

5. That the governor, or person administering the government, shall have power to withdraw the name of any pupil from the list of those instructed at the charge of the state if it appears that such pupil was improperly admitted, or after a fair trial be found incapable of instruction, and in such case due notice shall be given by the governor to the principal of any institution in which such pupil so withdrawn is an inmate.

Name of any pupil may be withdrawn upon notice to be given.

6. That the term of instruction shall be three years, but may be extended to a term not exceeding in all eight years, and the application for the extended term shall be endorsed by the principal of the institution to which the beneficiary may have been sent. (See *Sec. 13*).

Term may be extended.

7. That it shall be the duty of the governor, or person administering the government, to request the principals of the several institutions to which such pupils shall be sent, to transmit to him, every year, statements in writing, of the progress in learning and general standing of each pupil supported by this state.

Annual statements to be made.

8. That any person not under five years nor more than twenty-one years of age may be entitled to the benefits of this act.

Age of pupils.

9. That whenever any person entitled to the benefits of this act shall become a legal charge upon the overseers of the poor of any township in this state, it shall be the duty of such overseer or overseers to make immediate application in behalf of such person in the manner hereinbefore prescribed; and if such person shall be placed in an institution for instruction, then the expense of conveying him or her to and from the institution and of supplying him or her with suitable clothing during his or her term of instruction shall be defrayed by such township.

Expenses when to be defrayed by township.

10. That each beneficiary of the state of New Jersey in the institutions for the instruction of blind persons, shall be entitled to a Vienna writing box, the costs of the same not to exceed the sum of ten dollars, which sum shall be paid on recommendation of the governor out of the state treasury upon a warrant from the comptroller.

Vienna writing box to be supplied.

11. That whenever the governor, or person administering the government, shall be satisfied that the resources of any person applying for the benefit of this act, or those of his or her parents or guardians are sufficient to defray a part of the expense of instructing such person, but not sufficient to defray the whole expense, then the governor, or person administering the government aforesaid, may cause to be paid such proportion as to him may seem just and equitable, of the annual expense of educating such person.

When parents or guardians shall defray part of expense.

12. That all acts heretofore passed, and the several supplements thereto, in reference to the maintenance, support and instruction of the deaf and dumb, blind and feeble minded persons, inhabitants of this state, be and the same are hereby repealed.

Repealer.

Supplement.

Approved February 9, 1875. P. L. 1875, p. 11.

13. SEC. 1. That whenever any person entitled to the benefits of this act, and who shall have been in any institution for the term of eight years, shall make application to the governor, endorsed by the principal of such institution, for an extension of term, such application can be granted, and the term of years shall be left to the discretion of the governor.

Extension of term may be granted.

Death.

1. When damages may be recovered.
2. Action, how brought. Amount recovered, for whose benefit.
3. Particulars of claim to be given.
4. Death, when presumed.
5. Proceedings for sale of land of persons presumed to be dead.
6. Proceedings for distribution of personal property given or bequeathed to persons presumed to be dead.

An act to provide for the recovery of damages in cases where the death of a person is caused by wrongful act, neglect, or default.

P. L. 1848, p. 151.

Approved March 3, 1848.

When damages may be recovered.

1. Whenever the death of a person shall be caused by wrongful act, neglect, or default, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case the person who, or the corporation which, would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony.

Action how brought; amount recovered for benefit of widow and next of kin.

2. Every such action shall be brought by and in the names of the personal representatives of such deceased person; and the amount recovered in every such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin in the proportions provided by law in relation to the distribution of personal property left by persons dying intestate; and in every such action the jury may give such damages as they shall deem fair and just, with reference to the pecuniary injury resulting from such death to the wife and next [of] kin of such deceased person; *provided*, that every such action shall be commenced within twelve calendar months after the death of such deceased person.^(a)

Limitation.

Particulars of claim to be given.

3. On request by the defendant, or the defendant's attorney, the plaintiff on the record shall be required to deliver to the defendant, or to the defendant's attorney, a particular account in writing, of the nature of the claim in respect to which damages shall be sought to be recovered.

An act declaring when the death of persons absenting themselves shall be presumed.

R. S. 781.

Passed March 7, 1797.

Death when presumed.

4. SEC. 1. Any person who shall remain beyond sea, or absent himself or herself from this state, or conceal himself or herself in this state, for seven years successively, shall be presumed to be dead, in any case wherein his or her death shall come in question, unless proof be made that he or she were alive within that time; but an estate recovered in any such case, if in a subsequent action or suit the person so presumed to be dead shall be proved to be living, shall be restored to him or her who shall have been evicted; and he or she may also demand and recover the rents and profits of the estate, during such time as he or she shall have been deprived thereof, with costs of suit.^(b)

Supplement.

P. L. 1848, p. 43.

Approved February 15, 1848.

Proceedings for sale of land of persons presumed to be dead.

5. SEC. 1. In case the heirs or devisees of any person, who is or may be presumed to be dead, pursuant to the provisions of the act to which this is a supplement, shall desire to sell any land or real estate to which said person would be entitled, if living, it shall be lawful for said heirs or devisees to present a petition to the court of chancery; and thereupon the said court, upon being satisfied of the truth of the facts, that it will be just and equitable, and upon proper security being given, by bond, to the state of New Jersey, for double the value of said land or real estate, that the pro-

(a) This statute is intended for the benefit of all the next of kin, *Paulmier v. Erie R. R. Co.*, 5 Fr. 152. If the deceased leave no widow him surviving an action may be maintained by his personal representatives for the benefit of the next of kin, *Haggerty v. Central R. R. Co.*, 2 Fr. 349. It is sufficient to allege that the deceased left a widow or children, without naming them, *McGlone v. New Jersey R. R. Co.*, 8 Fr. 304. It is proper, although perhaps not indispensable, to allege that such widow or next of kin, has sustained some pecuniary loss, *Ibid.* Only such loss or injury as has been sustained by the plaintiff can be allowed, and in estimating that, the chances of health and life are to be considered in connection with the value of services, *Telfer v. Northern R. R. Co.*, 1 Fr. 189. Administrators are not liable for costs in a suit brought by them, on a judgment for the defendants, *Kinney v. Central R. R. Co.*, 5 Fr. 273.

(b) A widow, whose husband has been absent from the state for seven years, may have an action of dower, *Wamdaugh v. Shenck*, Pen. *229. A mother may recover for the services of her son, an infant living with her, where the father has been absent sixteen years, *Osborn v. Allen*, 2 Dutch. 388. On a bill stating that a legatee had left the state more than seven years before filing the bill, the answer admitted the absence but set up that he had been heard from during that time. *Held*, that defendants must prove that he was alive within the seven years, *Smith v. Smith*, 1 Hal. Ch. 484. Where a legatee was last heard of three years before the death of a testatrix, the presumption of his death not arising until four years later, prevents his legacy from lapsing, *Clarke v. Canfield*, 2 McCurt. 119. See also *Hamilton v. Ross*, 3 Hal. Ch. 465. *Scudder v. Stout*, 2 Stock. 377, and *Matter of Hall*, 1 Wall. Jr. 85.

ceeds of the sale shall be paid on demand, with interest, to the said person presumed to be dead, or to his or her lawful issue, in case he, she, or they shall appear and claim the same, to order the said land or real estate to be sold, as the court may deem advisable; and that the said person so presumed to be dead, and his or her lawful issue, if he, she, or they shall prove to be living, shall be forever thereafter barred from any claim or title to said land or real estate, and entitled only to the proceeds thereof; and in such case the purchaser shall hold and be seized of as good and perfect estate in the said land or real estate, as if the said person presumed to be dead had conveyed the same.

Supplement.

Approved April 4, 1873. P. L. 1873, p. 139.

6. Sec. 1. That whenever any personal property or any interest therein, has been or shall be given or bequeathed, in and by any last will and testament, either to or for the use of any person or persons for life, or for a term of years, or for any other limited period, or in remainder, after the death of any other person or persons who shall have remained beyond the sea, or have been absent from or concealed in this state for seven years after the death of the testator or testatrix, it shall be lawful for the chancellor, in any proceeding to be had in the court of chancery, upon the petition of any one interested in the matter, and after due proof of such absence or concealment, to order, adjudge and decree that the executor or executors of said will and testament, or the administrator or administrators, *cum testamento annexo*, or otherwise, shall pay and deliver such property, or such interest therein with any accumulations thereof, unto or for the use of the said person or persons so entitled to receive the same after the death of such other person or persons so absent or concealed, upon his, her or their giving to said executor or executors, administrator or administrators, a refunding bond or bonds, without any sureties whatever, but otherwise in the form or to the effect mentioned or prescribed in and by the seventeenth^(a) section of the act entitled "An act concerning executors, and the administration and distribution of intestates' estates," approved April sixteenth, one thousand eight hundred and forty-six; and such bond or bonds shall be a full and complete protection to said executor or executors, [or] administrators, in case said person or persons so absent or concealed, or his, her or their legal representatives shall at any time afterwards appear and claim said property, or interest therein, and said accumulations or any part thereof.

Proceedings for distribution of personal property given or bequeathed to persons presumed to be dead.

Refunding bond to be given.

(a) See ORPHANS COURT § 67.

Dentistry.

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| 1. The practice of dentistry; when unlawful. | 6. Penalty for violation of this act. Proviso. |
| 2. Board of examiners. | 7. Burden of proof on defendant. |
| 3. Meetings of board. To grant certificates and keep register. | 8. Fines how disposed of. |
| 4. Register to be a book of record. | 9. Not to affect persons now engaged in practice. |
| 5. Quorum of board. | 10. Fee for certificate. Fees of examiners. |

An act to regulate the practice of dentistry, and to protect the people against empiricism in relation thereto, in the state of New Jersey.

Approved March 14, 1873. P. L. 1873, p. 52.

1. That from and after the passage of this act it shall be unlawful for any person to engage in the practice of dentistry in the state of New Jersey; unless said person has graduated and received a diploma from the faculty of a dental college, chartered under the authority of some one of the United States or foreign governments, or shall have obtained a certificate from a board of dentists, duly authorized and appointed by this act, to issue such certificates.

The practice of dentistry, when unlawful.