of the act to which this is a supplement shall be amended so that the same shall read as follows :  
 [That no saloon-keeper, tavern-keeper or other dealer in alcoholic or malt liquors shall permit any boy or girl under the age of eighteen years to lounge in or frequent the rooms or places where such liquors are kept or sold.]

No liquor to be sold to minors.

Not to be permitted to frequent places where liquor is sold.

**An act prohibiting the sale of cigarettes or tobacco in any of its forms to minors.**

Approved March 22, 1883. P. L. 1883, p. 112.

- 70.** SEC. 1. That hereafter no person or persons in this state shall knowingly sell any cigarette or cigarettes, or tobacco in any of its forms, to any minor under the age of sixteen years.

Cigarettes or tobacco not to be sold to minor under sixteen years.

Penalty.

**71. SEC. 2.** That if any person or persons in this state shall violate the provisions of this act, he, she or they shall be liable to a penalty of twenty dollars for each and every such offense, such penalty to be sued for by and in the name of the parent or guardian of such minor, in any court of competent jurisdiction in this state, such penalty to go to the county collector for the use of the county wherein the violation of this act occurs.

**An act regulating billiard and pool-rooms in this state.**

P. L. 1884, p. 133.

Approved April 4, 1884.

Where minor  
shall not play  
billiards, &c.

**72. SEC. 1.** That hereafter it shall not be lawful for any minor under the age of eighteen years to play any game in this state commonly called billiards or pool, in any saloon or room kept by any person or persons for the purpose of profit or gain.

Penalty.

**73. SEC. 2.** That any person or persons keeping such saloon or room, knowingly allowing any such minor to play such games, shall be liable to a penalty of twenty dollars for each and every offense, such penalty to be sued for by and in the name of the parent or guardian of such minor, in any court of competent jurisdiction in this state, such penalty to go to the overseer of the poor for the use of the poor in said city, borough or township wherein the violation of this act occurs.

## Insolvent Debtors.

### I. APPLICATION FOR RELIEF.

1. Debtors in actual confinement may apply for discharge.
2. Defendant discharged on giving bond, &c.
3. Application to court.
4. Officer's return.
5. Officer's fees.

### II. PETITION TO COURT AND THE HEARING THEREON.

6. Petition for discharge.
7. Time for hearing and notice.
8. Proceeding at the hearing.
9. Examination of debtor.
10. Further examination.
11. Assignee appointed and assignment made.
12. When new assignee appointed.
13. Proceedings if creditors dissatisfied.
14. Proceedings when debtors remanded.
15. If fraud proved, debtor remanded.
16. Seducer not entitled to immediate discharge.
17. Discharge after term of imprisonment.

### III. THE ESTATE AND POWER OF THE ASSIGNEE.

18. Estate vested in assignee.
19. What conveyances void.
20. Power of assignee to sell.
21. General meeting of creditors.
22. Oath of assignee.
23. Proceedings to discover effects of debtor.
24. May examine wife of debtor.
25. When suit in equity authorized.
26. Proceedings when debtor has become bail.
27. Debts not due allowed.
28. The debtor's discharge.
29. Penalty for fraudulent conduct.
30. Fees.

### IV. PRISON LIMITS.

31. Common pleas to assign prison bounds.
32. What a forfeiture of bond.
33. Debtor refused discharge may give bond for limits.
34. Common pleas may discharge person imprisoned at discretion of court.
35. Proceedings in case common pleas fail or refuse to discharge insolvent debtor.
36. Court to name time and place for hearing matter concerning liberation of debtor.
37. Court may order extension of time to file declaration.

### I. Application for relief.

#### An act for the relief of persons imprisoned on civil process.

Revision—Approved March 27, 1874.

R. S. 323, 325.

P. L. 1853, p. 21.

" 1855, p. 566.

" 1858, p. 103.

Debtors in actual  
confinement may  
apply for dis-  
charge.

R. S. 325, § 1.

**1.** That any person who now is, or hereafter shall be, in actual confinement, (a) for debt or damages, in any of the jails of this state, and is willing to deliver up to his creditor or creditors all his estate, both real and personal, towards the payment of his creditor or creditors, is hereby authorized to present a petition, in the manner hereinafter appointed for the benefits of this act.

(a) One who has been arrested on a *ca. res.*, and permitted by the sheriff to go at large, is not in "actual confinement." *In re Brush*, 1 *Hal.* 404. The debtor must be under arrest or held in custody. *Bond v. Cox*, 1 *Pr.* 381. A person imprisoned in the county jail by virtue of an execution against the body for violating an ordinance, the execution having been issued in a *qui*

*tam* action, is entitled to the benefit of the insolvent debtor's act. *Brophy v. Perth Amboy*, 15 *Pr.* 217, reversing 14 *Pr.* 589. The insolvent laws are not, however, available to persons imprisoned for debts or penalties due to the state itself. *Clements v. Camden*, 22 *Pr.* 424.