

6. SEC. 5. That the said board of health or a majority thereof, or a majority of a quorum thereof shall upon the report of the health officer that it is proper to do so, grant a permit to any vessel to leave the said anchorage after she shall have been cleansed, ventilated and purified, if the same be necessary to be done and has been done; and they, as well as the health officer, shall have power to forbid the intercourse with any vessel aforesaid having on board persons sick of a pestilential disease, or yellow fever, or being in a condition in which there is danger to the public health by such intercourse, and to prevent any of the crew or passengers of such vessel (except the captain or master of the vessel for the purpose of entry) from leaving the vessel; and every person offending in the premises shall be adjudged guilty of a misdemeanor, and shall on conviction of the same in any court of competent jurisdiction, be fined in a sum not exceeding two hundred dollars, or be imprisoned for a term not exceeding three months.

Board of health may grant permits to vessels to leave anchorage.

Penalty.

7. SEC. 6. That it shall be lawful for the board of health to ask, demand and receive from the master, owner, or consignee of any such vessel in respect of which the duties shall be performed by them the following fees, viz: for any meeting of the board to hear the report of the health officer in case of sickness on board as aforesaid, the sum of five dollars; for every permit for passengers and crews to leave the vessel granted by them after such report, the sum of three dollars; for release of the vessel after the final report of the health officer in case of sickness as aforesaid, the sum of two dollars and fifty cents, and fees to be divided between the members of the board acting in the premises.

Fees of board of health.

How divided.

8. SEC. 7. That the health officer is hereby authorized to appoint one or more deputies to act with him as well as in his stead, who shall continue in office at his pleasure, and be paid by the said health officer out of his fees hereinbefore provided for.

Health officer may appoint deputies.

9. SEC. 8. That the act entitled "An act to prevent the introduction of malignant and other infectious diseases into the city of Perth Amboy," passed the third of February, one thousand eight hundred and twelve be, and the same is hereby repealed, and that this act shall take effect immediately.

Repealer.

Disorderly Persons.

I. WHO ARE DISORDERLY PERSONS.

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11. Justice to issue process against disorderly persons.
 12. Children of vagrants, etc., may be bound apprentices.
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- ### III. REMEDIES AGAINST PERSONS SUPPLYING DRINK TO CONVICTED DISORDERLY PERSONS.
20. Penalty for selling liquor to convicted disorderly persons, after notice.
 21. When suit to be commenced.
 22. Execution to issue against body and goods.

R. S. 564.

An act concerning disorderly persons.

P. L. 1867, p. 273.
P. L. 1868, p. 1124.
P. L. 1871, p. 24, 64.
P. L. 1872, p. 21, 34.

Revision—Approved April 9, 1875.

I. Who are disorderly persons.

1. That all paupers, who shall unlawfully return to the city or township from which they were legally removed, without a certificate from the city or township to which they belong, or who shall leave their places of legal

Who shall be adjudged to be disorderly persons.
R. S. 564, § 1.

settlement; and all persons who shall go about from door to door, or place themselves in streets, highways or passages, to beg, crave charity or collect alms, or who shall wander abroad and lodge in taverns, inns, beer-houses, out-houses, houses of entertainment, market houses, barns or other places, or in the open air, and not give a good account of themselves, or who shall wander abroad, and beg or solicit charity, under pretence of being or having been soldiers, mariners or seafaring men, or of loss by fire or other casualty, or of loss by the Indians, or by war, or other pretence or thing; and all persons who shall leave, or threaten to leave their families to be maintained by the city, township or county, or to become chargeable thereto, or who, not having sufficient property or means for their subsistence or support, shall live idle, or not engage in some honest employment, or not provide for themselves or families; and all persons who shall use, or pretend to use, or have any skill in phisognomy, palmistry, or like crafty science, or who shall pretend to tell destinies or fortunes; and all runaway servants or apprentices, and all vagrants or vagabonds, common drunkards, common thieves, burglars or pickpockets, common night walkers, and common prostitutes, shall be deemed and adjudged to be disorderly persons.

Further description of disorderly persons.
Ib. § 2.

2. *And whereas*, divers ill-disposed persons are frequently apprehended, having upon them implements for house-breaking, or offensive weapons, or are found in or upon houses, warehouses, stables, barns or out-houses, areas of houses, coach-houses, smoke-houses, enclosed yards, or gardens belonging to houses (as well as in places of public resort or assemblage), with intent to commit theft, misdemeanors or other offences; and although their evil purposes are thereby manifested, the power of the justices of the peace to demand of them sureties for their good behavior hath not been of sufficient effect to prevent them from carrying their evil purposes into execution; if any person shall be apprehended, having upon him or her any picklock, key, crow, jack, bit or other implement with an intent to break and enter into any building; or shall have upon him or her any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent to assault any person; or shall be found in or near any dwelling house, warehouse, stable, barn, coach-house, smoke-house or out-house, or in any enclosed yard or garden, or area belonging to any house, or in any place of public resort or assemblage for business, worship, amusement, or other lawful purposes, with an intent to steal any goods or chattels, then he or she shall be deemed and adjudged to be a disorderly person.

Liquor not to be sold to habitual drunkards.
Dealers to be warned.

P. L. 1867, p. 273.
§ 1.

3. Whenever any person, according to the provisions of this act, shall be convicted of being a common drunkard, or of deserting or wilfully refusing or neglecting to provide for or maintain his family, and it shall appear to the satisfaction of said justices that the cause of such neglect is the habitual excessive use of intoxicating liquor by said convict, it shall be the duty of said justice or justices to make an order directed to the overseer of the poor of said township in which said conviction shall be made, warning all persons selling intoxicating liquor, to desist from selling any intoxicating liquor to said convict, and it shall be the duty of said overseer within five days after the receipt by him of said order, to serve a copy of said order upon all dealers of intoxicating liquor, from whom said convict would be liable to procure such liquor, and also to post up in three of the most public places in said township a copy of said order, and to make and preserve a record of the time and places when and where said copies were posted, and of the time and persons when and on whom said copies were served.

Penalty for selling or furnishing liquor to habitual drunkards.
Ib. § 2.

4. If any innkeeper, distiller, grocer, or other person, shall sell, furnish or supply any intoxicating liquor to any habitual drunkard, or to any person for him or her, and take in exchange or pledge therefor, any article of wearing apparel belonging to the wife or children of the said habitual drunkard, or any article of fuel, or any article of provision or household goods, for the comfort and sustenance of the said habitual drunkard, or his or her family, or any other goods or chattels belonging to said habitual drunkard, and necessary for the comfort and support of said habitual drunkard, or his or her family; such innkeeper, distiller, grocer, or other person shall be deemed guilty of a disorderly act, and may be proceeded against by warrant in manner and form as authorized for proceeding

against disorderly persons, under this act, and upon conviction of such disorderly act, may be adjudged to pay for each such disorderly act, a fine of not less than five, and not over twenty dollars, or to be imprisoned in the county jail or workhouse of the county, for any time, not to exceed two months, and to stand committed until the fines and costs are paid.

5. Any husband or father who deserts or wilfully refuses or neglects to provide for and maintain his wife or other family, shall be deemed and adjudged a disorderly person; and whenever any overseer of the poor of the township or city within which any husband or father resides, believes that such person does desert or wilfully refuse or neglect to provide for and maintain his said family, and that by reason thereof such family may become chargeable to such township or city, it shall be his duty to make complaint thereof, under oath, before some justice of the peace therein. (a)

Husband or father neglecting family, a disorderly person.

P. L. 1868, p. 1124, § 1.

6. Any person or persons who shall loiter or assemble on the streets, at the corners of the streets, or in the public places of any city, village, borough, or township of this state, being under the influence of intoxicating liquor, or who not being under such influence shall indulge in and utter loud and offensive or indecent language, or shall address or make audible and offensive remarks or comments upon any person passing along such streets or public places, or shall obstruct or interfere with any person or persons lawfully being in and upon such streets or public places, shall be deemed and adjudged to be disorderly, and may be apprehended in the manner hereinafter described in this act, and taken before any justice of the peace of the county, or police justice of any city where such person may be apprehended; and it shall be the duty of such justice to commit such disorderly person, when convicted before him by the confession of the offender, or by the oath or affirmation of one or more witnesses, to the county jail of such county, there to be kept at hard labor, for any time not exceeding thirty days, or fine such person in a sum not exceeding twenty dollars.

Loiterers, &c., to be adjudged disorderly.

P. L. 1871, p. 64.

7. Any person who shall enter the buildings or go upon the lands belonging to any public school district of this state, or used and occupied for school purposes by any public school in this state, and shall break, injure or deface such building or any part thereof, or the fences or out-houses belonging to or connected with such building or lands, or shall disturb the exercises of such public school, or molest or give annoyance to the children attending such school, or any teacher therein, shall be deemed and adjudged to be a disorderly person, and may be apprehended in the manner hereafter described in this act, and taken before any justice of the peace of the county where such person may be apprehended; and it shall be the duty of the said justice to commit such disorderly person, when convicted before him by the confession of the offender, or by the oath or affirmation of one or more witness or witnesses, to the county jail of such county, there to be kept at hard labor for any term not exceeding thirty days.

Penalties.

Persons injuring school property or disturbing schools, adjudged disorderly.

P. L. 1871, p. 24.

8. Any person who shall, by noisy or disorderly conduct in any public library or reading-room in this state, disturb or interrupt the quiet and good order of those who resort to and use said library or reading-room for reading or study, may, upon conviction thereof, before any justice of the peace or police court within the city or town where said library or reading-room is established, be fined to an amount not exceeding twenty dollars, or imprisoned in the county jail not exceeding ten days, at the discretion of said court or magistrate.

Disturbing quiet and good order of public library, etc., disorderly.

P. L. 1872, p. 34.

Penalty.

9. If any person shall be arrested at any steamboat landing, railroad depot, church, banking institution, broker's office, place of public amusement, auction room, store or crowded thoroughfare, or other place of public resort or assemblage for business, worship, amusement, or other lawful purpose, in any city, town or county in this state, and shall be proven to the satisfaction of any justice of the peace before whom such person shall be brought, to be a common thief, burglar or pickpocket, and to have been frequenting or attending such place or places for an unlawful purpose, he or she shall be convicted and adjudged to be a disorderly person and committed by the said justice of the peace to the jail of the

Professional pick-pockets and thieves.

P. L. 1872, p. 21.

Amended.

(a) It is discretionary with the overseer to make complaint to compel a husband to provide for his family, if he believes the application is not a proper one, *State, Treadwell v. Powless*, 8 Vr. 145.

Summary conviction of. county or city in which he or she may have been arrested, for a term not exceeding ninety days, there to be kept at hard labor; or, in the discretion of the said justice of the peace, he or she shall be required to enter security for his or her good behavior for a period not exceeding one year.

II. Proceedings against.

Disorderly persons to be apprehended, taken before justice and punished. 10. It shall be the duty of every constable, and lawful for any other person, to apprehend, without warrant or process, any disorderly person of the description aforesaid, and to take him or her before any justice of the peace of the county where apprehended; and it shall be the duty of the said justice to commit such disorderly person, when convicted before him, by the confession of the offender, or by the oath or affirmation of one or more witnesses, to the workhouse^(a) of the city, town or county, there to be kept at hard labor for any time not exceeding three calendar months, except when otherwise herein particularly prescribed; *provided*, that this and the succeeding section shall not apply to the persons described in section five of this act.

Justice to issue process. 11. It shall be the duty of every justice of the peace of the proper county to issue, on information, or his own view, his warrant or process to apprehend any disorderly person, within the intent and meaning of this act.

R. S. 564, § 4.

Children of vagrants, etc., may be bound apprentices or servants. 12. It shall be lawful for any two justices of the peace, at their discretion, to bind out the child of any beggar, vagrant, vagabond, common drunkard, or common prostitute, or of any person who shall not provide for such child, as a servant or apprentice to any person who may be willing to take such child, till the age of twenty-one years, if a male, or eighteen years, if a female, or for a less time.

Ib. § 5.

Husbands or fathers deserting family, how proceeded against. 13. Upon receiving such complaint against any husband or father provided for in section five of this act, the said justice before whom such complaint is made shall issue his warrant, directed to any constable of the county, for the immediate apprehension of the person so complained of, and for bringing him before such justice, upon the return of which warrant said justice shall cause such person to enter into a bond to said overseer, in any sum not exceeding five hundred dollars, with good security, conditioned for his appearance before said justice at a time therein named, to answer said complaint, and to abide all orders, judgments and decrees that may be made against him touching said complaint; and in default of such person entering into such bond, and giving such security, said justice shall commit him to the county jail, to await the investigation of said complaint.

P. L. 1868, p. 1124, § 2.

Bound over for appearance or committed to jail.

Justice to try complaint.

Ib. § 3.

Amended.

Order for support.

14. At the time of appearance mentioned in said bond, or times appointed for such investigation, the justice shall proceed to hear the witnesses produced to substantiate and rebut the said complaint, and shall decide whether such person is guilty or not guilty thereof; if he decides such person guilty, he shall judge him to be a disorderly person, and in lieu of the penalties now prescribed for disorderly persons, such justice may make an order requiring such person to pay such sum weekly to said overseer, for the support and maintenance of his family as to said justice may seem proper; but if such person acknowledges himself guilty, then said justice may forthwith make such adjudication and order.

Trial by jury may be demanded by either party.

Ib. § 4.

15. At any time previous to the hearing of said complaint, in the last two sections mentioned, either party may demand a trial by jury, whereupon said justice shall issue a *venire facias*, to summon a jury of twelve men competent as jurymen to try said complaint, and to decide whether the person complained of as aforesaid be guilty or not guilty; and such *venire* shall be issued and returned, and such jury shall be empaneled and sworn, and such complaint tried as in courts for the trial of small causes; and in case said jury decide such person guilty, then said justice shall proceed as though he had decided such person guilty, if no jury had been demanded.

Appeal to quarter sessions.

Ib. § 5.

16. Either party, upon paying all costs incurred, and by filing with said justice within ten days after trial before him a written notice of his inten-

(a) The person convicted cannot be committed to the county jail, unless such jail has been made a workhouse, by the proper authority, *State v. Ellis*, 2 Dutch. 219.

tion to appeal from the decision of said justice or jury, may appeal to the next court of general quarter sessions of the peace, and may there demand a trial by jury, which said court shall proceed to try the same and to make such adjudication and order thereon as is herein provided, in case of such trial before said justice; and any order made by said court shall be held to commence to run from the date of the trial before said justice.

17. Any justice before whom any such complaint as aforesaid shall be made, is authorized to issue writs of subpoena, and to make adjournments; and the jurymen and witnesses shall receive such pay, and be subject to such fines and punishments, and the justices and constables shall receive such fees for their services as are allowed them for like services in courts for the trial of small causes; the overseer shall be entitled to the sum of one dollar for his fees, both in the court below and on appeal; and the justice shall be entitled to the like sum for making the adjudication and order, the losing party to pay all costs of suit.

18. All orders made against any such husband or father under the provisions of this act shall continue in force for the term of one year from the time when the payments therein directed commence to run; but such order shall not be a bar to a subsequent complaint after the expiration of said term, and upon all trials both the wife of the person complained of and himself may be witnesses.^(a)

19. Where any order last aforesaid shall be made in pursuance of this act, the person against whom the same is made shall be required to execute a bond with good security to the overseer of the poor of the township or city, to stand to and obey such order and such other orders as may be made, in case an appeal be taken, and in default thereof the accused shall be committed to the county jail until such bond shall be given; *provided*, that the justice before such appeal be taken, or such court of quarter sessions, thereafter, or a judge thereof, in vacation, upon being satisfied that further imprisonment will fail to produce support for the family aforesaid of the accused, or security therefor, may discharge the accused from further imprisonment, but no such discharge shall be granted until the accused shall have first paid all previous costs; *and provided further*, that in case the bond be given as required by the thirteenth section hereof, that no further bond shall be necessary, but the same shall bind the security for the faithful obedience of the accused to all orders and decrees made in pursuance of this act.

III. Remedies against persons supplying drink to convicted disorderly persons.

20. Any innkeeper, distiller, grocer, or other persons who, having had notice of any order of any justice or justices, made pursuant to this act, shall sell or in any manner furnish or supply any intoxicating liquor to any person convicted under this act as a disorderly person, or knowingly to any member of the family of said convict, or to any person for him, or who shall knowingly and willingly allow any intoxicating liquor sold or furnished by him to be drank in and upon his premises by such convict, shall be deemed guilty of an offence, and shall for each such offence forfeit and pay the sum of ten dollars, to be sued for and recovered in an action of debt, with costs of suit, before any justice of the peace in and for the county in which said offence is committed; the said suit to be brought by the overseer of the poor of the township in which the person convicted shall at the time of his conviction reside, and in the corporate name of said township; and the penalty so recovered shall go to the use of said township, except when the convict has a family residing in said township, then in that case one-half of said penalty shall go to the township and the other half to the family of said convict.

21. The overseer of the poor, when applied to for such purpose, by one or more credible person or persons, giving information sufficient to warrant the commencement of a prosecution under this act, shall forthwith commence such action, and that said overseer shall be entitled to receive as his compensation for each action brought under this act and success-

^(a) This order does not absolve the husband or father from all liability after the expiration of the year mentioned in the order; nor can such order be set up as a bar to subsequent proceedings, *Clifford v. Overseer of Frankford*, 8 Vr. 152.

Jury in sessions.

When order to run from.

Justices to issue subpoenas.

Adjournments, costs, fines.

Ib. § 6.

Order to continue in force one year.

Ib. § 7.

Who may be witnesses.

Appeal bond.

Ib. § 8.

Commitment to jail.

Discharge from jail.

Penalty for selling liquor to convicted disorderly persons, after notice.

P. L. 1867, p. 273, § 2.

How recovered.

To whom penalty paid.

When suit to be commenced.

Ib. § 3.

Amended.

Fees in such suit.	fully prosecuted to a judgment, four dollars, and for each copy made by him of the order of said justice or justices, five cents, and for serving and
How paid.	posting the copies of said order a reasonable compensation, all to be allowed and paid by the township committee of said township, from funds of the township not otherwise appropriated; and that the justice or justices for making the order to the overseer of the poor shall be allowed fifty cents, to be paid by the township committee from funds of the township not otherwise appropriated; and in all cases under this act where, upon conviction, the magistrate may in his discretion commit the offender to the common jail, he shall have the right of trial by jury.
Execution to issue against body and goods. Ib. § 4.	22. On a judgment obtained for any penalty under this act, an execution may be issued against the body as well as the goods and chattels of the defendant, and for the want of goods and chattels whereupon to levy, to make the amount of the said penalty and costs, the body of the defendant may be committed to the common jail of the county, there to remain until the amount thereof is paid.

Distress.

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| <ol style="list-style-type: none"> 1. Distress to be reasonable. 2. Not wrongful, or driven out of county. 3. What not liable to distress. 4. Beasts distrained where impounded. 5. Goods, not in different places. 6. Distrained for rent, appraised and sold. 7. What may be distrained. 8. Further specification. 9. Impounded and sold on premises. 10. Remedy for pound breach. 11. For wrongful distress. 12. For unlawful act after distress. 13. Pleas and evidence in such case. 14. Goods may be followed and seized. | <ol style="list-style-type: none"> 15. Forfeit for carrying off goods. 16. Power to seize goods so taken. 17. May distrain after term ended. 18. Remedy after estate for life ended. 19. After estate in wife's right ended. 20. Remedy by executors, &c. 21. Distress for residue. 22. Under-tenant to pay rent to landlord after notice. 23. When justice may order sale. 24. Exemptions. Appraised and selected. 25. How exemptions selected if landlord fails to proceed. 26. Extends to under-tenant. 27. Fees. |
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R. S. 63.

An act concerning distresses.

P. L. 1848, p. 224.
" 1861, p. 347.

Revision—Approved March 27, 1874.

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| Distress to be reasonable.
R. S. 63, § 1. | 1. That all distresses made or taken, or to be made or taken for any cause whatsoever, shall be reasonable and not too great; and if any person shall take great and unreasonable distress or distresses, he or she shall answer the damages to the party aggrieved. |
| Not wrongful, or driven out of county.
Ib. § 2. | 2. That no person shall take any distress wrongfully, or cause any distress to be driven or conveyed out of the county where it shall be taken; and every person who shall do so of his or her own authority, and without judgment, shall answer the damages to the party aggrieved. |
| What not liable to distress.
Ib. § 3. | 3. That no person shall be distrained for any cause whatsoever, by his or her beasts of the plough, or sheep, or by the implements of his or her trade, while other distress or chattels whereof the debt or demand may be levied, or sufficient for the same may be found; except the distraining and impounding beasts found on the ground of any person damage feasant. |
| Beasts distrained where impounded.
Ib. § 4. | 4. That beasts, when they are distrained for any cause whatsoever, shall be put in open pound in the township or precinct where they shall be taken, and they to whom such beasts belong, may give them their feeding without disturbance, so long as they shall be impounded as aforesaid. |
| Goods, not in different places.
Ib. § 5. | 5. That no goods or chattels, distrained or taken by way of distress for any cause whatsoever at one time, shall be impounded in several places, whereby the owner or owners of such distress shall be constrained to sue several replevins for the delivery of the said distress so taken at one time, upon pain that every person offending therein shall, for every such offence, forfeit to the party grieved, forty dollars and treble damages, to be recov- |