

or lunatic by the act entitled "An act concerning idiots and lunatics," approved April sixteenth, one thousand eight hundred and forty-six; that it shall be lawful for the chancellor, on application of the guardian or guardians of any such habitual drunkard, to make such order for the safe keeping of such habitual drunkard as he may deem necessary, with a view to his reformation, and from time to time to alter or modify the same, and to that end may authorize the guardian or guardians to place such habitual drunkard in a state asylum for lunatics, or in such other proper retreat as the chancellor may order; and when such order is made for the keeping of such habitual drunkard in a state asylum, such guardian or guardians shall be required to give security in such amount and form as the chancellor shall direct, for the payment of the expense of keeping such habitual drunkard therein.](a)

Chancellor, upon application of guardian, may make order for safe keeping of drunkard.

III. Miscellaneous acts.

An act concerning idiots, lunatics, habitual drunkards and persons alleged to be lunatics by reason of their minds being so unsound as to render them incapable of controlling themselves and their property.

Approved March 23, 1887.

P. L. 1887, p. 48.

59. SEC. 1. That from and after the passage of this act it shall and may be lawful for the sheriff in all cases of idiocy, lunacy, habitual drunkenness, and persons who are alleged to be lunatics by reason of unsoundness of mind so as to render them incapable of managing their property and themselves (and in all cases in which a commission has been issued and not yet been executed), to summon twelve jurors, instead of twenty-four as now provided by law, who shall inquire into and determine and find the truth of the matters alleged in the commission or inquisition, and whose verdict, when found, shall be as legal and binding as if found by twenty-four jurors, and that in all cases in which a commission shall hereafter issue, or has been issued and not yet been executed, it shall be lawful for the chancellor to allow to the master who may preside at such commission, and also to the other commissioners, such compensation as under the circumstances may be reasonable and proper, and to the jurors who may be summoned the same compensation as is now allowed by law to jurors in the circuit courts of this state; the same to be paid out of the estate of the person who is the subject of the inquisition. (b)

Sheriff to summon twelve jurors in cases of idiocy, lunacy, &c.

Chancellor to allow compensation to master and commissioners.

(a) The orphans' court has the necessary control over the guardians of an habitual drunkard, to secure fidelity in the discharge of their duties and protection, not only to the estates committed to their hands, but to their sureties also. *Dickerson v. Dickerson*, 4 *Stew.* 652. A guardian may be required to furnish additional surety or sureties, or may be removed for refusal to account or for waste. *Id.*

(b) The unanimous verdict of a jury of twelve men upon a

lunacy inquest, although agreeably to the provisions of this act, only twelve jurors being summoned, is sufficient. *Lindsay's Case*, 1 *Dick.* 358. This act does not authorize the charge of the fees of jurors and commissioners upon the estate of the alleged lunatic if he shall be found to be of sound mind. *In re Farrell*, 6 *Dick.* 353. This statute is constitutional. *De Hart v. Condit*, 6 *Dick.* 611.

Impeachment.

1. Expenses of trials of impeachment to be paid by state treasurer.
2. Witness fees and mileage.

3. Comptroller to draw warrants upon state treasurer, &c.
4. Court may order board and maintenance of indigent witnesses paid.

An act to provide for the payment of the expenses of trials of impeachment.

Approved March 30, 1886.

P. L. 1886, p. 143.

1. That the expenses incurred by the senate, sitting as a court of impeachment, upon the trial of any impeachment, and such expenses as may be incurred under the direction of such court by any officer of the court, or by the managers appointed by the house of assembly to conduct the trial of such impeachment, the fees and expenses of witnesses on behalf of the

Expenses of trials of impeachment to be paid by state treasurer.

state, the compensation of the stenographer of the court, and all other costs and expenses on behalf of the state, properly incurred, or made in the preparation for, management or conduct of such trial, shall be paid by the state treasurer, upon the warrant of the comptroller, to the person entitled thereto, upon the presentation of a proper voucher therefor approved by the president of said court.

Witness fees and mileage.

2. That every person summoned to attend such court as a witness shall be entitled to receive from the party in whose behalf such witness is summoned one dollar for each day's attendance at said court, and mileage at the rate of six cents for each mile required to be traveled in going from and returning to his place of abode ; no witness shall be required to attend such court until one day's fee, and mileage for one way by the most usual route from his place of abode to the city of Trenton, is paid or tendered.

Comptroller to draw warrants upon state treasurer, &c.

3. That for the purpose of providing funds to pay witnesses summoned to such trial, on behalf of the state, the comptroller is hereby authorized to draw his warrant upon the state treasurer, upon the order of the president of the court, in favor of the sergeant-at-arms of the senate, or other officer entrusted by said court with the service of process, or in favor of the chairman of the board of managers appointed by the house of assembly, for such sum or sums, not exceeding three hundred dollars at one time, as will be sufficient to meet the expenses of such payments of witnesses and such other expenses as may be necessarily and properly incurred in serving such process, or in the preparation, management or conduct of such trial, and such officer shall, at the end of the trial, account to the comptroller for his disbursements out of such fund and forthwith pay into the treasury of the state any unexpended balance thereof, and shall file with the comptroller vouchers for the sums disbursed by him or under his direction.

Account of expenses to be made, &c.

Court may order the board and maintenance of indigent witnesses paid.

4. That the said court may order the board and maintenance of any indigent person summoned as a witness on such trial while in attendance thereon, to be paid by the sergeant-at-arms or other officer charged with the service of process, out of the money of the state in his hands, in the same manner as witnesses' fees are paid ; but all bills for such board and maintenance, and all payments to witnesses of fees and mileage, except those required to be made in advance, shall be paid only on the certificate of the clerk of the court that the same are correct.

## Importation of Convicts.

1. Convicts not to be imported.
2. Penalty for bringing or offering such for sale.

3. Offenders bound to transport them.

Rev. 266.

### An act to prevent the importation of convicts into this state.

R. S. 563.

Passed January 28, 1797.

Persons convict of felony or other infamous crime, &c., not to be brought into this state.

1. That no captain or master of any vessel, or any other person, shall, knowingly or willingly, import, bring or send, or cause or procure to be imported, brought or sent, or be aiding or assisting therein, into this state, by land or water, any felon-convict, or person convicted of an infamous crime, or under sentence of death, or other legal disability, incurred by a criminal prosecution, or who shall be delivered or sent to him or her from any prison or place of confinement, in parts out of the United States.

Penalty for bringing or offering such for sale.

2. That every captain or master of a vessel, or other person, who shall so as aforesaid import, bring or send, or cause or procure to be imported, brought or sent, or be aiding or assisting therein, into this state, by land or water, or shall sell or offer for sale, any such person as above described, knowing him or her so to be, shall forfeit for every such offense, two hundred dollars, to be recovered, with costs, by action of debt, by any person who will sue for the same, in any court of record having cognizance thereof, in which the defendant shall be ruled to give special bail, the one