that the term cruelty in this section mentioned shall be held to include all the acts mentioned in the preceding sections of this act.

79. Sec. 16. That in this act the words “animal” or “animals,” “creature” or “creatures,” shall be held to include the whole brute creation, and the words “owner” and “person,” or “owners” and “persons,” shall be held to include corporations as well as individuals, and the knowledge and acts of agents of, and persons employed by corporations in regard to animals transported, owned or employed by or in the custody of such corporations, shall be held to be the knowledge and acts of such corporations.

80. Sec. 17. That the acts entitled “A supplement to the act entitled ‘An act for the punishment of crimes,’” approved March twenty-seventh, one thousand eight hundred and sixty-seven; A further supplement to the act entitled “An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals,” approved April first, one thousand eight hundred and sixty-eight, which supplement was approved March twenty-second, one thousand eight hundred and seventy-one; A further supplement to the act entitled “An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals,” approved March twenty-seventh, one thousand eight hundred and sixty-eight; A further supplement to the act entitled “An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals,” approved March fifth, one thousand eight hundred and seventy-two, and all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall be deemed and taken as a public act, and shall take effect immediately.

Supplement.

Approved March 25, 1875.

81. Sec. 1. That the proceedings mentioned in the thirteenth section of the act to which this is a supplement, may be instituted before any justice of the peace in and for the county where the offence is cognizable, and such justice shall have competent jurisdiction for such purpose; and the amount of the forfeiture or penalty so to be recovered, as in said section provided for, shall be determined, and judgment rendered for the same in like manner as in actions for the recovery of money, or damages in the court for the trial of small causes, and execution may thereupon issue against the body or goods of the defendant, and all proceedings in said section mentioned shall, except as otherwise specially provided, conform to the course and practice of the court for the trial of small causes.

82. Sec. 2. That any member, officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals may exercise and perform the like powers and duties as of an agent of said society who has been especially deputized by the sheriff of any county in this state.

Apprentices.

1. Minors, how bound.
2. Age to be specified.
3. Indentures contrary to act—void.
4. Bond need not be indentured.
5. Remedy of master and apprentice.
6. Penalty for enticing away.
7. Penalty for harboring.
8. Servant absconding—penalty.

10. Certiorari not allowed.
11. To whom apprentice may be bound.
12. Surviving partners may hold.
13. Binding may be made to a firm or co-partnership.
14. Indentures not affected by death of one of a firm.
15. Consent of mother necessary to legality of indenture.
16. Citizens of this state authorized to take apprentices bound to them out of this state.

An act respecting apprentices and servants.

Revision—Approved April 30, 1846.

1. Sec. 1. That if any male person within the age of twenty-one years, or any female person within the age of eighteen years, shall be bound by indenture, of his or her own free will and accord, and by and with the consent of his or her father, or in case of the death of his or her father,
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by and with the consent of his or her mother or guardian, to be expressed in such indenture, and signed by such parent or guardian sealing and signing the same indenture, and not otherwise, (a) to serve as a clerk, apprentice or servant, in any art, craft, mystery, science, profession, trade, employment, manual occupation or labor, until, if a male, he arrive to the age of twenty-one years, and if a female, until she arrive to the age of eighteen years, or for any shorter time, then the said clerk, apprentice or servant so bound as aforesaid, shall serve accordingly. (1) See § 15.

2. Sec. 2. That the age of every infant, who shall be bound to serve as a clerk, apprentice or servant, according to the preceding section, shall be mentioned and inserted in his or her indentures, but such entry shall not be conclusive as to the age of such infant, and the true age of such infant may be inquired into and given in evidence in any court or before any magistrate, when the same shall or may come in question; and in case any infant shall be bound to serve beyond the time at which said infant, if a male, shall have arrived at the age of twenty-one years, or if a female, at the age of eighteen years, the said indenture shall be void as against such infant, so far as the age inserted in said indenture shall exceed the age aforesaid; provided, that nothing in this section shall in any way impair the obligation of any covenant entered into by the parent or guardian of such infant, as to the age or time of service of such infant, nor shall it impair or affect any contracts or indentures made with foreigners to serve for a term of years. (b)

3. Sec. 3. That all indentures, covenants, promises and bargains of or for the hiring, taking or keeping of any clerk, apprentice or servant, hereafter to be made or taken otherwise than by this act, or by any act authorizing overseers of the poor and justices of the peace to bind out children in certain cases, is limited and prescribed, shall be utterly void in law, as against such clerk, apprentice or servant only.

4. Sec. 4. That no deed, contract, agreement or writing whatsoever, made or to be made for binding any person as a clerk, apprentice or servant as aforesaid, shall be deemed to be void and of no effect by reason of such deed, contract, agreement or writing not being indented only.

5. Sec. 5. That if any master or mistress shall be guilty of any misusage, refusal of necessary provision or clothing, unreasonable correction, cruelty or other ill treatment, so that his or her said clerk, apprentice or servant shall have any just cause to complain, or if the said clerk, apprentice or servant shall absent himself or herself from the service of his or her master or mistress, or be guilty of any misdemeanor, miscarriage or ill behavior, or do not his or her duty to his or her master or mistress, then the said master or mistress, (c) or the said clerk, apprentice or servant, being aggrieved, and having just cause of complaint, shall repair to one justice of the peace, within the county where the said master or mistress dwells, who shall, in his wisdom and discretion, take such order and direction between such master or mistress, and his or her clerk, apprentice or servant, as the equity of the case shall require; and if the said justice of the peace cannot compound or agree the matter between such master or mistress, and his or her clerk, apprentice or servant, then the said justice shall call to his assistance two other justices of the peace of the said

(a) The apprentice is not bound unless he signs the indenture. Lyon v. Whitmore, Pen. 263. Stokes v. Hutch. 1 South, 90. See also, Walker v. Amodei, 1 Hill, 159. North Browne v. Franklin, 1 Bar. 535. The indenture need not be in express words that the binding was of the minor's own free will and accord. Foster v. Looper, 4 Vr. 240. The apprentice is bound if his signing be proved, without proving the signing of his master. Ahlstrom v. Bathaloon, 1 Gr. 222. Alder as to the father. Lyon v. Whitmore, Pen. 263. But see Taylor v. Hutchins, Pen. 692. or guardian. Wood v. Cortey, Pen. 464. or person hiring. Stokes v. Hutch. 1 South. 94.

(b) The person hiring the apprentice is bound after the services are rendered, although the assignment of the indenture was by parol. Middleton v. Taylor, C. 445.

(c) Parent cannot sue master for services of minor, after signing the indenture. Mood v. Morrison, Pen. 775. Recovery may be had as soon as there is a breach of any of the covenants. Stokes v. Hutch. 1 South. 94.

An indenture valid in the state where executed, will be enforced in this state if not against public policy. Pecor v. Young, 3 C. E. Gr. 280.

If an indenture binding a foreigner, signed by the father only, and stating the year, but not the day or month of his birth, held good. The State v. Taylor, Pen. 497.


APPRENTICES.

Before whom case to be heard. County, unconnected with either of the said parties; which three justices, when met, shall constitute a court for the hearing of the said matters in difference, and having heard the same, shall have authority to discharge, if they think proper, by writing, under their hands and seals, or the hands and seals of any two of them, the said clerk, apprentice or servant, of and from his or her clerkship, apprenticeship, or service, and to order such part or proportion of the money as shall have been given, paid, contracted, or agreed for, with or in relation to such clerk, apprentice, or servant, as they shall think just and reasonable, to be refunded or paid back to the person who paid the same, his or her executors or administrators, or to be deducted, as the case may require; and such writing as aforesaid, shall be a sufficient discharge for the said clerk, apprentice or servant, against his or her master or mistress and his or her executors and administrators, the said indenture or any law to the contrary notwithstanding; and if the default shall be found to be in the clerk, apprentice or servant, then the said court shall cause such due correction or punishment to be administered unto him or her as they shall deem to be just and reasonable; and if any person shall think himself or herself aggrieved by such adjudication of the said justices, he or she may appeal to the next court of general quarter sessions of the peace, in and for the county where such adjudication shall have been made, such person giving six days' notice of his or her intention of bringing such appeal, and of the cause and matter thereof to the adverse party, and entering into a recognizance within three days after such notice, before some justice of the peace of the said county with sufficient surety, conditioned to try such appeal at, and abide the order or judgment of, and pay such costs as shall be awarded by the said court; which said court, at their said sessions, upon due process, upon oath or affirmation of such notice being given, and of entering into such recognizance as aforesaid, shall be and hereby are empowered and directed to proceed in and hear and determine the cause and matter of such appeal, and give and award such judgment therein with costs, to either party, appellant or respondent, as they in their discretion shall judge proper and reasonable.

6. SEC. 6. That every person, who shall counsel, persuade, entice, aid or assist any clerk, apprentice or servant to run away, or absent himself or herself from the service of his or her master or mistress, shall forfeit and pay the sum of thirty dollars, to be sued for and recovered by action of debt, with costs, by such master or mistress, in any court of record having cognizance thereof. (a)

7. SEC. 7. That every person who shall entertain, harbor or conceal any clerk, apprentice or servant, knowing such clerk, apprentice or servant to have run away, shall forfeit and pay one dollar for every day's entertaining, harboring or concealing as aforesaid, to be sued for and recovered by action of debt, with costs, by such master or mistress, in any court of record having cognizance thereof. (b)

8. SEC. 8. That whenever a male servant, above the age of twenty-one years, or a female servant, above the age of eighteen years, shall abscond from his or her master or mistress' service, or run away, it shall be lawful for such servant, when apprehended, to be taken by such master or mistress before three justices of the peace of the county where such master or mistress resides, who, upon the hearing of the whole matter, shall adjudge the said servant to serve any term, not exceeding double the time he or she so absented him or herself, besides paying or serving for all damages and costs, which such master or mistress shall be adjudged to have sustained by such unlawful absence or departure.

9. SEC. 9. That every clerk, apprentice or servant, under the ages mentioned in the preceding section, who shall abscond himself or herself from the service of his or her master or mistress, without leave first obtained, (c) or who shall run away, so that the said master or mistress shall be deprived of his or her service during the remainder of the term or any part thereof, for which he or she was bound to serve, then, and in such case, it shall be

(a) An action for enticing, &c., will not lie when apprentice has not signed the indenture. Lyon v. Whitmore, Pen. *845. See Fisher v. Lampon, 4 Pr. 100. (b) A subsequent approval of the master of the apprentice's enlistment, held good, State v. Brengle, 2 South, 893. Sufficient averments in the state of demand, Thorpe v. Bankes, 4 Harr. 56. (c) Action for harboring, &c., will not lie when apprentice has not signed the indenture. Lyon v. Whitmore, Pen. *845. See Fisher v. Lampon, 4 Pr. 100.
lawful for the master or mistress of such clerk, apprentice or servant, to have an action on the case, in any court having cognizance thereof, against such clerk, apprentice or servant for the damage that such master or mistress may have sustained by reason of the absence of such clerk, apprentice or servant; provided, such action shall be brought within the term of six years after such clerk, apprentice or servant shall arrive at full age.

10. Sec. 10. That no writ of certiorari or other process, shall issue or be issuable, to remove into the supreme court, any proceedings had in pursuance of this act, before any justice or justices of the peace, or before any court of general quarter sessions of the peace. (a)

11. Sec. 11. That no indenture made prior to the twelfth day of March, eighteen hundred and forty-four, shall be adjudged or held to be void, merely for that such indenture is made to several persons constituting a firm or copartnership, but that all such indentures, being in other respects legal, shall be deemed and held valid and effectual in law; provided nevertheless, that nothing herein contained shall be so construed as to render valid any indenture of apprenticeship made to any incorporate company.

12. Sec. 12. That in all cases of an indenture whereby an apprentice or servant was bound prior to the said twelfth day of March, eighteen hundred and forty-four, to serve several persons, constituting a firm or copartnership, and one or more of such persons shall die before the expiration of the term of apprenticeship or service mentioned in any such indenture, then that the covenants and agreements contained therein, on the part of the parent or guardian of such apprentice or servant, and on the part of such apprentice or servant, shall accrue and be performed to the survivors or survivor, and such survivors or survivor shall perform and fulfill to the apprentice or servant, all the covenants and agreements contained in any such indenture on the part of the persons to whom such apprentice shall be bound, to be performed, fulfilled and kept.

Supplement. Approved March 17, 1864.

13. Sec. 1. The binding by indenture mentioned in the first section of the act to which this is a supplement, may lawfully be made to two or more persons constituting a firm or copartnership; and all such indentures, if in other respects conformable to the provisions of said act, shall be deemed and held to be valid and effectual in law; provided, that nothing herein contained shall be so construed as to render valid any indenture of apprenticeship made to any incorporated company.

14. Sec. 2. In all cases of an indenture, whereby an apprentice or servant is or shall be served to several persons, constituting a firm or copartnership, and one or more of such persons shall die before the expiration of the term of apprenticeship or service mentioned in any such indenture, then the covenants and agreements contained therein, on the part of the parent or guardian of such apprentice or servant, and on the part of such apprentice or servant, shall accrue and be performed to the survivors or survivor, and such survivors or survivor shall perform and fulfill to the apprentice or servant, all the covenants and agreements contained in any such indenture on the part of the persons to whom such apprentice shall be bound, to be performed, fulfilled and kept.

Supplement. Approved February 15, 1871.

15. Sec. 1. That hereafter the binding by indenture mentioned in the first section of the act to which this is a further supplement, shall not be lawful without the consent of the mother, if living, to such indenture signified by her signing and sealing the same.

(a) Certiorari will lie if the proceedings are not "in pursuance of this act," Talman v. Woodward, 460, 4 Hol. 69.
An act to authorize citizens of this state to take apprentices bound to them outside of this state.

Approved March 27, 1873.

16. Sec. 1. That citizens of this state may take and enter into indentures executed outside of this state whereby minors are bound to them to serve in this state, and that in all such cases parties binding said minors, and the masters or mistresses of said apprentices, shall be entitled to the same remedies against each other as if the said indentures had been duly executed in this state.

An act for regulating references and determining controversies by arbitration.

Approved April 15, 1846.

(c) An administrator may lawfully submit claims against the estate to arbitration, Osaw v. Morey, 1 Mich. 450. An affidavit must be made before an officer of the court mentioned in the substitution, Hone v. Adelaide, 2 Gr. 333. An affidavit taken before a justice of the peace is insufficient, Anonymous, 3 How. 176. See Hoag v. SONOMA, 1 Dutch 262. An agreement by the parties to substitute other arbitrators, in the place of those first named, is obligatory, McCabe v. Gallic, 2 Har. 380. When a new arbitrator is chosen by the original arbitrators, either party has the right to introduce additional testimony, Wood v. Railroad Co. v. Thomas, 9 C. E. Gr. 260, 9 C. E. Gr. 462, 9 C. E. Gr. 567.

(d) The arbitration must be made before an officer of the court mentioned in the substitution, Hone v. Adelaide, 2 Gr. 333. An affidavit taken before a justice of the peace is insufficient, Anonymous, 3 How. 176. See Hoag v. Sonoma, 1 Dutch 262. An agreement by the parties to substitute other arbitrators, in the place of those first named, is obligatory, McCabe v. Gallic, 2 Har. 380. When a new arbitrator is chosen by the original arbitrators, either party has the right to introduce additional testimony, Wood v. Railroad Co. v. Thomas, 9 C. E. Gr. 260, 9 C. E. Gr. 462, 9 C. E. Gr. 567.

(c) After the substitution, it is too late to except to the form of action, or to anything in the process or declaration, Hone v. Adelaide, 2 Gr. 333; or after the award is made, Smith v. Morey, 1 Mich. 450.