

persons shall ship off any cask or casks of herring, not branded as is hereinbefore required, every such person so offending shall forfeit and pay the sum of one dollar and twenty-five cents for every cask so shipped.

17. That salted herring, in barrels or half barrels, which shall have been brought or imported from any place or places without the bounds and limits of this state, with the name of the state, town or place from which the same shall have been brought or imported, branded or marked at full length, and in plain legible manner thereon, and which shall be exported with the same name so as aforesaid branded or marked thereon, and not as the herring of New Jersey, shall not be liable to examination by the inspectors herein appointed, but the same may be lawfully exported without inspection.

Foreign herring not subject to inspection.

Holidays, Legal.

1. What days are legal holidays.

2. Bills of exchange and promissory notes falling due on legal holidays when to become payable.

An act in relation to legal holidays.

Approved April 4, 1876. P. L. 1876, p. 73.

1. That the first day of January, twenty-second day of February, thirtieth day of May, fourth day of July, thanksgiving day, twenty-fifth day of December, and all days upon which any general election shall be held for members of assembly, in each year, shall be a legal holiday, and no court shall be held upon said days except in the cases where said courts would now sit upon the first day of the week, and no person shall be compelled to labor upon any of said days by any person or corporation.

Legal holidays.

2. That when the days named in the first section shall happen on Monday, all bills of exchange and promissory notes becoming due and payable on such Monday, shall be due and payable on the Tuesday following; and if any or either of said days shall happen on Sunday, the Monday following shall be a legal holiday, and all bills of exchange and promissory notes becoming due and payable on said days, shall become due and payable the Tuesday following; and when any of said days above mentioned shall happen on Sunday or Monday, it shall not be necessary to give notice of the dishonor of such bills of exchange or promissory notes until the Wednesday next after such Sunday or Monday, and every such notice so given as aforesaid shall be valid and effectual to all intents and purposes.

Bills of exchange and promissory notes falling due on legal holidays when to become due and payable.

Infants.

1. Minors in certain cases to be wards in chancery.
2. Chancellor to appoint guardian.
3. May direct sale of lands.
4. Sale, etc., 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 women may release without husband joining.
8. Guardians to account.
9. Proceeds of sale may be ordered to be paid to general guardian.
10. Before order shall be made, general guardian shall give security.
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. Tavern keepers prohibited from entertaining minors.
14. Store keepers likewise prohibited.
15. Debts so contracted, void.
16. Who deemed a minor.
17. What a legal day's labor.
18. Labor of minors in factories regulated.
19. Construction of word factory.
20. Minors over the age of sixteen years may be employed.
21. Custody of minor children of parents living in a state of separation.
22. Act extended to all cases unless there is a decree of divorce.

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

Revision—Approved March 27, 1874. P. L. 1861, p. 48.

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

" 1864, p. 312.
" 1865, p. 790.
" 1866, p. 964.
" 1870, p. 13.

Minors in certain cases, to be wards in chancery.

R. S. 550, § 1.

Chancellor to appoint guardian.
Ib. § 2.

May direct sale of lands.
Ib. § 3.

Proviso.

Sale, etc., to be approved by chancellor.
Ib. § 4.

Interest of purchaser in real estate.
Ib. § 5.

How proceeds applied.

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.

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. 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. 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. 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.

5. 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, 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.

6. 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,

(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., *Ibid*.

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.

Provided such right be released.

7. 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 women may release without husband joining.

P. L. 1870, p. 13.

8. 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 master's 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. 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. 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.

Before order shall be made general guardian shall give security

Ib. § 2.

Amended.

To be approved by orphans' court.

11. 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.

In case of death new guardian to be appointed.

P. L. 1864, p. 312.

Bond of.

Powers and duties of.

(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.

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.

An act to prohibit tavern keepers, store keepers, confectioners, and hucksters from entertaining minors at colleges, academies, and schools, for the purposes of instruction, and from selling to them.

R. S. 590.

Approved April 10, 1846.

Tavern-keepers prohibited from entertaining minors.

13. SEC. 1. 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 offence 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.

Store-keepers, etc., likewise prohibited.

14. SEC. 2. From and after the passing of this act, it shall be unlawful for any store keeper, 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 store keeper, 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 offence, 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.

15. SEC. 3. 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.

16. SEC. 4. In all actions, suits, and proceedings, which may be brought to recover any debt contracted as aforesaid (except debts 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 limit the hours of labor, and to prevent the employment of children in factories under ten years of age.

Approved March 18, 1851. P. L. 1851, p. 321.

17. SEC. 1. Labor performed during a period of ten hours, on any day, in all cotton, woolen, silk, paper, glass, and flax factories, and in manufactories of iron and brass, shall be considered a legal day's labor. What a legal day's labor.

18. SEC. 2. Hereafter no minor engaged in any factory, shall be holden or required to work more than ten hours on any day, or sixty hours in any week; and that hereafter no minor shall be admitted as a worker under the age of ten years in any factory within this state; that if any owner of, or employer in any factory shall knowingly employ any such minor, or shall require any minor over the age of ten years to work more than ten hours on any day, or sixty hours in any week, he shall be adjudged to pay a penalty of fifty dollars for each offence, to be sued for and recovered, in an action of debt, in the name of the overseer of the poor of the township in which such minor may be employed, together with costs of suit, and for the benefit of such minor. Labor of minors in factories regulated.

Supplement.

Approved February 19, 1852. P. L. 1852, p. 63.

19. SEC. 1. That the word factory, wherever it occurs in the second section of the act to which this is a supplement, shall be construed to mean any building in which labor is employed to fabricate goods, wares, or utensils. Construction of word factory.

Supplement.

Approved April 21, 1876. P. L. 1876, p. 306.

20. SEC. 1. That no owner of or employer in any factory shall be adjudged or liable to pay any penalty under the act to which this is a supplement, for employing any minor over the age of sixteen, for the work done or to be done in said factory, and allowing such minor to work under such employment exceeding the time mentioned in the act to which this is a supplement; but in no case shall any minor be employed at an age less than that prescribed by said act; *and provided*, that no such employment shall be compulsory, and the minor or the parent or guardian of such minor may at any time, by giving the customary notice prescribed in such factory, end such employment or any contract in relation thereto different from that permitted by the act to which this is a supplement. Minors over the age of sixteen years may be employed. Proviso.

An act concerning the custody of infants.

Approved March 20, 1860. P. L. 1860, p. 437.

21. SEC. 1. 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, the supreme court of this state, or any justice of the said supreme court, upon the said child or children being brought before them 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 they 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.(a) Custody of minor children of parents living in state of separation.

Supplement.

Approved March 15, 1861. P. L. 1861, p. 458.

22. SEC. 1. 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. Act extended.

(a) This act is not unconstitutional, *Bennet v. Bennet*, 2 *Beas.* 114. It takes away the discretion of the chancellor as to the custody of infants, as to all those under seven years of age, *Ibid.* Upon *habeas corpus* by a father, the children over seven years old were examined and allowed to choose which parent they preferred living with, *State, Baird v. Torrey*, 3 *C. E. Gr.* 194; modified on appeal, 4 *C. E. Gr.* 481. See *Landis v. Landis*, 9 *Vr.*