

ASSEMBLY, No. 113

STATE OF NEW JERSEY

INTRODUCED MARCH 30, 1942

By Mr. AMLICKE

(Without Reference)

AN ACT to provide a method of establishing a presumption of the time and place of birth within this State of certain persons of unknown parentage found within the State and of recording such presumed time and place of birth in the Bureau of Vital Statistics, and supplementing chapter eight of Title 26 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Any person who, as a child of unknown parentage, heretofore was or
2 hereafter shall be found in this State and whose parentage and the place
3 and time of whose birth remain unknown, shall be presumed to have been
4 born in this State until shown not to have been born hereiu but only upon
5 compliance with the provisions of this act.

1 2. In any such case application for an order fixing the time and place of
2 birth in this State of any such person shall be made by such person or by
3 someone on such person's behalf, under the name by which such person is
4 then known, by petition, duly verified and addressed to the court of common
5 pleas of the county in which such person was found or in which such person
6 then resides, which petition shall set forth that such person was found in
7 this State as a child of unknown parentage, and that his parentage and the
8 place and time of his birth are unknown, and shall set forth the place
9 where, the time when and the circumstances under which such person was

10 found, his probable age at said time, the probable date of his birth and the
 11 place or places where such person has resided since he was found and now
 12 resides and that such person has not been guilty of any of the acts described
 13 in section four of this act.

1 3. Upon the filing of said petition the court or a judge thereof shall fix
 2 a time and place for hearing thereon and if said person is of the supposed
 3 age of twelve years or over shall give not less than twenty days' notice of
 4 the time and place fixed for such hearing to the United States District At-
 5 torney for the District of New Jersey, and at said time or at any time to
 6 which said hearing may be adjourned, said court or judge, having examined
 7 into the merits of such application and heard testimony thereon and being
 8 satisfied of the truth of the allegations of said petition and that such person
 9 has not been guilty of any of the acts set forth in section four of this act,
 10 shall, by its order, determine the probable date of the birth of said person
 11 and the place of his birth as the place where he was found in this State and
 12 shall make its order accordingly and after the making of said order, said
 13 person shall be presumed to have been born in this State at the time and at
 14 the place set forth in said order until said person shall be shown not to have
 15 been born in this State.

1 4. No order shall be made under this act as to any person--

2 (a) Who advises, advocates, or teaches, or who is a member of or
 3 affiliated with any organization, association, society, or group that advises,
 4 advocates, or teaches opposition to all organized government; or

5 (b) Who believes in, advises, advocates, or teaches, or who is a mem-
 6 ber of or affiliated with any organization, association, society, or group that
 7 believes in, advises, advocates, or teaches--

8 (1) the overthrow by force or violence of the government of this
 9 State or of the United States or of all forms of law; or

10 (2) the duty, necessity, or propriety of the unlawful assaulting or
 11 killing of any officer or officers (either of specific individuals or of offi-
 12 cers generally) of the government of this State or of the United

13 States or any other organized government, because of his or their offi-
14 cial character; or

15 (3) the unlawful damage, injury, or destruction of property; or

16 (4) sabotage.

17 (c) Who writes, publishes, or causes to be written or published, or who
18 knowingly circulates, distributes, prints, or displays, or knowingly causes
19 to be circulated, distributed, printed, published, or displayed, or who know-
20 ingly has in his possession for the purpose of circulation, distribution, pub-
21 lication, or display any written or printed matter advising, advocating, or
22 teaching opposition to all organized government, or advising, advocating,
23 or teaching—

24 (1) the overthrow by force or violence of the government of this
25 State or of the United States or of all forms of law; or

26 (2) the duty, necessity, or propriety of the unlawful assaulting
27 or killing of any officer or officers (either of specific individuals or of
28 officers generally) of the government of this State or of the United
29 States or of any other organized government; or

30 (3) the unlawful damage, injury, or destruction of property; or

31 (4) sabotage.

32 (d) Who is a member of or affiliated with any organization, association,
33 society, or group that writes, circulates, distributes, prints, publishes, or
34 displays, or causes to be written, circulated, distributed, printed, published,
35 or displayed, or that has in its possession for the purpose of circulation,
36 distribution, publication, issue, or display, any written or printed matter of
37 the character described in subdivision (c).

38 For the purpose of this section

39 (1) the giving, loaning, or promising of money or anything of value
40 to be used for the advising, advocacy or teaching of any doctrine above
41 enumerated shall constitute the advising, advocacy, or teaching of such
42 doctrine; and

43 (2) the giving, loaning, or promising of money or anything of value
44 to any organization, association, society, or group of the character
45 above described shall constitute affiliation therewith; but nothing in this
46 paragraph shall be taken as an exclusive definition of advising, advo-
47 cacy, teaching or affiliation.

48 The provisions of this section shall be applicable to any applicant for an
49 order fixing the time and place of his birth who at any time within a period
50 of ten years immediately preceding the filing of the petition therefor, is or
51 has been found to be within any of the classes enumerated within this sec-
52 tion notwithstanding that at the time petition is filed he may not be included
53 in such classes.

1 5. On the filing of a certified copy of said order with the State Regis-
2 trar of Vital Statistics, the birth of said person shall be recorded in the
3 Bureau of Vital Statistics as of the date and place named in said order,
4 which said record shall be evidence of said person's birth as of said time
5 and place.

1 6. This act shall take effect immediately.

STATEMENT

The object of this bill is to enable foundlings, that is, persons of unknown parentage found within this State, to obtain birth certificates from the Bureau of Vital Statistics.

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3 and time of whose birth remain unknown, shall be presumed to have been
4 born in this State until shown not to have been born herein but only upon
5 compliance with the provisions of this act.

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2 birth in this State of any such person shall be made by such person or by
3 someone on such person's behalf, under the name by which such person is
4 then known, by petition, duly verified and addressed to the court of common
5 pleas of the county in which such person was found or in which such person
6 then resides, which petition shall set forth that such person was found in
7 this State as a child of unknown parentage, and that his parentage and the
8 place and time of his birth are unknown, and shall set forth the place
9 where, the time when and the circumstances under which such person was

10 found, his probable age at said time, the probable date of his birth and the
 11 place or places where such person has resided since he was found and now
 12 resides and that such person has not been guilty of any of the acts described
 13 in section four of this act.

1 3. Upon the filing of said petition the court or a judge thereof shall fix
 2 a time and place for hearing thereon and if said person is of the supposed
 3 age of twelve years or over shall give not less than twenty days' notice of
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 5 torney for the District of New Jersey, and at said time or at any time to
 6 which said hearing may be adjourned, said court or judge, having examined
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 8 satisfied of the truth of the allegations of said petition and that such person
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 7 believes in, advises, advocates, or teaches—

8 (1) the overthrow by force or violence of the government of this
 9 State or of the United States or of all forms of law; or

10 (2) the duty, necessity, or propriety of the unlawful assaulting or
 11 killing of any officer or officers (either of specific individuals or of offi-
 12 cers generally) of the government of this State or of the United

13 **States or any other organized government, because of his or their offi-**
14 **cial character; or**

15 **(3) the unlawful damage, injury, or destruction of property; or**

16 **(4) sabotage.**

17 **(c) Who writes, publishes, or causes to be written or published, or who**
18 **knowingly circulates, distributes, prints, or displays, or knowingly causes**
19 **to be circulated, distributed, printed, published, or displayed, or who know-**
20 **ingly has in his possession for the purpose of circulation, distribution, pub-**
21 **lication, or display any written or printed matter advising, advocating, or**
22 **teaching opposition to all organized government, or advising, advocating,**
23 **or teaching—**

24 **(1) the overthrow by force or violence of the government of this**
25 **State or of the United States or of all forms of law; or**

26 **(2) the duty, necessity, or propriety of the unlawful assaulting**
27 **or killing of any officer or officers (either of specific individuals or of**
28 **officers generally) of the government of this State or of the United**
29 **States or of any other organized government; or**

30 **(3) the unlawful damage, injury, or destruction of property; or**

31 **(4) sabotage.**

32 **(d) Who is a member of or affiliated with any organization, association,**
33 **society, or group that writes, circulates, distributes, prints, publishes, or**
34 **displays, or causes to be written, circulated, distributed, printed, published,**
35 **or displayed, or that has in its possession for the purpose of circulation,**
36 **distribution, publication, issue, or display, any written or printed matter of**
37 **the character described in subdivision (c).**

38 **For the purpose of this section**

39 **(1) the giving, loaning, or promising of money or anything of value**
40 **to be used for the advising, advocacy or teaching of any doctrine above**
41 **enumerated shall constitute the advising, advocacy, or teaching of such**
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