

Workhouses.

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

Rev. 443.

R. S. 619.

Passed February 20, 1799.

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

Board of chosen freeholders authorized to build or purchase workhouse.

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

To have the government of.

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

Who to be sent to.

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

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

(a) See *State v. Ellis*, 2 *Dutch*. 219. *State v. Layton*, 4 *Dutch*. 244. *McDonald v. Vermilye*, 10 *Vr*. 282.

What slaves and servants may be sent to work-house.

5. That it shall be lawful for any justice of the peace to commit to the said workhouse to hard labor, any stubborn, disobedient, rude or intemperate slave or male servant, on complaint of his or her master or mistress; and also, after due investigation of such complaint, to order such person to be punished by such confinement and labor as the said justice shall think reasonable.

Who to pay for their food.

6. That when any servant or slave, of the description specified in the preceding section, shall be sent to such work house, the master or mistress shall pay for the food and diet of his or her servant or slave such reasonable compensation as the said corporation shall fix.

Duties of masters of workhouses.

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

Persons escaping, how to be further punished.

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

Masters of work-houses to keep an account of maintenance, etc., of offenders.

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

Penalty on master of workhouse for neglect.

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

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

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

Courts and other authorities of both counties may commit persons to such workhouse.

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

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

Duties of the master of such workhouse.

Supplement.

Approved March 4 1847. P. L. 1847, p. 175.

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

Freeholders may convert part of jail into a workhouse.

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

Approved February 27, 1857. P. L. 1857, p. 40.

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

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

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

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

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

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

18. SEC. 4. That in each of said counties, the board of freeholders shall appoint some proper person to be the jailer or keeper of the jail of said county, who shall hold his office for the term of five years, and until another be appointed in his stead; but such jailer may at any time be removed from office, by a vote of two-thirds of all the chosen freeholders

Board of freeholders to appoint jailer.

Term of office. of said county for the time being, and no jailer shall be elected, except by a vote of a majority of all the members of the board; said jailer, before he enters upon the duties of his office, shall give bond to said board of chosen freeholders, in such sum and with such sureties as said board shall prescribe, conditioned for the full and faithful performance of the duties of his office.

Jailer to be master of workhouse. 19. SEC. 5. That in each of said counties, the jailer shall be the master of the workhouse therein; and the workhouse therein, or so much of it as shall be so declared by the board of freeholders, shall be part of the common jail of said county, and that said jailer shall keep at such work as they are able to perform in said workhouse during their continuance in his custody, all persons sentenced for crime or misdemeanor, or upon indictment, to hard labor or imprisonment for any term less than six months, or to be imprisoned until their fine or costs be paid, all persons detained or committed for crime, who may neglect or are unable to pay for their board while in jail, all persons convicted of petit larceny by two justices of the peace, all persons convicted and committed under or by virtue of "An act to describe, apprehend, and punish disorderly persons," all persons convicted and committed, by virtue of the provisions of "An act for suppressing vice and immorality," and all persons convicted and sentenced to jail or imprisonment for the violation of any municipal ordinance, and all other persons, who are or may be by law directed to be employed at such work in the workhouse in the several counties of this state.

Board of freeholders to prescribe rules, &c., for management of jail. 20. SEC. 6. That the board of chosen freeholders of each of said counties shall prescribe rules and regulations for the management and conduct of the same, and the employment, maintenance, and keeping of the prisoners therein, and may contract with any person or persons for the labor of the prisoners, or any part of them, and may authorize and require the jailer or master of the same to enforce such rules and regulations, and to punish any breach of the same by the prisoners, and any refusal to work, or insubordination, by solitary confinement, change or diminution of food and diet, or such other reasonable punishments as they may prescribe.

Persons under twenty-one may be sentenced to, for term of years. 21. SEC. 7. That it shall be lawful for the courts of oyer and terminer and of the general quarter sessions of the peace, in each of said counties, in all cases where persons under the age of twenty-one years shall be convicted in either of said courts, of any offence punishable by imprisonment in the state prison, if in the discretion of said court it shall be advisable so to do, to adjudge that such person so convicted be confined at hard labor in the jail of said county, for any length or term of years for which such person might, for such offence, have been sentenced to the state prison.

Such persons from other counties may be confined in Essex and Hudson county jails. 22. SEC. 8. That it shall be lawful for the courts of oyer and terminer and of the general quarter sessions of the peace, in either of the other counties of this state, to sentence any person under the age of twenty-one years, who may be convicted, in either of such courts, of any offence punishable by imprisonment in the state prison, to the county jail of either of said counties of Essex and Hudson, for the same term, and to the like punishment, to which such person might have been sentenced by the said courts of the counties of Essex and Hudson; *provided*, the same be done by the consent of the board of chosen freeholders of the county to which such person might be sent, and according to such terms as shall by them be prescribed.

This act may be adopted by other boards of freeholders. 23. SEC. 9. That the board of chosen freeholders of the several counties in this state are hereby authorized to adopt all the provisions of this act, and fully to carry out the same, to all intents and purposes, in their respective counties, whenever a majority of such board of chosen freeholders shall, at a regular meeting thereof, vote so to do, and file a certificate thereof in the office of the secretary of state.

P. L. 1858, p. 178.

Supplement.

Approved February 26, 1858.

When person sentenced to Essex or Hudson jail from another 24. SEC. 1. That when any of the courts of this state shall sentence any person, under the age of twenty-one years, to the county jail of Essex or of Hudson, pursuant to the provisions of the eighth section of the act to

which this is a supplement, it shall be the duty of the sheriff of the county in which said person shall be sentenced, or his deputy, to transport such person to the jail of the said county of Essex or of Hudson, within twenty days after the sentence, together with a certified copy of the sentence, and said person shall be safely kept in the said jail until the term of his or her imprisonment shall have expired; and the said sheriff, or his deputy, shall be entitled to receive compensation for the expense of transporting such person at the same rate per mile as is allowed for transporting offenders to the state prison, to be paid by the treasurer of this state, upon the certificate of the keeper of said jail; *provided*, that no more shall be paid in any case than the said sheriff, or his deputy, would be entitled to receive, had he transported such offender to the state prison.

county, to be transported there within twenty days.

Cost of transporting.

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

Rate of keeping such prisoner.

[See title SHERIFFS, II. *County Jails*, sec. 45 to 49].

Wrecks.

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| 1. Commissioners appointed. | 12. Oath and compensation. |
| 2. Districts assigned. | 13. False lights. |
| 3. Duty of commissioners. | 14. Adjusting compensation. |
| 4. Appeal, proceedings in. | 15. Duty of arbitrators. |
| 5. Commissioners, when not to sell. | 16. Illegal compensation forbidden. |
| 6. To make inventory. | 17. Penalty for taking. |
| 7. Protection of ship and cargo. | 18. Commissioner not to purchase. |
| 8. Commissioners to take possession. When authorized to sell. | 19. Appropriation of moneys. |
| 9. Stranded goods found. | 20. Appointment of commissioners. |
| 10. Punishment for stealing. | 21. Bond. Annual report. |
| 11. Commissioner punished for abuse. | 22. Compensation. |
| | 23. Repealer. |

An act concerning wrecks.

Rev. 716.

Approved April 10, 1846.

R. S. 622.

1. That it shall and may be lawful for the courts of common pleas, in the several counties of this state, bordering on the sea, bays and sounds, and they are hereby required, each and every year hereafter, and oftener if necessary, to appoint one or more discreet and fit person or persons, not a judge of the court so making the said appointment, commissioner or commissioners of wrecks, in their respective counties, who shall hold such appointment not less than one year, nor more than five years, at the discretion of said courts, and shall severally enter into bond to the state of New Jersey, with two or more good and sufficient sureties, to be approved of by said court, in any sum not less than five thousand dollars, nor more than twenty thousand dollars, for the faithful discharge of the duties of their said office, which bond shall be deposited in the office of the secretary of this state; and it shall be the duty of the clerks of said courts, respectively, to make out a certificate, under the seal of said court, for each of the persons so appointed, of his appointment, and deliver the same to him; *provided*, that when any commissioner is appointed as aforesaid, for more than one year, and not exceeding five years, it shall not be necessary to renew his appointment or bond, until the time therein expressed shall have expired. (See *Sec. 20*).

Commissioners to be appointed, and give bond.

Proviso.

2. That the said courts of common pleas shall have authority, from time to time, to lay off and alter, at the discretion of the said courts, two or more districts on the sea, bays, sounds and rivers, adjoining their respective counties, and in such cases to appoint a commissioner in each and

Districts to be assigned.