

Published by Order of the Hon. the Legislative Council.

A BILL

Relating to the Settlement and Support of the Poor of this Province.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows;—

1. A legal settlement in any Parish in this Province shall be gained, so as to subject and oblige such Parish to relieve and support the persons gaining the same in case they become poor and stand in need of relief, by the ways and means following:—

First—Every person of the age of twenty one years who, after the passing of this Act, shall be a resident and inhabitant of any Parish in this Province for one year, and shall not during that term receive any relief as a Pauper from the Parish;

Second—A married woman shall always follow and have the settlement of her husband, if he have any within the Province; otherwise her own at the time of marriage, if she then had any, shall not be lost or suspended by the marriage;

Third—Legitimate children shall follow and have the settlement of their father, if he have any within the Province, till they gain a settlement of their own; but if he have none, they shall in like manner follow and have the settlement of their mother if she have any;

Fourth—Illegitimate children shall follow and have the settlement of their mother at the time of their birth, if she have any within the Province; but neither legitimate or illegitimate children shall gain a settlement by birth in the places where they may be born, if neither of their parents then have any settlement there;

Fifth—Any minor who shall serve an apprenticeship to any lawful trade for the space of four years in any Parish, and being of the age of twenty one years at the expiration of such term, shall thereby gain a settlement in such Parish.

2. All settlements acquired under this Act shall remain until lost by gaining others in some of the modes hereinbefore specified, and upon such settlement being gained all former ones shall be defeated and lost.

3. The Overseers of the Poor in their respective Parishes shall provide for the immediate support and relief of all persons residing or found therein, not belonging thereto, but having lawful settlements in some other Parish, when they shall fall into distress and stand in need of immediate relief, and until they shall be removed to the places of their lawful settlements; the expenses whereof incurred within three months next before written notice given to the Overseers of the Parish, to be charged, as also of their removal, or of their burial in case of their decease, may be sued for and recovered by the Overseers of the Parish incurring the same, against the Overseers of the Poor of the Parish which is liable therefor, in an action at law; provided that such action for damages shall be commenced within two years after the cause of action shall have arisen but not otherwise.

4. A recovery in such action shall bar the Overseers of the Poor of the Parish against whom it shall be had from disputing the settlement of such Pauper with the Overseers of the Poor of the Parish so recovering in any future action brought for the support of such Pauper.

5. All persons actually chargeable, or who shall apply for relief, or who through age or infirmity, idleness, or dissoluteness, are likely to become chargeable to any Parish wherein they are found, but in which they have no lawful settlements, may be removed to the places of their lawful settlements, if they have any, within this Province. In order to effect such removal, and also to recover the expenses incurred for the relief of such persons, if the Overseers of the Poor of the Parish where such persons are found choose that mode in preference to a civil action, said Overseers may apply by complaint to any Justice of the Peace in their County, not being an inhabitant of their Parish, and the said Justice is authorized to issue his Summons to be served as other civil processes may be, upon the Overseers of the Poor of the Parish where said person's settlement is alleged to be, and also upon the person whose removal is contemplated, and upon such witnesses as he may see fit; the said Justice may examine the said party to be removed, under oath, and may compel his attendance for that purpose by Warrant, if he see cause; he shall hear his objection to such removal, and for good cause may continue the process one or more times, not

exceeding three months in all, and after due examination and hearing, whether the Overseers of the Poor summoned appear or not, shall proceed to give judgment for or against the complainants, and make a record thereof.

6. In such cases costs shall be awarded in favor of the prevailing party, except that in case of default the Overseers of the Poor summoned shall not be entitled to costs, and the record shall state the determination of the Justices as to the Parish where the party intended to be removed has his legal settlement, and as to his removal, and whether from being actually chargeable, having applied for relief, or only likely to become chargeable; and the damages for expenses incurred by the Overseers of the Poor of the Parish making complaint, and the estimated expenses of such removal, shall be ordered in addition to the costs above mentioned.

7. Upon judgment of removal such Justice shall within three months, and not afterwards, issue his warrant of removal, directed to the Sheriff of the County, or his Deputy, or any Constable of the Parish where such person is to be removed, or to any individual by name, or all or any of them to be served, also requiring the Overseers of the Poor of the Parish to which such person is to be removed to receive and provide for him as an inhabitant of that Parish, a copy of which warrant shall be served on some one or more of the said Overseers; such persons may be transported by land or water.

8. Such Overseers shall be obliged to remove and provide for such person accordingly; such Justice shall also by an order under his hand direct the damages, costs, and estimated expenses of removal, to be paid to the Overseers of the Poor applying by the Overseers of the Poor of the Parish where he shall adjudge such person to have his legal settlement.

9. If such Overseers so ordered to pay such damages, costs, and estimated expenses of removal, after service of a copy of such Order on them, shall refuse to pay the same, the Overseers of the Poor in whose favor such Order is so made shall and may sue for and recover the amount thereof in their own names, as if it were a private debt, in any Court of competent jurisdiction, with costs, as in other cases; and the production and proof on the trial of the Order, or a copy thereof, and of the service thereof, shall be sufficient proof of the debt.

10. If the Overseers of the Poor on behalf of the Parish against whom such Justice shall have given a judgment as provided in the fifth Section shall feel aggrieved, they may appeal to the General Sessions of the Peace to be held for the County where such Parish is, and such Sessions shall hear and determine the same, and their Order shall be final; Notice of such appeal shall be served on the said Justice, signed by the Overseers appealing, within thirty days after such judgment in such case, and until such appeal shall be determined the damages and costs awarded by such Justice under the said judgment shall not be recoverable against the said Overseers.

11. If on appeal concerning the settlement of a poor person, the General Sessions determine that such poor person was unduly removed, they shall then, or at any future Sessions order to be paid to the appellants any money that may have been paid by such appellants or may be due from them as Overseers, on account of such poor person, between the time of the undue removal and the determination of the appeal.

12. The Overseers of the Poor may in all cases, if they judge it expedient, previous to any application to a Justice of the Peace, send a written notification, stating the facts relating to any person actually become chargeable or applying for relief from such Parish, to one or more Overseers of the Poor of the place where his settlement is supposed to be, and requesting them to remove him, which they may do by a written order directed to any person therein designated, who is hereby authorized to execute the same.

13. Every Parish shall be liable to pay any expense which shall necessarily be incurred for the relief of a Pauper by any person who is not liable for his support, after notice and request made to the Overseers of the Poor of the Parish, and until provision shall be made for them; provided that in every such case, when disputed by such Overseers, the expenses so incurred shall be laid before the General Sessions of the County, who shall examine into the circumstances and determine whether any and what amount should be paid by such Overseers to the person so giving such relief, and such amount so determined shall then be recovered from such Overseers in like manner as is provided by the ninth Section of this Act.