

TITLE XXIII.  
LAWS AND REPORTS.

- Chap. 1....CONSTRUCTION OF WORDS.
- “ 2....OF THE REVISED STATUTES.
- “ 3....GENERAL REPEALING ACT.
- “ 4....LAWS, AND THE PUBLICATION THEREOF, ETC.
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## CHAPTER 1.

## CONSTRUCTION OF WORDS.

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|--|--|-----------------------------|
| 1. Construction of "month" and "year". |  | 3. Construction of "state". |
| 2. "Oath" and "sworn".                 |  | " Of "United States".       |

## An Act relative to the construction of certain words in public statutes.

Revision.....Approved April 16, 1846.

Construction  
of month and  
year.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word "month", when used in any statute, shall be construed to mean a calendar month, and the words "a year", shall be construed to mean a calendar year.

Words oath  
and sworn.

2. *And be it enacted*, That the word "oath" shall be construed to include "affirmation", and the word "sworn" shall be construed to include "affirmed".

Words state  
and United  
States.

3. *And be it enacted*, That the word "state", when applied to different parts of the United States, shall be construed to extend to and include the District of Columbia and the several territories created or recognized by congress; and the words "United States" shall be construed to include the said territories.

## CHAPTER 2.

## OF THE REVISED STATUTES.

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|---------------------------------------|--|---------------------------|
| 1. When revised statutes take effect. |  | 2. Certain acts repealed. |
| " Which to be printed in pamphlet.    |  | " Saving clause.          |

1846.  
PAMPH. 229.

## An Act concerning the revised statutes passed at the present session of the legislature.

Revision.....Approved April 17, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acts passed by the legisla-

ture at its present session, and designated as "Revision" bills, shall take effect on the first day of February, in the year of our Lord one thousand eight hundred and forty-seven, and shall not be printed in the pamphlet laws of this session, excepting however, an act entitled, "An act for auditing the public accounts," an act entitled, "An act to regulate the state library," an act entitled, "An act to prescribe and declare the mode of appointing certain officers," an act entitled, "An act for the preservation of clams and oysters," an act entitled, "An act respecting the office of treasurer," and an act entitled, "An act to regulate elections;" which said last mentioned acts shall go into operation immediately, and be printed with the current laws.

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When certain revised statutes to take effect.

2. *And be it enacted*, That all acts and parts of acts inconsistent with any thing contained in the said act entitled, "An act to regulate elections," be repealed; but such repeal shall not be construed to vacate any office or affect any appointment, held or made by virtue of any statutory provision hereby repealed, but the said appointments shall continue, and the said offices shall be held in the same manner as if such statutory provision had not been repealed.

Acts repealed.

3. *And be it enacted*, That this act shall take effect immediately.

### CHAPTER 3.

#### GENERAL REPEALING ACT.

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| 1. Repealing section.                   |  | 5. Acts repealed, to continue so.          |
| 2. Rights, etc., accrued, not affected. |  | 6. Repeal, how construed.                  |
| 3. Offences, etc., how far affected.    |  | 7. What provisions still in force.         |
| 4. Prosecutions, etc., to proceed.      |  | 8. Officers and appointments not affected. |

#### An Act to repeal certain acts and parts of acts.

Revision.....Approved April 17, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the first day of February, in the year of our Lord one thousand eight hundred and forty-seven, the following acts and parts of acts be repealed, viz:

Acts, etc., repealed.

1. "An act to preserve the navigation of the rivers and creeks within the colony of New Jersey," passed August 20th, 1755.
2. "A supplementary act to the act entitled 'an act to preserve the navigation of the rivers and creeks within the colony of New Jersey,'" passed September 25th, 1762.
3. "An act for the preservation of deer and other game, and to prevent trespassing with guns," passed December 21st, 1771.

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4. "An act for the settlement and relief of the poor," passed March 11th, 1774.

5. "An act for the better relief and employment of the poor in the county of Salem," passed March 12th, 1796.

6. "An act to ascertain the punishment for high treason, and to establish the word state, instead of colony, in commissions, writs and other process; and for other purposes therein mentioned," passed September 20th, 1777.

7. "An act to prevent the farming out of public offices, or transferring by deputation the powers annexed and incident to them; and for other purposes therein mentioned," passed October 8th, 1778.

8. "An act for authorizing persons elected sheriffs and coroners to act in their respective offices, before they are commissioned," passed October 8th, 1778.

9. "An act for the preservation of cranberries," passed November 10th, 1789.

10. "An act for the more easy partition of lands held by coparceners, joint tenants and tenants in common," passed November 11th, 1789.

11. "An act to prescribe the manner of appointing senators of the United States, and electors of the president and vice president of the United States, on the part of this state," passed November 12th, 1790.

12. "An act to prevent unnecessary costs in collecting debts," passed February 20th, 1794.

13. "An act authorizing the justices of the supreme court to appoint commissioners to take special bail, and to administer oaths and affirmations in causes depending in the said court," passed November 17th, 1794.

14. "An act concerning justices of the peace and courts of general quarter sessions," passed November 22d, 1794.

15. "An act constituting courts of oyer and terminer and general jail delivery," passed November 27th, 1794.

16. "An act to incorporate societies for the promotion of learning," passed November 27th, 1794.

17. "An act for regulating references, and determining controversies by arbitration," passed December 2d, 1794.

18. "An act to prevent, in certain cases, the abatement of suits and reversal of judgments," passed February 17th, 1795.

19. "An act concerning costs," passed February 18th, 1795.

20. "An act for the maintenance of bastard children," passed February 26th, 1795.

21. "An act concerning executors and the administration and distribution of intestates' estates," passed March 2d, 1795.

## L A W S   A N D   R E P O R T S .

22. "An act regulating proceedings and trials in criminal cases," TIT. XXIII.  
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passed March 6th, 1795.

23. "An act concerning landlords and tenants," passed March 10th, 1795.

24. "An act concerning distresses," passed March 16th, 1795.

25. "An act to prevent the holding of appointments and commissions in certain cases, under this state and the United States at the same time," passed March 17th, 1795.

26. "An act for the more easy and expeditious recovery of penalties on forfeited recognizances, and for appropriating the moneys arising from the same, and from fines and amercements," passed March 18th, 1795.

27. "An act for the better regulation of actions of replevin," passed March 19th, 1795.

28. "An act for the relief of persons imprisoned for debt," passed March 18th, 1795.

29. "An act concerning wills," passed November 16th, 1795.

30. "An act to regulate the secretary's office and the prerogative office in this state, and for the faithful execution of the same," passed November 23d, 1795.

31. "An act respecting coroners," passed March 8th, 1796.

32. "An act concerning sheriffs," passed March 18th, 1796.

33. "An act for the punishment of crimes," passed March 18th, 1796.

34. "A supplement to an act entitled 'an act to prescribe the manner of appointing senators of the United States, and electors of the president and vice president of the United States, on the part of this state,'" passed October 31st, 1796.

35. "An act against usury," passed February 8th, 1797.

36. "An act for suppressing of lotteries," passed February 13th, 1797.

37. "An act to regulate the election of members of the Legislative Council and General Assembly, sheriffs and coroners, in this state," passed February 22d, 1797.

38. "An act concerning inns and taverns," passed February 24th, 1797.

39. "An act concerning stray cattle, horses and sheep," passed March 7th, 1797.

40. "An act relating to hawkers, pedlers and petty chapmen," passed March 7th, 1797.

41. "An act for the more equal representation of the counties of Hunterdon, Burlington, Sussex, Cumberland and Cape May in the General Assembly of this state," passed March 8th, 1797.

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42. "A supplement to the act entitled 'an act concerning sheriffs,' passed March 10th, 1797.

43. "An act ascertaining the duties of commissioners of appeal in cases of taxation," passed November 4th, 1797.

44. "An act to prevent suits under a certain sum being brought in the supreme court," passed November 6th, 1797.

45. "An act relative to juries and verdicts," passed November 10th, 1797.

46. "An act to incorporate the chosen freeholders in the respective counties of the state," passed February 13th, 1798.

47. "An act making provision for carrying into effect the 'act for the punishment of crimes,'" passed February 15th, 1798.

48. "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," passed February 21st, 1798.

49. "An act concerning forcible entries and detainers," passed March 2d, 1798.

50. "An act for the relief of creditors against absconding and absent debtors," passed March 8th, 1798.

51. "An act ascertaining the times and places of holding the courts of common pleas and general quarter sessions of the peace," passed March 8th, 1798.

52. "An act respecting apprentices and servants," passed March 14th, 1798.

53. "An act respecting slaves," passed March 14th, 1798.

54. "An act for suppressing vice and immorality," passed March 16th, 1798.

55. "An act respecting bridges," passed November 5th, 1798.

56. "An act for the safe keeping of the books and papers of the auditor's office," passed November 6th, 1798.

57. "An act relative to posthumous children," passed January 24th, 1799.

58. "An act to ascertain the times and place of holding the court of appeals," passed January 29th, 1799.

59. "An act concerning promissory notes, inland bills of exchange, and notaries public," passed January 30th, 1799.

60. "An act relative to dower," passed January 31st, 1799.

61. "An act respecting writs of error," passed February 1st, 1799.

62. "An act relative to guardians," passed February 1st, 1799.

63. "An act for the limitation of actions," passed February 7th, 1799.

64. "An act to regulate the practice of the courts of law," passed February 14th, 1799.

65. "An act respecting the office of treasurer," passed February 16th, 1799. TIT. XXIII.  
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66. "An act for the relief of persons who are scrupulous of taking an oath in the usual form," passed February 16th, 1799.

67. "An act making lands liable to be sold for the payment of debts," passed February 18th, 1799.

68. "An act to issue commissions for the examination of witnesses, and to take their depositions in certain cases," passed February 18th, 1799.

69. "An act prescribing certain oaths," passed February 20th, 1799.

70. "An act directing the clerks of courts to make return to the treasurer of amercements, fines and forfeitures," passed May 31st, 1799.

71. "An act relative to the supreme and circuit courts," passed June 6th, 1799.

72. "An act for the recovery of fines imposed upon defaulting jurors," passed June 6th, 1799.

73. "An act respecting conveyances," passed June 7th, 1799.

74. "An act concerning witnesses," passed June 7th, 1799.

75. "An act to register mortgages," passed June 7th, 1799.

76. "An act concerning taxes," passed June 10th, 1799.

77. "An act to incorporate trustees of religious societies," passed June 12th, 1799.

78. "An act to regulate fees," passed June 13th, 1799.

79. "An act respecting the court of chancery," passed June 13th, 1799.

80. "An act relative to the secretary's office," passed November 19th, 1799.

81. "An act concerning the clerk's office in the several counties of this state," passed November 17th, 1800.

82. "An act for altering and establishing the times of holding the courts in and for the county of Middlesex," passed February 9th, 1801.

83. "An act altering the time of holding the circuit courts and courts of common pleas and general quarter sessions, in and for the county of Burlington," passed February 13th, 1801.

84. "An act designating the taxable property within the state of New Jersey," passed March 9th, 1801.

85. "A supplement to an act entitled 'an act respecting coroners,' passed the eighth day of March, seventeen hundred and ninety-six," passed November 20th, 1801.

86. "An act further to regulate fees," passed November 30th, 1801.

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87. "An act to regulate the repacking of beef and pork for exportation," passed December 2d, 1802.
88. "An act for the more equal representation of the county of Essex in the General Assembly of this state," passed November 10th, 1803.
89. "An act respecting clerks in chancery and clerks of the supreme court," passed February 27th, 1804.
90. "An act to repeal part of an act entitled 'an act further to regulate fees,'" passed March 1st, 1804.
91. "An act concerning the surrogate's office in the several counties of this state," passed December 1st, 1804.
92. "A supplement to the act entitled 'an act relative to the supreme and circuit courts,' passed the sixth day of June, seventeen hundred and ninety-nine," passed March 10th, 1806.
93. "An act for the publication of law reports," passed March 12th, 1806.
94. "An act to alter the time of holding the February term of the courts of common pleas and quarter sessions of the peace in the county of Cumberland," passed November 19th, 1807.
95. "An act to prohibit tavern keepers, store keepers, confectioners and hucksters from entertaining minors under the age of twenty-one years, at colleges, academies and schools, for the purposes of instruction, and from selling to them strong drinks," passed November 20th, 1807.
96. "An act directing the time and mode of electing electors of the president and vice president of the United States, and representatives in congress on the part of this state," passed December 3d, 1807.
97. "Supplement to the act entitled 'an act authorizing the justices of the supreme court to appoint commissioners to take special bail, and to administer oaths and affirmations in causes depending in the said court,'" passed December 4th, 1807.
98. "A supplement to an act entitled 'an act to issue commissions for the examination of witnesses, and to take their depositions in certain cases,' passed the eighteenth day of February, seventeen hundred and ninety-nine," passed November 29th, 1809.
99. "An act authorizing the printed laws of this state to be read in evidence in any court in this state," passed October 31st, 1810.
100. "An act to tax bank stock," passed November 2d, 1810.
101. "An act relative to the accounts of the treasury and the state prison," passed November 3d, 1810.
102. "An act to prevent horse racing," passed February 15th, 1811.
103. "A supplement to the act entitled 'an act for suppressing

vice and immorality,' passed March sixteenth, seventeen hundred and ninety-eight," passed February 21st, 1811.

104. "An act respecting deputies to the attorney general," passed February 5th, 1812.

105. "An act concerning judgments of justices removed by certiorari into the supreme court," passed February 5th, 1812.

106. "A supplement to the act entitled 'an act relative to juries and verdicts,' passed the tenth day of November, seventeen hundred and ninety-seven," passed February 10th, 1813.

107. "An act to prevent public or private roads being laid out or opened on or through lands belonging to this state," passed November 3d, 1814.

108. "An act relative to executors," passed February 11th, 1815.

109. "An act to prohibit unincorporated banks," passed February 15th, 1815.

110. "An act relative to fees and proceedings in the court of appeals, and in the prerogative court," passed February 16th, 1815.

111. "An act establishing a militia system," passed February 18th, 1815.

112. "An act supplementary to the act entitled 'an act for the more easy partition of lands held by coparceners, joint tenants, and tenants in common,' and the act entitled 'an act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans' court in the several counties of this state,'" passed February 7th, 1816.

113. "An act relative to toll and chain bridges," passed February 8th, 1816.

114. "An act to authorize aliens to purchase and hold real estate in this state," passed January 22d, 1817.

115. "An act authorizing the courts of common pleas to award a tales de circumstantibus," passed January 23d, 1817.

116. "A supplement to the act concerning wills," passed January 24, 1817.

117. "An act to ensure the faithful and impartial execution of office," passed January 27th, 1817.

118. "An act directing the descent of real estates," passed January 29th, 1817.

119. "An act for the relief of creditors against corporations," passed January 31st, 1817.

120. "An act to create a fund for the support of free schools," passed February 12th, 1817.

121. "An act respecting the seal of the court of chancery, and of the secretary of state," passed February 13th, 1817.

122. "An act concerning roads," passed February 9th, 1818.

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123. "An act constituting courts for the trial of small causes," passed February 12th, 1818.

124. "A further supplement to the act entitled 'an act for the punishment of crimes,' passed March eighteenth, one thousand seven hundred and ninety-six," passed February 12th, 1818.

125. "An act to constitute and appoint trustees for the security and management of the fund for the support of free schools," passed February 12th, 1818.

126. "An act to repeal the several insolvent laws passed since the eighteenth day of March, one thousand seven hundred and ninety-five, and to revive the act entitled 'an act for the relief of persons imprisoned for debt,' passed the eighteenth day of March, one thousand seven hundred and ninety-five, and for other purposes," passed February 14th, 1818.

127. "An act to repeal part of an act entitled 'an act for the relief of persons imprisoned for debt,'" passed January 13th, 1819.

128. "An act directing the further distribution of the laws of this state," passed January 22d, 1819.

129. "A supplement to the act entitled 'an act for regulating references, and determining controversies by arbitration,'" passed February 10th, 1819.

130. "An act explaining the term of office of the several chosen freeholders in the several counties within this state," passed February 10th, 1819.

131. "An act respecting persons arriving in this state from foreign ports," passed February 10th, 1819.

132. "An act concerning constables and their sureties," passed February 10th, 1819.

133. "An act to prevent unnecessary costs," passed February 11th, 1819.

134. "A supplement to an act entitled 'an act constituting courts of oyer and terminer and general jail delivery,'" passed February 13th, 1819.

135. "An act to authorize the keeper and inspectors of the state prison to receive and safe keep prisoners committed under the authority of the United States," passed February 15th, 1819.

136. "An act directing the investment of the annual income of the school fund in advance," passed February 18th, 1819.

137. "An act to alter the time of holding the January term of the courts in the county of Essex," passed November 4th, 1819.

138. "A supplement to the act entitled 'an act concerning roads,'" passed January 26th, 1820.

139. "A supplement to an act entitled 'an act concerning costs,'" passed February 15th, 1820.

140. "A supplement to an act entitled 'an act concerning land-lords and tenants,' " passed February 15th, 1820. TIT. XXIII  
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141. "An act concerning divorces, and for other purposes," passed February 16th, 1820.

142. "An act to repeal two sections of an act concerning sheriffs," passed February 16th, 1820.

143. "A supplement to the act entitled 'an act respecting apprentices and servants,' " passed February 18th, 1820.

144. "A supplement to the act entitled 'an act for the limitation of actions,' passed the seventh day of February, one thousand seven hundred and ninety-nine," passed February 21st, 1820.

145. "A supplement to the act entitled 'an act making lands liable to be sold for the payment of debts,' " passed February 21st, 1820.

146. "A supplement to the act entitled 'an act relative to toll and chain bridges,'" passed February 21st, 1820.

147. "A supplement to an act entitled 'an act for the preservation of deer and other game, and to prevent trespassing with guns,' passed December twenty-first, one thousand seven hundred and seventy-one," passed February 21st, 1820.

148. "An act to secure to creditors an equal and just division of the estates of debtors, who convey to assignees for the benefit of creditors," passed February 23d, 1820.

149. "A supplement to the act relative to dower," passed February 24th, 1820.

150. All but the first three sections of an act entitled "An act for the gradual abolition of slavery, and other purposes respecting slaves," passed February 24th, 1820.

151. "An act directing the mode of entering judgments upon bonds, with warrants of attorney to confess judgments," passed February 24th, 1820.

152. "A supplement to an act entitled 'an act to regulate the practice of the courts of law,' " passed February 28th, 1820.

153. "An act concerning the boards of chosen freeholders," passed February 28th, 1820.

154. "An act concerning idiots and lunatics," passed February 28th, 1820.

155. "A supplement to the act respecting the court of chancery," passed February 29th, 1820.

156. "A supplement to the act entitled 'an act for the publication of law reports,' " passed March 1st, 1820.

157. "An act supplementary to an act entitled 'an act establishing a militia system,' passed February the eighteenth, one thousand eight hundred and fifteen," passed March 2d, 1820.

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158. "An act respecting the clerks of the courts of common pleas and general quarter sessions," passed March 2d, 1820.

159. "An act concerning wrecks," passed March 3d, 1820.

160. "A supplement to the act entitled 'an act incorporating the inhabitants of townships, designating their powers, and regulating their meetings,'" passed May 22d, 1820.

161. "An act relative to statutes," passed May 25th, 1820.

162. "An act for securing the laws, and relative to the office of the prerogative court," passed May 27th, 1820.

163. "A supplement to an act entitled 'an act making provision for carrying into effect the act for the punishment of crimes,' passed February fifteenth, one thousand seven hundred and ninety-eight," passed May 30th, 1820.

164. "A supplement to an act entitled 'an act for the relief of creditors against absconding and absent debtors,'" passed May 30th, 1820.

165. "A supplement to the act entitled 'an act for the punishment of crimes,' passed the eighteenth day of March, one thousand seven hundred and ninety-six," passed May 31st, 1820.

166. "A supplement to the act entitled 'an act to regulate the election of members of the Legislative Council and General Assembly, sheriffs and coroners, in this state,'" passed June 1st, 1820.

167. "An act to alter and amend the act entitled 'an act concerning inns and taverns,'" passed June 1st, 1820.

168. "An act to prevent the fraudulent marking of sheep and cattle," passed June 2d, 1820.

169. "A supplement to the act entitled 'an act respecting conveyances,' passed June seventh, one thousand seven hundred and ninety-nine; and to an act entitled 'an act to register mortgages,' passed June seventh, one thousand seven hundred and ninety-nine," passed June 5th, 1820.

170. "A supplement to an act entitled 'an act to incorporate societies for the promotion of learning,'" passed June 6th, 1820.

171. "An act to provide for the publication and distribution of the laws and proceedings of the legislature of this state and the distribution of the laws of the United States," passed June 7th, 1820.

172. "An act for the preservation of sheep," passed June 9th, 1820.

173. "An act for the preservation of clams and oysters," passed June 9th, 1820.

174. "A supplement to the act entitled 'an act for the relief of persons imprisoned for debt,' passed eighteenth March, one thousand seven hundred and ninety-five," passed June 10th, 1820.

175. "A supplement to an act entitled 'an act for the settlement and relief of the poor,' passed the eleventh day of March, one thousand seven hundred and seventy-four," passed June 10th, 1820.

176. "An act to prevent justices of the peace from issuing blank process," passed June 12th, 1820.

177. "A supplement to the act constituting courts for the trial of small causes," passed June 13th, 1820.

178. "An act further regulating the descent of real estates," passed June 13th, 1820.

179. "An act to empower the governor to offer a reward for the apprehension of certain offenders," passed June 13th, 1820.

180. "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans' court in the several counties of this state," passed June 13th, 1820.

181. "A further supplement to the act entitled 'an act for the punishment of crimes,' passed the eighteenth day of March, one thousand seven hundred and ninety-six," passed November 3d, 1820.

182. "An act to repeal an act entitled 'a supplement to an act entitled an act for the relief of persons imprisoned for debt,' passed the eighteenth day of March, one thousand seven hundred and ninety-five, and to an act entitled 'an act to repeal the several insolvent laws, passed since the eighteenth day of March, one thousand seven hundred and ninety-five,' and to revive the act entitled 'an act for the relief of persons imprisoned for debt,' passed November 3d, 1820.

183. "A further supplement to the act entitled 'an act making lands liable to be sold for the payment of debts,' passed the eighteenth of February, seventeen hundred and ninety-nine," passed November 9th, 1820.

184. "A further supplement to an act entitled 'an act making provision for carrying into effect the act for the punishment of crimes,' passed February fifteenth, one thousand seven hundred and ninety-eight," passed November 11th, 1820.

185. "An act to suspend the sentence of death in certain cases, until after the meeting of the governor and council," passed November 16th, 1820.

186. "A supplement to the act entitled 'an act for the preservation of sheep,'" passed November 16th, 1820.

187. "A supplement to the act entitled 'an act constituting courts for the trial of small causes,' passed the twelfth day of Fe-

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bruary, one thousand eight hundred and eighteen," passed November 17th, 1820.

188. "An act relative to elections for representatives in congress, and electors of president and vice president," passed November 17th, 1820.

189. "A supplement to the act entitled 'an act for the better relief and employment of the poor, in the county of Salem,' passed March the twelfth, one thousand seven hundred and ninety-six," passed November 18th, 1820.

190. "A supplement to an act entitled 'an act relative to the supreme and circuit courts,'" passed November 20th, 1820.

191. "An act to punish frauds committed on the incorporated banks of this state," passed November 21st, 1820.

192. "An act for the instruction of indigent deaf and dumb persons, inhabitants of this state," passed November 10th, 1821.

193. The first section of an act entitled, 'A further supplement to the act entitled 'an act to preserve and support the jurisdiction of this state,' passed December third, one thousand eight hundred and seven," passed November 21st, 1821.

194. "A further supplement to the act for the preservation of sheep, passed June the ninth, one thousand eight hundred and twenty," passed November 23d, 1821.

195. "A further supplement to the act entitled 'an act constituting courts for the trial of small causes,' passed February twelfth, one thousand eight hundred and eighteen," passed November 23d, 1821.

196. "A supplement to an act entitled 'an act to suspend the sentence of death in certain cases, until after the meeting of the governor and council,' passed the sixteenth day of November, eighteen hundred and twenty," passed November 26th, 1821.

197. "A supplement to the act entitled 'an act to constitute and appoint trustees for the security and management of the fund for the support of free schools,'" passed November 26th, 1821.

198. "A further supplement to the act entitled 'an act to issue commissions for the examination of witnesses, and to take their depositions in certain cases,' passed February the eighteenth, one thousand seven hundred and ninety-nine," passed November 27th, 1821.

199. "A supplement to the act entitled 'an act respecting the office of treasurer,'" passed November 27th, 1821.

200. "A further supplement to the act entitled 'an act concerning wills,'" passed November 29th, 1821.

201. "A supplement to the act entitled 'an act concerning justices of the peace, and courts of general quarter sessions,' passed

the twenty-second day of November, one thousand seven hundred and ninety-four," passed November 2d, 1822. TIT. XXIII.  
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202. "An act to repeal an act entitled 'an act respecting deputies to the attorney general,' and to provide for the appointment of prosecutors of the pleas of the state, in the several counties," passed November 9th, 1822.

203. "An act for the better preservation of the books and papers belonging to the legislature of this state," passed November 16th, 1822.

204. "An act for the relief of watermen," passed November 19th, 1822.

205. "A supplement to an act entitled 'an act for the relief of persons imprisoned for debt,' passed the eighteenth day of March, one thousand seven hundred and ninety-five," passed November 28th, 1822.

206. "An act directing the mode of appointing surrogates," passed November 28th, 1822.

207. "A further supplement to 'an act for the preservation of deer and other game, and to prevent trespassing with guns,' passed December twenty-first, seventeen hundred and seventy-one," passed November 28th, 1822.

208. "A further supplement to the act entitled 'an act for the relief of creditors against absconding and absent debtors,' passed the eighth day of March, one thousand seven hundred and ninety-eight," passed November 28th, 1822.

209. "A further supplement to an act entitled 'an act for the more easy partition of lands held by coparceners, joint tenants, and tenants in common,' and the act entitled 'an act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans' court in the several counties of this state,'" passed November 28th, 1823.

210. "An act respecting trustees," passed November 29th, 1823.

211. "A supplement to an act entitled 'an act concerning idiots and lunatics,' passed the twenty-eighth of February, one thousand eight hundred and twenty," passed December 2d, 1823.

212. "A supplement to an act entitled 'an act against usury,' passed the eighth day of February, one thousand seven hundred and ninety-seven," passed December 5th, 1823.

213. "A supplement to the act entitled 'an act for the preservation of clams and oysters,' passed on the ninth day of June, eighteen hundred and twenty," passed December 8th, 1823.

214. "A supplement to the act concerning taxes," passed December 10th, 1823.

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215. "An act directing the manner of appointing prosecutors of the pleas of the state, in the several counties thereof," passed December 11th, 1823.

216. "An additional supplement to 'an act establishing a militia system,'" passed December 11th, 1823.

217. "A further supplement to an act entitled 'an act making lands liable to be sold for the payment of debts,'" passed the eighteenth of February, seventeen hundred and ninety-nine," passed December 11th, 1823.

218. "An act for arranging, repairing, and preserving the public arms and accoutrements," passed December 11th, 1823.

219. "An act to reduce fees and costs of suit, and for other purposes," passed December 12th, 1823.

220. "A supplement to an act entitled 'a supplement to the act entitled an act for the preservation of clams and oysters,'" passed on the ninth day of June, one thousand eight hundred and twenty, which said supplement was passed on the eighth day of December, one thousand eight hundred and twenty-three," passed November 18th, 1824.

221. "An act to repeal an act entitled 'an act to abolish imprisonment for debt in certain cases,'" passed the eleventh day of December, one thousand eight hundred and twenty-three," passed December 2d, 1824.

222. "A supplement to the act entitled 'an act to regulate fees,'" passed the thirteenth day of June, one thousand seven hundred and ninety-nine," passed December 4th, 1824.

223. "A supplement to the act entitled 'an act concerning divorces, and for other purposes,'" passed the sixteenth of February, one thousand eight hundred and twenty," passed December 13th, 1824.

224. "A further supplement to an act entitled 'an act for the punishment of crimes,'" passed the eighteenth day of March, one thousand seven hundred and ninety-six," passed December 21st, 1824.

225. "An act supplementary to the act entitled 'an act relating to hawkers, pedlars, and petty chapmen,'" passed the seventh day of March, one thousand seven hundred and ninety-seven," passed December 21st, 1824.

226. "An act respecting the public arms," passed December 28th, 1824.

227. "An act for the augmentation of the fund for the support of free schools," passed December 28th, 1824.

228. "A further supplement to an act entitled 'an act making provision for carrying into effect the act for the punishment of

crimes,' passed February the fifteenth, one thousand seven hundred and ninety-eight," passed December 21st, 1824.

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229. "A supplement to an act concerning wills, passed November the sixteenth, seventeen hundred and ninety-five," passed December 28th, 1824.

230. "A further supplement to the act entitled 'an act respecting the office of treasurer,'" passed November 11th, 1825.

231. "A further supplement to the act entitled 'an act to issue commissions for the examination of witnesses, and to take their depositions in certain cases,' passed the eighteenth day of February, one thousand seven hundred and ninety-nine," passed November 26th, 1825.

232. "An additional supplement to 'an act for the preservation of sheep,' passed the ninth day of June, eighteen hundred and twenty," passed November 28th, 1825.

233. "A supplement to an act entitled 'an act to ascertain the times and place of holding the court of appeals,' passed the twenty-ninth day of January, one thousand seven hundred and ninety-nine," passed November 30th, 1825.

234. "An act to regulate the fees to be paid in the discharge of insolvent debtors," passed December 6th, 1825.

235. "An act for the protection of the minor children of persons who abscond or absent themselves from this state," passed December 7th, 1825.

236. "An act to prevent fraudulent elections by incorporated companies, and to facilitate proceedings against them," passed December 8th, 1825.

237. "A further supplement to the 'act to regulate the practice of the courts of law,' passed February fourteenth, one thousand seven hundred and ninety-nine," passed December 9th, 1825.

238. "A further supplement to the act entitled 'an act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans' court in the several counties of this state,'" passed December 9th, 1825.

239. "An act relative to wills, administrations and guardianships, proved and granted without this state," passed December 9th, 1825.

240. "A supplement to an act entitled 'an act for the preservation of clams and oysters,' passed the ninth of June, one thousand eight hundred and twenty," passed December 10th, 1825.

241. "An act to authorize the holding of special terms of the courts of common pleas, in and for the counties therein named," passed December 10th, 1825.

242. "A further supplement to the act entitled 'an act making lands liable to be sold for the payment of debts,' passed the eighteenth of February, seventeen hundred and ninety-nine," passed December 12th, 1825.

243. "An act for the removal of certain officers, for causes therein stated," passed December 12th, 1825.

244. "A supplement to the act entitled 'an act for the preservation of sheep,' passed the ninth day of June, one thousand eight hundred and twenty," passed December 12th, 1826.

245. "An act for the encouragement of fire companies," passed December 14th, 1826.

246. "An act to change the time of holding certain courts in the county of Warren," passed December 16th, 1826.

247. "An act to authorize the treasurer of this state to loan surplus money and for other purposes," passed December 19th, 1826.

248. "An act supplementary to 'an act for the preservation of clams and oysters,' passed the ninth day of June, one thousand eight hundred and twenty," passed December 26th, 1826.

249. "A further supplement to the act concerning oysters," passed December 26th, 1826.

250. "An act relative to insurance companies," passed December 26th, 1826.

251. "A supplement to an act entitled 'an act concerning slaves,'" passed December 26th, 1826.

252. "An act for the better organization of the cavalry of this state," passed December 27th, 1826.

253. "A further supplement to the act entitled 'an act to incorporate societies for the promotion of learning,'" passed December 27th, 1826.

254. "A further supplement to the act entitled 'an act respecting conveyances,' and to an act entitled 'an act to register mortgages,'" passed December 27th, 1826.

255. "A supplement to an act entitled 'a further supplement to the acts concerning oysters,' passed December the twenty-sixth, one thousand eight hundred and twenty-six," passed November 6th, 1827.

256. "An act relative to jurors," passed November 6th, 1827.

257. "A supplement to the act entitled 'an act to provide for the publication and distribution of the laws and proceedings of the legislature of this state, and the distribution of the laws of the United States,' passed the seventh day of June, one thousand eight hundred and twenty," passed February 8th, 1828.

258. "A supplement to the act entitled 'an act to incorporate trustees of religious societies,' passed the twelfth day of June, one

thousand seven hundred and ninety-nine," passed February 29th, 1828. TIT. XXIII.  
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259. "An act to encourage the raising of money for the purposes of education," passed March 3d, 1828.

260. "An act to change the time of holding certain courts in the county of Sussex," passed March 4th, 1828.

261. "An act to augment the fund for the support of free schools," passed March 5th, 1828.

262. "A further supplement to the act entitled 'an act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans' court in the several counties of this state,'" passed March 6th, 1828.

263. "A further supplement to an act entitled 'an act concerning roads,'" passed March 6th, 1828.

264. "A supplement to the act entitled 'an act concerning inns and taverns,'" passed March 6th, 1828.

265. "A further supplement to the 'act concerning sheriffs,'" passed March 6th, 1828.

266. "An act relative to the probate of wills," passed March 6th, 1828.

267. "An act to compel the attendance of witnesses before judges, commissioners of bails and affidavits, and commissioners under foreign commissions," passed March 6th, 1828.

268. "An act directing the mode of proceeding in cases of violent, sudden or casual deaths," passed January 27th, 1829.

269. "A supplement to the act entitled 'an act to alter and amend the act entitled an act concerning inns and taverns,'" passed the first day of June, one thousand eight hundred and twenty," passed January 28th, 1829.

270. "A supplement to an act entitled 'an act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors,'" passed February 11th, 1829.

271. "A further supplement to the 'act concerning taxes,'" passed June tenth, one thousand seven hundred and ninety-nine," passed February 13th, 1829.

272. "An act to prevent frauds by incorporated companies," passed February 16th, 1829.

273. "An act for the punishment of crimes," passed February 17th, 1829.

274. "A supplement to the act entitled 'an act directing the mode of entering judgments upon bonds with warrants of attorney to confess judgments,'" passed the twenty-fourth of February, one thousand eight hundred and twenty," passed February 19th, 1829.

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275. "A supplement to an act entitled 'an act concerning promissory notes, inland bills of exchange, and notaries public,' passed the thirtieth of January, one thousand seven hundred and ninety-nine," passed February 21st, 1829.

276. "A further supplement to an act entitled 'an act for the limitation of actions,' passed the seventh day of February, one thousand seven hundred and ninety-nine," passed February 21st, 1829.

277. "An act making provision for carrying into effect the 'act for the punishment of crimes,' " passed February 23d, 1829.

278. "A supplement to the act entitled 'an act for the punishment of crimes,' passed February seventeenth, one thousand eight hundred and twenty-nine," passed February 23d, 1829.

279. "An act to establish common schools," passed February 24th, 1829.

280. "An act to exempt minors from militia duty in time of peace," passed November 6th, 1829.

281. "An act to repeal an act entitled 'a supplement to the act entitled an act for the preservation of sheep,' passed the ninth day of June, eighteen hundred and twenty," passed February 4th, 1830.

282. "A further supplement to the act entitled 'an act for the relief of creditors against absconding and absent debtors,' passed the eighth day of March, A. D. seventeen hundred and ninety-eight," passed February 13th, 1830.

283. "An act relative to the prerogative court," passed February 19th, 1830.

284. "An act concerning small notes for the payment of money," passed February 19th, 1830.

285. "A supplement to the act entitled 'an act to reduce fees and costs of suit, and for other purposes,' passed the twelfth of December, one thousand eight hundred and twenty-three," passed February 19th, 1830.

286. "An act abolishing imprisonment for debt in certain cases," passed February 19th, 1830.

287. "A supplement to the act entitled 'an act to authorize the holding of special terms of the courts of common pleas, in and for the counties therein named,' passed December tenth, one thousand eight hundred and twenty-five," passed February 20th, 1830.

288. "A further supplement to the act entitled 'an act establishing a militia system,' passed the eighteenth of February, one thousand eight hundred and fifteen," passed February 23d, 1830.

289. "A further supplement to 'an act for the preservation of deer and other game, and to prevent trespassing with guns,' passed

December twenty-first, seventeen hundred and seventy-one," passed February 22d, 1830. TIT. XXIII.  
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290. "A supplement to the act entitled 'an act concerning forcible entries and detainers,' " passed February 24th, 1830.

291. "An act respecting clerks of the courts of common pleas in this state," passed February 26th, 1830.

292. "A supplement to the act entitled 'an act for the instruction of indigent deaf and dumb persons, inhabitants of this state,' " passed February 26th, 1830.

293. "An act relating to hawkers, pedlers, and petty chapmen, and to repeal the former acts on this subject," passed February 27th, 1830.

294. "An act to prevent justices of the peace and other officers from acting in certain cases," passed March 1st, 1830.

295. "A supplement to an act entitled 'an act making provision for carrying into effect the act for the punishment of crimes,' passed the twenty-third day of February, eighteen hundred and twenty-nine," passed March 2d, 1830.

296. "A supplement to the act entitled 'an act making provision for carrying into effect the act for the punishment of crimes,' passed February twenty-third, eighteen hundred and twenty-nine," passed January 24th, 1831.

297. "An act requiring the boards of chosen freeholders in this state to make an annual exhibit of their accounts," passed February 2d, 1831.

298. "An act respecting elections," passed February 14th, 1831.

299. "An act respecting the appointment of the clerk of the court of chancery," passed February 14th, 1831.

300. "A supplement to 'an act making provision for carrying into effect the act for the punishment of crimes,' passed February twenty-third, one thousand eight hundred and twenty-nine," passed February 15th, 1831.

301. "An act relative to common schools," passed February 16th, 1831.

302. "An act to prohibit the circulating or passing of tickets," passed February 16th, 1831.

303. "A supplement to the act for the better organization of the cavalry of this state," passed February 17th, 1831.

304. "A supplement to the act entitled 'an act relating to hawkers, pedlers and petty chapmen,' passed February twenty-seventh, eighteen hundred and thirty," passed February 17th, 1831.

305. "A further supplement to the act entitled 'an act making lands liable to be sold for the payment of debts,' passed eighteenth February, seventeen hundred and ninety-nine," passed November 28th, 1831.

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306. "A supplement to the act entitled 'an act regulating proceedings and trials in criminal cases,' " passed February 13th, 1832.

307. "An act for the preservation of cranberries," passed February 16th, 1832.

308. "An act respecting the enrollment of decrees in chancery," passed February 21st, 1832.

309. "A supplement to the act entitled 'an act to regulate fees,' passed the thirteenth day of June, seventeen hundred and ninety-nine," passed March 6th, 1832.

310. "An act for the publication of reports of cases decided in the court of chancery, and other purposes," passed March 13th, 1832.

311. "An act supplementary to the act entitled 'an act making provision for carrying into effect the act for the punishment of crimes,' passed the twenty-third of February, eighteen hundred and twenty-nine," passed March 14th, 1832.

312. "A supplement to 'an act relative to guardians,' passed the first day of February, seventeen hundred and ninety-nine," passed March 14th, 1832.

313. "A supplement to an act entitled 'an act for the relief of creditors against absconding and absent debtors,' " passed March 15th, 1832.

314. "An act to alter and amend the act entitled 'a supplement to an act to incorporate societies for the promotion of learning,' passed the sixth day of June, eighteen hundred and twenty," passed March 15th, 1832.

315. "An act prescribing the mode of appointing directors in the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies," passed March 16th, 1832.

316. "A further supplement to the act 'to ascertain the times and place of holding the court of appeals,' " passed October 31st, 1832.

317. "A supplement to 'an act concerning roads,' passed the ninth of February, eighteen hundred and eighteen," passed January 30th, 1833.

318. "A supplement to the act entitled 'an act to prevent in certain cases, the abatement of suits, and reversal of judgments,' " passed February 12th, 1833.

319. "A supplement to an act entitled 'an act concerning idiots and lunatics,' passed the twenty-eighth of February, eighteen hundred and twenty," passed February 12th, 1833.

320. "An act relative to incorporation, and other purposes," passed February 14th, 1833.

321. "A supplement to the act entitled 'an act to alter and amend the act entitled an act concerning inns and taverns,' passed June first, eighteen hundred and twenty," passed February 15th, 1833.

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322. "Additional supplement to the act entitled 'an act constituting courts for the trial of small causes,' " passed February 27th, 1833.

323. "A further supplement to an act entitled 'an act to regulate the election of members of the Legislative Council and General Assembly, sheriffs, and coroners of this state,' passed June first, eighteen hundred and twenty," passed February 27th, 1833.

324. "A further supplement to the 'act concerning roads,' passed February the ninth, eighteen hundred and eighteen," passed February 27th, 1833.

325. "An act relating to bridges in Burlington and Somerset," passed February 20th, 1834.

326. "A further supplement to an act entitled 'an act incorporating the inhabitants of townships, designating their powers, and regulating their meetings,' passed the twenty-first of February, seventeen hundred and ninety-eight," passed February 25th, 1834.

327. "An act to extend the term of office of the surveyor of the highways, in road cases, in the county of Salem," passed February 27th, 1834.

328. "A further supplement to the act entitled 'an act constituting courts for the trial of small causes,' passed February twelfth, eighteen hundred and eighteen," passed February 27th, 1834.

329. "A supplement to the act entitled 'an act for the punishment of crimes,' passed the seventeenth of February, eighteen hundred and twenty-nine," passed February 27th, 1834.

330. "A supplement to an act entitled 'an act directing the descent of real estates,' passed the twenty-ninth day of January, one thousand eight hundred and seventeen," passed February 18th, 1835.

331. "An act to regulate the standard of weights within the state of New Jersey," passed February 19th, 1835.

332. "A further supplement to the act entitled 'an act for the punishment of crimes,' " passed February 26th, 1835.

333. A supplement to an act entitled 'an act for suppressing vice and immorality,' passed the sixteenth of March, seventeen hundred and ninety-eight," passed February 27th, 1835.

334. "A further supplement to the act entitled 'an act for the better relief and employment of the poor in the county of Salem,' passed March twelfth, seventeen hundred and ninety-six," passed February 28th, 1835.

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335. "An act to change the time of holding certain courts in the counties of Bergen and Essex," passed March 2d, 1835.

336. "An act securing to mechanics and others, payment for their labour and materials in erecting any house or other building within the limits therein mentioned," passed March 3d, 1835.

337. An act to authorize the holding special terms of the supreme court," passed March 4th, 1835.

338. "A supplement to an act entitled 'an act abolishing imprisonment for debt in certain cases,' passed February nineteenth, eighteen hundred and thirty," passed March 4th, 1835.

339. "A further supplement to the act entitled 'an act concerning landlords and tenants,'" passed March 4th, 1835.

340. "A supplement to the act entitled 'an act to prevent horse racing,' passed the fifteenth of February, eighteen hundred and eleven," passed March 5th, 1835.

341. "An act to abolish public executions," passed March 5th, 1835.

342. "A supplement to the act entitled 'an act concerning wrecks,' passed the third of March, eighteen hundred and twenty," passed March 9th, 1836.

343. "A further supplement to the act entitled 'an act relative to the supreme and circuit courts,' passed the sixth day of June, A. D. seventeen hundred and ninety-nine," passed February 11th, 1836.

344. "A supplement to an act entitled 'an act incorporating the inhabitants of townships, designating their powers, and regulating their meetings,' passed the twenty-first of February, one thousand seven hundred and ninety-eight," passed February 12th, 1836.

345. "A supplement to the act entitled 'an act to regulate the repacking of beef and pork for exportation,' passed the second of September, A. D. eighteen hundred and two," passed March 2d, 1836.

346. "A supplement to an act entitled 'an act securing to mechanics and others payment for their labour and materials in erecting any house or other buildings within the limits therein mentioned,' passed March third, one thousand eight hundred and thirty-five," passed March 7th, 1836.

347. "An act to provide for the instruction of indigent blind persons, inhabitants of this state," passed March 8th, 1836.

348. "A further supplement to the act entitled 'an act to incorporate trustees of religious societies,' passed the twelfth of June, seventeen hundred and ninety-nine," passed March 8th, 1836.

349. "An act relative to juries," passed March 9th, 1836.

350. "An act to relieve the poor," passed March 10th, 1836.

351. "A supplement to 'an act concerning stray cattle, horses, and sheep,' passed the seventh of March, seventeen hundred and ninety-seven," passed March 10th, 1836. TIT. XXIII.  
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352. "A supplement to the act entitled 'an act concerning taxes,' " passed March 10th, 1836.

353. "An act supplementary to the several acts relating to the partition of real estate," passed March 10th, 1836.

354. "An additional supplement to the act entitled 'an act respecting conveyances,' and to an act entitled 'an act to register mortgages,' " passed November 3d, 1836.

355. "An act fixing the time in which public laws shall go into operation," passed November 9th, 1836.

356. "A supplement to the act entitled 'an act relative to juries and verdicts,' passed the tenth of November, A. D. seventeen hundred and ninety-seven," passed November 9th, 1836.

357. "Supplement to the act entitled 'an act for the instruction of indigent deaf and dumb persons, inhabitants of this state,' passed the tenth of November, one thousand eight hundred and twenty-one, and to the act entitled 'an act to provide for the instruction of indigent blind persons, inhabitants of this state,' passed March eighth, eighteen hundred and thirty-six," passed February 2d, 1837.

358. "An act for the more easy recovery of debts against non-residents," passed February 7th, 1837.

359. "An act to establish and regulate pilots for the ports of Jersey City, Newark, and Perth Amboy, by the way of Sandy Hook," passed February 8th, 1837.

360. "An act to compel the appearance of corporations to indictments and informations," passed February 10th, 1837.

361. "A further supplement to the act entitled 'an act concerning landlords and tenants,' " passed February 14th, 1837.

362. "A further supplement to an act entitled 'an act concerning slaves,' " passed February 15th, 1837.

363. "A further supplement to the act entitled 'an act for the relief of creditors against absconding and absent debtors,' passed the eighth of March, seventeen hundred and ninety-eight," passed February 28th, 1837.

364. "A further supplement to an act entitled 'an act constituting courts for the trial of small causes,' passed the twelfth of February, eighteen hundred and eighteen," passed March 7th, 1837.

365. "A further supplement to the act entitled 'an act relative to juries and verdicts,' " passed March 7th, 1837.

366. "An act to authorize the holding an additional term of the

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circuit court and court of oyer and terminer and general jail delivery in the county of Cape May," passed March 8th, 1837.

367. "An act regulating the applications of guardians and others for power to sell lands and other property," passed March 13th, 1837.

368. "A further supplement to the act entitled 'an act for the instruction of indigent deaf and dumb persons, inhabitants of this state,' passed the tenth of November, one thousand eight hundred and twenty-one," passed March 13th, 1837.

369. "A supplement to an act entitled 'an act abolishing imprisonment for debt in certain cases,' passed February nineteenth, one thousand eight hundred and thirty," passed March 15th, 1837.

370. "A further supplement to the 'act for the punishment of crimes,' passed seventeenth February, eighteen hundred and twenty-nine," passed March 15th, 1837.

371. "A further supplement to the act entitled 'an act for the preservation of deer and other game, and to prevent trespassing with guns,' passed December twenty-first, one thousand seven hundred and seventy-one," passed March 5th, 1837.

372. "An act for the regulation of the state penitentiary," passed March 15th, 1837.

373. "An act to provide for an investigation of the condition of the banks of this state, and for other purposes," passed November 11th, 1837.

374. "A further supplement to the act entitled 'an act making lands liable to be sold for the payment of debts,' passed eighteenth of February, seventeen hundred and ninety-nine," passed November 14th, 1837.

375. "An act to change the time of holding certain courts in the county of Atlantic," passed February 1st, 1838.

376. "A supplement to the act entitled 'an act to establish and regulate pilots for the ports of Jersey City, Newark, and Perth Amboy, by the way of Sandy Hook,' passed February the eighth, eighteen hundred and thirty-seven," passed February 13th, 1838.

377. "A further supplement to an act entitled 'an act securing to mechanics and others payment for their labour and materials, in erecting any house or other building within the limits therein mentioned,' passed the third day of March, one thousand eight hundred and thirty-five," passed March 10th, 1837.

378. "An act to facilitate the administration of justice," passed February 14th, 1838.

379. "A supplement to an act entitled 'an act to facilitate the administration of justice,' passed fourteenth of February, eighteen hundred and thirty-eight," passed February 23d, 1838.

380. "An act to regulate the selling of grain," passed February 16th, 1838. TTT. XXIII.  
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381. "An act respecting the office of treasurer," passed February 16th, 1838.

382. "A further supplement to an act entitled 'an act for the instruction of indigent deaf and dumb persons, inhabitants of this state,' passed the tenth day of November, eighteen hundred and twenty-one," passed February 20th, 1838.

383. "Supplement to the act entitled 'an act directing the descent of real estates,'" passed February 20th, 1838.

384. "An act for the better regulation of the banks of this state, and for other purposes," passed March 1st, 1838.

385. "A further supplement to an act entitled 'an act relating to hawkers, pedlars, and petty chapmen, and to repeal the former acts on the subject,' passed the twenty-seventh of February, eighteen hundred and thirty," passed February 24th, 1838.

386. "An act to abolish the punishment of death in certain cases," passed February 27th, 1838.

387. "An act to provide for granting letters of administration of the estates of intestates residing out of this state at the time of their decease," passed February 26th, 1838.

388. "An act for the government and regulation of the state prison," passed February 27th, 1838.

389. "An additional supplement to the act entitled 'an act for the preservation of deer and other game, and to prevent trespassing with guns,' passed December twenty-first, one thousand seven hundred and seventy-one," passed February 27th, 1838.

390. "A further supplement to the act entitled 'an act relative to dower,'" passed February 28th, 1838.

391. "A supplement to an act concerning stray cattle, horses, and sheep, passed March seventh, seventeen hundred and ninety-seven," passed February 28th, 1838.

392. "A further supplement to the act entitled 'an act concerning inns and taverns,' passed the twenty-fourth day of February, one thousand seven hundred and ninety-seven," passed March 1st, 1838.

393. "An act to establish public schools," passed March 1st, 1838.

394. "A supplement to the act entitled 'an act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans' court in the several counties of this state,'" passed March 1st, 1838.

395. "A supplement to an act entitled 'an act concerning exe-

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cutors, and the administration and distribution of intestates' estates,' passed the second day of March, seventeen hundred and ninety-five," passed February 7th, 1839.

396. "A further supplement to an act entitled 'an act to establish and regulate pilots for the ports of Jersey City, Newark, and Perth Amboy, by way of Sandy Hook,' passed the eighth day of February, eighteen hundred and thirty-seven," passed February 8th, 1839.

397. "A supplement to the act entitled 'an act for the more easy and expeditious recovery of penalties on forfeited recognizances, and for appropriating the moneys arising from the same, and from fines and amercements,' passed eighteenth of March, seventeen hundred and ninety-five," passed February 19th, 1839.

398. "A supplement to the act entitled 'an act for the better regulation of actions of replevin,'" passed February 19th, 1839.

399. "A further supplement to the act entitled 'an act for the relief of creditors against absconding and absent debtors,' passed February 22d, 1839.

400. "A further supplement to an act entitled 'an act to establish and regulate pilots for the ports of Jersey City, Newark, and Perth Amboy, by way of Sandy Hook,' passed the eighth day of January, eighteen hundred and thirty-seven," passed February 23d, 1839.

401. "An act to alter the times of holding certain courts in the counties of Bergen, Middlesex, Mercer, and Passaic," passed February 26th, 1839.

402. "A supplement to the act entitled 'an act concerning inns and taverns,' passed February twenty-fourth, seventeen hundred and ninety-seven," passed February 26th, 1839.

403. "A further supplement to the act entitled 'an act to incorporate societies for the promotion of learning,' passed November twenty-fifth, seventeen hundred and ninety-four,'" passed March 1st, 1839.

404. "A further supplement to the act entitled 'an act concerning taxes,'" passed March 2d, 1839.

405. "An act to change the time of holding certain courts in the counties of Hunterdon and Atlantic," passed March 6th, 1839.

406. "An act to authorize the appointment of an armourer and assistant, to take charge of the state arsenal," passed March 6th, 1839.

407. "A further supplement to the act entitled 'an act respecting conveyances,' passed June seventh, one thousand seven hundred and ninety-nine, and to the act entitled 'an act to register mortgages,' passed June seventh, one thousand seven hundred and ninety-nine," passed March 6th, 1839.

408. "An act supplementary to an act entitled 'an act for the punishment of crimes,' passed the seventeenth day of February, eighteen hundred and twenty-nine," passed March 7th, 1839.

409. "A further supplement to the act entitled, 'an act respecting the court of chancery,'" passed March 8th, 1839.

410. "A further supplement to an act entitled 'an act securing to mechanics and others payment for labour and materials, in erecting any house or other building, within the limits therein mentioned,' passed the third day of March, one thousand eight hundred and thirty-five," passed March 8th, 1839.

411. "An act supplementary to an act entitled 'an act relative to the secretary's office,' passed November nineteenth, seventeen hundred and ninety-nine," passed March 12th, 1839.

412. "An act to regulate elections," passed March 12th, 1839.

413. "A supplement to an act entitled 'an act to regulate elections,'" passed March 12th, 1839.

414. "A supplement to an act entitled 'an act for suppressing vice and immorality,' passed the sixteenth day of March, seventeen hundred and ninety-eight," passed November 7th, 1839.

415. "An act to repeal part of the fifth section of the act entitled 'an act to facilitate the administration of justice,' passed the fourteenth day of February, one thousand eight hundred and thirty-eight," passed November 7th, 1839.

416. "A further supplement to an act entitled 'an act concerning idiots and lunatics,'" passed February 7th, 1840.

417. "A further supplement to the act entitled 'an act to regulate elections,' passed March twelfth, eighteen hundred and thirty-nine," passed February 19th, 1840.

418. "A further supplement to the act entitled 'an act to issue commissions for the examination of witnesses, and to take their depositions in certain cases,'" passed February 19th, 1840.

419. "A further supplement to the act entitled 'an act constituting courts for the trial of small causes,'" passed February 19th, 1840.

420. "A supplement to the act entitled 'an act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans' court in the several counties of this state,'" passed February 21st, 1840.

421. "A supplement to the act entitled 'an act concerning wrecks,' passed the third of March, eighteen hundred and twenty," passed March 9th, 1836.

422. "A further supplement to the act entitled 'an act respecting the court of chancery,'" passed February 22d, 1840.

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423. "A further supplement to the act entitled 'an act for the relief and employment of the poor in the county of Salem,' passed March twelfth, one thousand seven hundred and ninety-six," passed February 22d, 1840.

424. "A further supplement to the act entitled 'an act concerning roads,' " passed February 26th, 1840.

425. "A supplement to an act entitled 'an act relative to incorporations and other purposes,' passed February fourteenth, eighteen hundred and thirty-three," passed February 26th, 1840.

426. "An act to change the time of holding certain courts in the county of Hunterdon," passed February 26th, 1840.

427. "A further supplement to the act entitled 'an act for the punishment of crimes,' " passed February 28th, 1840.

428. "A further supplement to the act entitled 'an act abolishing imprisonment for debt in certain cases,' " passed February 28th, 1840.

429. "A further supplement to the act entitled 'an act concerning landlords and tenants,' " passed February 28th, 1840.

430. "A supplement to the act entitled 'an act to establish public schools,' passed the first day of March, eighteen hundred and thirty-eight," passed February 29th, 1840.

431. "A supplement to an act entitled 'an act to compel the appearance of corporations to indictments and informations,' passed February tenth, eighteen hundred and thirty-seven," passed January 28th, 1841.

432. "A supplement to the act entitled 'an act for the maintenance of bastard children,' passed February twenty-sixth, seventeen hundred and ninety-five," passed February 23d, 1841.

433. "A further supplement to the act entitled 'an act for the limitation of actions,' passed February seventh, seventeen hundred and ninety-nine," passed February 27th, 1841.

434. "A supplement to the act entitled 'an act to prohibit tavern keepers, store keepers, confectioners and hucksters from entertaining minors under the age of twenty-one years, at colleges, academies and schools for the purposes of instruction, and from selling to them strong drinks,' passed the twentieth of November, eighteen hundred and seven," passed March 2d, 1841.

435. "A further supplement to the act entitled 'an act concerning taxes,' passed the tenth of June, seventeen hundred and ninety-nine," passed March 6th, 1841.

436. "A further supplement to the act entitled 'an act for the punishment of crimes,' passed February seventeenth, eighteen hundred and twenty-nine," passed March 8th, 1841.

437. "A supplement to the act entitled 'an act to prevent fraud-

ulent elections by incorporated companies, and to facilitate proceedings against them,' passed the eighth of December, eighteen hundred and twenty-five," passed March 11th, 1841.

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438. "A supplement to the act entitled 'an act constituting courts of oyer and terminer and general jail delivery,' passed November twenty-seventh, seventeen hundred and ninety-four," passed March 11th, 1841.

439. "A further supplement to the act entitled 'an act to provide for the publication and distribution of the laws and proceedings of the legislature of this state, and the distribution of the laws of the United States,' passed the seventh day of June, in the year of our Lord eighteen hundred and twenty," passed March 11th, 1841.

440. "A further supplement to an act entitled 'an act securing to mechanics and others payment for their labour and materials in erecting any house or other building within the limits therein mentioned,' passed third of March, eighteen hundred and thirty-five," passed February 7th, 1842.

441. "An act authorizing the county courts in the several counties in this state, to adjourn over in such manner as the public convenience may require," passed February 25th, 1842.

442. "A further supplement to an act entitled 'an act concerning inns and taverns,' passed the twenty-fourth of February, seventeen hundred and ninety-seven," passed March 3d, 1842.

443. "A supplement to the act entitled 'an act concerning roads,' passed February ninth, eighteen hundred and eighteen," passed March 4th, 1842.

444. "A further supplement to the act entitled 'an act for the punishment of crimes,' " passed March 8th, 1842.

445. "An act to abolish imprisonment for debt," passed March 9th, 1842.

446. "A further supplement to an act entitled 'an act to regulate elections,' " passed March 9th, 1842.

447. "A further supplement to an act entitled 'an act concerning idiots and lunatics,' " passed March 10th, 1842.

448. "An act explanatory of an act entitled 'an act supplementary to an act for the punishment of crimes,' passed the seventh day of March, A. D. eighteen hundred and thirty-nine, and to repeal so much of the said act entitled 'an act for the punishment of crimes,' passed the seventeenth of February, one thousand eight hundred and twenty-nine, as authorizes punishment by whipping on conviction of petit larceny," passed March 10th, 1842.

449. "An act to regulate the collection of moneys," passed March 11th, 1842.

450. "A supplement to the act entitled 'an act to create the

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county of Hudson,' passed February twenty-second, one thousand eight hundred and forty," passed March 11th, 1842.

451. "A supplement to the act entitled 'an act incorporating the inhabitants of townships, designating their powers, and regulating their meetings,' passed the twenty-first day of February, seventeen hundred and ninety-eight," passed March 11th, 1842.

452. "A supplement to an act entitled 'an act to prevent frauds by incorporated companies,' passed February sixteen, eighteen hundred and twenty-nine," passed March 11th, 1842.

453. "An act to prescribe the time and manner of holding elections for representatives in congress, from this state," passed November 10th, 1842.

454. "A further supplement to the act entitled 'an act for the punishment of crimes,' passed the seventeenth of February, eighteen hundred and twenty-nine," passed February 3d, 1843.

455. "An act supplementary to the several acts relating to the partition of real estate," passed February 3d, 1843.

456. "An act relative to bridges in the county of Cumberland," passed February 13th, 1843.

457. "A further supplement to an act entitled 'an act to provide for the instruction of indigent blind persons, inhabitants of this state,' passed March eighth, eighteen hundred and thirty-six," passed February 16th, 1843.

458. "A further supplement to 'an act concerning stray cattle, horses and sheep,' passed seventh March, seventeen hundred and ninety-seven," passed February 17th, 1843.

459. "A further supplement to the act entitled 'an act respecting conveyances,' and to an act entitled 'an act to register mortgages,' " passed February 17th, 1843.

460. "A further supplement to the act entitled, an act securing to mechanics and others payment for their labour and materials in erecting any house or other building within the limits therein mentioned,' passed the third of March, eighteen hundred and thirty-five," passed February 20th, 1843.

461. "A further supplement to the act entitled 'an act concerning sheriffs,' passed the eighteenth of March, seventeen hundred and ninety-six," passed February 22d, 1843.

462. "An respecting poor lunatics and idiots," passed February 22d, 1843.

463. "An act further supplementary to an act entitled 'an act concerning divorces,' " passed February 22d, 1843.

464. "A further supplement to the act entitled 'an act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish

an orphans' court in the several counties of this state,' " passed February 22d, 1843. TIT. XXIII.  
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465. " A further supplement to an act entitled 'an act to secure to creditors an equal and just division of the estates of debtors, who convey to assignees for the benefit of creditors,' passed the twenty-third of February, eighteen hundred and twenty," passed February 22d, 1843.

466. " A supplement to the act entitled 'an act directing bills of exceptions to be sealed,' passed the seventh day of March, seventeen hundred and ninety-seven," passed February 23d, 1843.

467. " A further supplement to the act entitled 'an act to regulate elections,' " passed February 23d, 1843.

468. " Supplement to an act entitled 'an act to establish public schools,' passed March first, eighteen hundred and thirty-eight," passed February 24th, 1843.

469. " A further supplement to the act entitled 'an act concerning sheriffs,' passed the eighteenth of March, seventeen hundred and ninety-six," passed November 6th, 1843.

470. " A further supplement to the act entitled 'an act to provide for the instruction of indigent blind persons, inhabitants of this state,' passed the eighth of March, eighteen hundred and thirty-six," passed February 6th, 1844.

471. " A supplement to the act entitled 'an act for preventing the injury of illegal confinement, and better securing the liberty of the people,' passed the eleventh of March, seventeen hundred and ninety-five," passed February 27th, 1844.

472. " A further supplement to the act entitled 'an act securing to mechanics and others payment for their labour and material in erecting any house or other building within the limits therein mentioned,' passed March third, eighteen hundred and thirty-five," passed March 13th, 1844.

473. " Supplement to an act entitled 'an act for the suppressing of lotteries,' passed thirteenth of February, seventeen hundred and ninety-seven," passed March 7th, 1844.

474. " A further supplement to an act entitled 'an act concerning executors, and the administration and distribution of intestates' estates,' passed the second day of March, seventeen hundred and ninety-five," passed March 9th, 1844.

475. " A further supplement to the act entitled 'an act securing to mechanics and others payment for their labour and material in erecting any house or other building within the limits therein mentioned,' passed March third, eighteen hundred and thirty-five," passed March 7th, 1844.

476. " A further supplement to the act entitled 'an act for the

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better regulation of actions of replevin,' passed the nineteenth of March, seventeen hundred and ninety-five," passed March 11th, 1844.

477. "A supplement to the act entitled 'an act to prescribe the time and manner of holding elections for representatives in congress from this state,' passed November tenth, eighteen hundred and forty-two," passed March 12th, 1844.

478. "A supplement to the act entitled 'an act incorporating the inhabitants of townships, designating their powers, and regulating their meetings,' passed the twenty-first of February, seventeen hundred and ninety-eight," passed March 12th, 1844.

479. "An act to prevent and punish frauds by public officers," passed March 12th, 1844.

480. "A supplement to the act entitled 'an act respecting apprentices and servants,'" passed March 12th, 1844.

481. "A supplement to an act entitled 'an act for the better regulation of actions of replevin,' passed March nineteenth, seventeen hundred and ninety-five," passed March 13th, 1844.

482. "A further supplement to the act entitled 'an act relative to juries and verdicts,'" passed March 13th, 1844.

483. "An act to establish a uniform standard of weights and measures in this state," passed March 13th, 1844.

484. "A supplement to the act concerning costs," passed March 14th, 1844.

485. "A further supplement to the act entitled 'an act constituting courts for the trial of small causes,' passed twelfth of February, eighteen hundred and eighteen," passed March 13th, 1844.

486. "A further supplement to the act entitled 'an act to regulate elections,' passed March twelfth, in the year of our Lord eighteen hundred and thirty-nine," passed March 13th, 1844.

487. "A supplement to the act entitled 'an act to regulate the selling of grain,' passed the sixteenth of February, eighteen hundred thirty-eight," passed March 14th, 1844.

488. "A further supplement to the act entitled 'an act respecting conveyances,' and to an act entitled 'an act to register mortgages,' passed the twenty-seventh of December, eighteen hundred and twenty-six," approved February 12th, 1845.

489. "An act further to regulate the proceedings of the annual town and ward meetings," approved March 6th, 1845.

490. "A further supplement to the act entitled 'an act for the preservation of clams and oysters,' passed June ninth, eighteen hundred and twenty," approved March 8th, 1845.

491. "A further supplement to the act entitled 'an act for the punishment of crimes,' passed February seventeenth, eighteen hundred and twenty-nine," approved March 13th, 1845.

492. "A supplement to the act entitled 'an act to authorize aliens to purchase and hold real estate in this state,' passed the twenty-second of January, eighteen hundred and seventeen," approved March 13th, 1845. TIT. XXIII.  
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493. "An act to ascertain the fees of assessors and collectors," approved March 19th, 1845.

494. "Supplement to an act entitled 'an act respecting bridges,' passed November fifth, seventeen hundred and ninety-eight," approved March 20th, 1845.

495. "A supplement to the act entitled 'an act concerning justices of the peace and courts of general quarter sessions,' passed the twenty-second day of November, seventeen hundred and ninety-four," approved March 20th, 1845.

496. "An act to continue county collectors in office until successors are elected," approved March 20th, 1845.

497. "A supplement to 'an act to establish a uniform standard of weights and measures in this state,'" approved March 20th, 1845.

498. "An act to ascertain the time of holding certain courts in this state," approved April 4th, 1845.

499. "A supplement to an act entitled 'an act concerning distresses,' passed March sixteenth, seventeen hundred and ninety-five," approved March 22d, 1845.

500. "A further supplement to an act entitled 'an act respecting the court of chancery,' passed the thirteenth of June, seventeen hundred and ninety-nine," approved March 22d, 1845.

501. "A further supplement to the act entitled 'an act to facilitate the administration of justice,' passed the fourteenth of February, eighteen hundred and thirty-eight," approved March 24th, 1845.

502. "A supplement to the act entitled 'an act for the preservation of cranberries,' passed the sixteenth of February, eighteen hundred and thirty-two," approved March 24th, 1845.

503. "A supplement to the act entitled 'an act to ascertain the time of holding certain courts in this state,' passed April fourth, eighteen hundred and forty-five," approved April 4th, 1845.

504. "An act to regulate the proceedings of the court of errors and appeals," approved April 5th, 1845.

505. "An act to prescribe and declare the mode of appointing certain officers," approved March 26th, 1845.

506. "An act to amend an act entitled 'an act relating to insurance companies,' passed December twenty-sixth, eighteen hundred and twenty-six," approved March 26th, 1845.

507. "A supplement to the act entitled 'an act for granting letters of administration of the estates of intestates residing out of this state at the time of their decease,'" approved March 26th, 1845.

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508. "A supplement to an act entitled 'an act to prevent and punish frauds by public officers,' passed March twelfth, eighteen hundred and forty-four," approved March 27th, 1845.

509. "A further supplement to the act entitled 'an act for the government and regulation of the state prison,' passed February twenty-seventh, eighteen hundred and thirty-eight," approved April 1st, 1845.

510. "A further supplement to the act entitled 'an act to incorporate societies for the promotion of learning,' passed November twenty-seventh, seventeen hundred and ninety-four," approved April 2d, 1845.

511. "An act for the protection of oysters in the county of Atlantic," approved April 3d, 1845.

512. "A further supplement to an act entitled 'an act concerning sheriffs,'" approved April 3d, 1845.

513. "A further supplement to the act entitled 'an act securing to mechanics and others payment for their labour and materials in erecting any house or other building within the limits therein mentioned,' passed March third, eighteen hundred and thirty-five, and to the several supplements to said act," approved April 3d, 1845.

514. "An act respecting the fees of county collectors," approved April 3d, 1845.

515. "A supplement to 'an act prescribing certain oaths,' passed the twentieth day of February, seventeen hundred and ninety-nine," approved April 4th, 1845.

516. "An act to amend the several statutes of this state which refer to or mention the Legislative Council," approved April 4th, 1845.

517. "An act for the protection of clams in the county of Atlantic," approved April 4th, 1845.

518. "An act to regulate the election of justices of the peace in the city of Newark, and supplementary to 'an act further to regulate the proceedings of the annual town and ward meetings,'" approved April 4th, 1845.

519. "An act to regulate the state library," approved April 4th, 1845.

520. "A supplement to the act entitled 'an act ascertaining the duties of commissioners of appeal in cases of taxation,' passed the fourth of November, seventeen hundred and ninety-seven," approved April 4th, 1845.

521. "A further supplement to the act entitled 'an act respecting conveyances,' and to an act entitled 'an act to register mortgages,' passed the twenty-seventh day of December, eighteen hundred and twenty-six," approved April 4th, 1845.

522. "A supplement to the act entitled 'an act to establish public schools,' passed the first day of March, eighteen hundred and thirty-eight," approved April 4th, 1845. TIT. XXIII.  
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523. "An act to regulate the election of justices of the peace in Jersey City, and supplementary to 'an act further to regulate the proceedings of the annual town and ward meetings,'" approved April 4th, 1845.

524. "A supplement to 'an act to regulate elections,' passed the twelfth day of March, eighteen hundred and thirty-nine," approved April 4th, 1845.

525. "A supplement to 'an act constituting courts for the trial of small causes,'" approved April 5th, 1845.

526. "An act to require justices of the peace to give security," approved April 5th, 1845.

527. "A further supplement to the act entitled 'an act to establish a uniform standard of weights and measures,'" approved March 12th, 1846.

528. "A supplement to an act relative to insurance companies," approved January 29th, 1846.

529. "An act to incorporate religious societies worshipping according to the customs and usages of the Protestant Episcopal Church," passed February 17th, 1829.

All statutes and parts of statutes consolidated and re-enacted in the revised statutes, or repugnant to the provisions contained therein.

2. *And be it enacted*, That the repeal of any statutory provision by this act, shall not affect any act done, or right accrued or established, or any proceeding, suit or prosecution had or commenced in any civil case, previous to the time when such repeal shall take effect, but every such act, right and proceeding shall remain as valid and effectual as if the provision so repealed had remained in force. Rights, etc.,  
accrued, not  
affected.

3. *And be it enacted*, That no offence committed and no penalty or forfeiture incurred previous to the time when any statutory provision shall be repealed, shall be affected by such repeal, except that when any punishment, forfeiture or penalty shall have been mitigated by the provisions of the revised statutes, such provisions shall apply to and control any judgment to be pronounced after the said statutes shall take effect, for any offence committed before that time. Offences, pen-  
alties, for-  
feitures, how  
far affected.

4. *And be it enacted*, That no prosecution for any offence, or for the recovery of any penalty or forfeiture pending at the time any statutory provision shall be repealed, shall be affected by such repeal; but the same shall proceed in all respects as if such provi- Prosecutions  
etc., to pro-  
ceed.

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sion had not been repealed, except that all such proceedings had after the time when the revised statutes take effect, shall be conducted according to the provisions of the said statutes, and shall be in all respects subject to the said provisions.

Acts repeal-  
ed, to con-  
tinue so.

5. *And be it enacted*, That all statutes and parts of statutes which were repealed or abrogated by, or were repugnant to any law hereby repealed, and which have not been re-enacted and consolidated in the revised statutes, shall continue to be so repealed, and shall be deemed abrogated.

Repeal, how  
construed.

6. *And be it enacted*, That the repeal by this act of any statute or part of a statute heretofore repealed, shall not be construed as a declaration or implication that such statute or part of a statute has been in force at any time subsequent to such first repeal.

What provi-  
sions of re-  
pealed acts in  
force for cer-  
tain purpo-  
ses.

7. *And be it enacted*, That where any statute not hereby re-  
pealed, refers to and adopts any statute or part of a statute which is herein repealed, the statute or part of a statute so referred to and adopted shall not be deemed repealed by the provisions of this act, but shall be in force so far only as the same shall have been so adopted, and for no other purpose.

Offices and  
appoint-  
ments not  
affected.

8. *And be it enacted*, That the repeal by this act of any statutory provision, which is consolidated and re-enacted in the revised statutes, by virtue of which any appointment shall have been made, or any office is or shall be held, shall not be construed to vacate such office, or in any way affect such appointment, but the said appointment shall continue, and the said offices shall be held subject to the provisions of law in force after the repeal of such statutory provision.

CHAPTER 4.

LAWS, AND THE PUBLICATION THEREOF, ETC.

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| 1. Publication of the laws.        | 9. Distribution by the treasurer.    |
| 2. How laws prepared for printing. | 10. By the county collector.         |
| 3. Journals of legislature.        | 11. United States' laws distributed. |
| 4. Minutes of joint meeting.       | 12. Penalty for neglect.             |
| 5. Fee for notes and index.        | 13. Treasurer to audit accounts.     |
| 6. How printing to be executed.    | 14. When laws take effect.           |
| 7. Within what time.               | 15. Printed laws to be evidence.     |
| 8. Fees of clerk and secretary.    |                                      |

REV. 546,726,  
752.

HAR. 163.

1836-7.

PAMPH. 21.

Publication  
of the laws.

An Act relative to the laws of this state, the proceedings of the legisla-  
ture, and the distribution thereof, and of the laws of the United States.

Revision....Approved April 16, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the  
State of New Jersey*, That it shall be the duty of the secretary of

state, to cause each and every of the public laws of the legislature to be published in one or more of the public newspapers in the city of Trenton, within two weeks after the passing thereof.

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2. *And be it enacted*, That it shall be the further duty of the said secretary, as soon as practicable after any law shall be passed, to cause the same to be copied for the press, with proper marginal notes to each section: and he shall cause the several acts of each year to be designated as chapters, and numbered according to the order of time in which they respectively become laws; and the said secretary shall, in like manner, cause the joint resolutions of the Senate and Assembly to be copied and prepared for the press; and make out an index to the acts and joint resolutions, alphabetically arranged; and deliver the copies of laws and joint resolutions, and index, so prepared and made, to the printers appointed to print the same; and shall direct and superintend the printing thereof, and compare with and correct, by the original acts and resolutions, the proof sheets and printed copies of the said laws and resolutions.

Laws, etc., to  
be prepared  
for the press.

3. *And be it enacted*, That it shall be the duty of the secretary of the Senate, and of the clerk of the House of Assembly, to cause the journals of their respective houses to be fairly copied and prepared for the press, at the close of every sitting of the legislature, and within thirty days thereafter to deliver such copies to the person or persons employed to print the same; and immediately after such copy shall be made and prepared for the press as aforesaid, the original journal shall be deposited in the office of the secretary of state, there to remain, and be kept by him unaltered and undefaced.

Journals of  
legislature  
prepared for  
the press.

4. *And be it enacted*, That the minutes of the joint meetings and such parts of the executive journal of the Senate as the said Senate shall order to be printed, shall be prepared for the press, by the secretary of the Senate, and printed, together with the journals of the Senate, under the direction and superintendence of the said secretary.

Also the min-  
utes of joint  
meeting.

5. *And be it enacted*, That there shall be allowed to the secretary of state, for making and preparing marginal notes and an index as aforesaid, the sum of fifteen cents for every hundred words.

Fee for notes  
and index.

6. *And be it enacted*, That the laws of this state, the votes and proceedings of the House of Assembly, the journals of the Senate, and minutes of joint meeting, shall hereafter be printed on good paper, in royal octavo form, with small pica type, in the same manner and form as the laws of the United States are now printed; and that the same be well stitched in pamphlet form.

How to be  
printed.

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Within what  
time.

When fees  
of clerk and  
secretary to  
be paid.

Forfeit for  
neglect.

Distribution  
by the treas-  
urer.

7. *And be it enacted*, That the printer who now is or hereafter may be appointed to print the laws and proceedings of the legislature of this state shall, within ninety days after he shall have received the copies thereof, deliver to the treasurer of this state, as many copies of the said laws and proceedings of the legislature, for the time being, as shall be directed by law.

8. *And be it enacted*, That it shall be the duty of the treasurer of this state, to retain in his hands the compensation allowed by law to the secretary of the Senate and to the clerk of Assembly for making copies of the aforesaid votes and proceedings, until they shall respectively produce to him the receipt of the printer or printers appointed to print the same, acknowledging the reception thereof; and in case the said secretary or clerk shall fail to deliver the said copies to the printer or printers, or the said printer or printers shall fail to deliver to the treasurer the required number of printed copies of the laws and proceedings within the time above limited and prescribed, the person or persons so failing shall forfeit the one fourth part of the compensation to him or them allowed.

9. *And be it enacted*, That the treasurer aforesaid, shall on receipt of the laws and proceedings aforesaid, after retaining two copies for himself, immediately cause the residue to be delivered to and distributed among the persons, and in the proportions hereinafter mentioned, that is to say: to the governor or person administering the government of this state, three copies; to the secretary of state, for the library of Princeton college, and of the two literary societies in said college, each one set thereof, and for the library of Rutgers college, and of the two literary societies in said college, each one set thereof; and for the library of Burlington college, and of the two literary societies in said college, when organized, each one set thereof; for the department of state of the United States, four copies; for the executive of each state and territory within the United States, for the use of the executives and legislatures of the respective states and territories, three copies; for each of the senators and representatives of this state, in the congress of the United States, one copy; for the librarian of the New Jersey Historical Society, for the use of the society, one copy; for the president of the American Antiquarian Society, one copy; which copies the said secretary shall transmit accordingly; the remainder to be distributed by the said treasurer, each and every year hereafter, to the justices of the supreme court of this state, the attorney general, the prosecutor of the pleas of each county, the secretary of state, the secretary of Senate, and clerks of Assembly, court of chancery, and supreme court, each one copy; to the secretary of the Senate, for the use of the Senate and Assembly, sixty copies; and shall distribute the

remainder among the several counties of this state, in the same proportion as the said counties shall contribute to the support of government, and shall transmit them, at the expense of the state, in bundles, directed to the collectors of the several counties of this state.

10. *And be it enacted*, That each and every of the said county collectors, after retaining one copy for himself, shall, at the expense of the county, forthwith transmit one set of the laws and proceedings aforesaid to each of the following officers, that is to say: the judges of the court of common pleas, the justices of the peace, the magistrates of any corporate town in the county, the sheriff, surrogate, and clerk of the court of common pleas, and the clerk of the board of chosen freeholders, and the representatives of the county in the legislature, each one set; to each incorporated library company, one set; *provided always*, that no more than one copy shall be delivered to any person, notwithstanding such person may hold several offices; and the remainder shall be divided among the several townships of the county: and transmitted in equal proportions to the clerk of each township, who shall, within one week after receipt of the same, after retaining one copy for the use of the township, cause the residue to be distributed among the officers of the township, giving them a preference in the following order, viz: the assessor, collector, chosen freeholders, and overseers of the poor, one set each: and the receipts of the persons so entitled to receive the same, shall be sufficient vouchers to the said treasurer and collectors in the settlement of their accounts, for the money by them for this purpose expended, and for a reasonable compensation for their trouble.

11. *And be it enacted*, That so many of the laws of the United States as may at any time be apportioned to this state by the congress of the United States, shall be delivered to the treasurer of this state, to be by him distributed among the following persons, at the expense of the state, viz: to the governor of this state, the attorney general, the prosecutor of the pleas of each county, the justices of the supreme court, the clerks of the courts of chancery and supreme court, the secretary of state, and the members of the legislature of this state, each one set, and shall retain one set for his own use; to the secretary of the Senate, for the use of the Senate, two sets; to the clerk of the Assembly, for the use of the Assembly, four sets; to the librarians of Princeton college, and of the two literary societies in said college, each one set; to the librarians of Rutgers' college, and of the two literary societies in said college, each one set; to the librarians of Burlington college, and of the two literary societies in said college, when organized, each one set;

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to the librarian of the New Jersey Historical Society, one set; and the remainder among the several counties of this state, in proportion to their quota of state taxes, to be transmitted to the collectors of the respective counties, and by them to be delivered to the following persons in the several counties: first, to the clerk of the court of common pleas, one set; secondly, to the directors or managers of every public library in the county, one set; thirdly, to the judges of the common pleas of the county, each one set; and the residue, if any there be, to be disposed of as shall be directed by the board of chosen freeholders of the county.

Penalty for neglect of clerk or collector.

12. *And be it enacted*, That if any collector or clerk shall neglect or refuse to perform any of the duties required of him by this act, he shall, for each offence, forfeit and pay the sum of ten dollars, to be sued for in any court of competent jurisdiction, by the director of the board of chosen freeholders of the county wherein he may reside, to be applied, when recovered, to the use of the county.

Treasurer to audit accounts.

13. *And be it enacted*, That the treasurer shall audit and adjust any accounts presented to him for services done or performed by the secretary of state by virtue of this act, and shall certify the same to be true and due by law, before any warrant shall be drawn for the payment thereof.

When acts take effect.

14. *And be it enacted*, That from and after the passing of this act, all public acts which shall be hereafter passed, shall not go into operation or be in force, until the fourth day of July next after the passage of any such act, unless otherwise specially provided for in such act.

Printed laws evidence.

15. *And be it enacted*, That all the laws heretofore printed, and also that may hereafter be printed by the authority of this state, shall, before any court in this state, be received in evidence, any thing in any law to the contrary notwithstanding.

## CHAPTER 5.

### CHANCERY AND LAW REPORTS.

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|---------------------------------|--|----------------------------------|
| 1. Duty of chancery reporter.   |  | 3. Duty of law reporter.         |
| 2. Courts to prepare opinions.  |  | " Printing and distribution.     |
| " Printing and distribution of. |  | 4. Justices to prepare opinions. |

REV. 528.

HAR. 400.

### An Act for the publication of chancery and law reports.

Revision....Approved April 17, 1846.

Duty of chancery reporter.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the chancery

reporter to collect, arrange, and compile in regular order, all such cases as have been or shall be decided in the court of chancery, and in the prerogative court of this state, wherein the principles of law or equity in important or intricate cases may have been or shall be discussed and determined, or rules of proceeding and practice in said courts determined or established, as will tend to promulgate information useful to the citizens of this state, with the opinions of the chancellor, ordinary, or surrogate general, or officers sitting with or for the chancellor, ordinary, or surrogate general in said courts thereon, together with such cases determined in the court of errors and appeals in the last resort in all causes, as shall be important and useful to be generally known and understood.

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CHAP. 3.

2. *And be it enacted*, That it shall be the duty of the court of errors and appeals, the chancellor, ordinary or surrogate general, or officers sitting with or for the chancellor, ordinary, or surrogate general in the court of chancery and prerogative court, to furnish to the said reporter, their opinions in writing in all such cases determined in said courts; and that it shall be the duty of the said chancery reporter, to furnish fair copies of all such cases and opinions, regularly digested, with a proper index to the same, to the printer who may be appointed by the legislature to print the same, annually, or so often as the said cases shall be sufficient to form a volume of suitable size, which shall be printed by the said printer, and be published and distributed or disposed of as the legislature may direct.

Courts to  
prepare opi-  
nions.

Printing and  
distribution.

3. *And be it enacted*, That it shall be the duty of the law reporter to collect and compile in regular order, all such cases as shall be adjudicated in the supreme court, with the opinion of the justices of the said court thereon, as he shall think will tend to promulgate useful information to the citizens of this state; and that it shall be the duty of the said reporter to furnish fair copies of all such cases and opinions, regularly digested, with a proper index to the same, to the printer who may be appointed by the legislature to print the same, annually, or so often as the said cases shall be sufficient to form a volume of suitable size, which shall be printed by the said printer, and be published and distributed or disposed of as the legislature may direct.

Duty of law  
reporter.

Printing and  
distribution.

4. *And be it enacted*, That it shall be the duty of the justices of the said supreme court, from time to time, to furnish the said reporter with their opinions in writing, on all important and intricate cases determined by them in the said court.

Justices to  
prepare opi-  
nions.

TITLE XXXIII.  
PRACTICE IN CHANCERY.

Chap. 1....PRACTICE.

“ 2....BILLS OF DISCOVERY.

“ 3....DIVORCE.

CHAPTER 1.

PRACTICE.

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| <ol style="list-style-type: none"> <li>1. Terms, when and where held.</li> <li>2. Suits, etc., continued, if term lost.</li> <li>3. Court always open for certain purposes.</li> <li>4. Process endorsed, signed and sealed.</li> <li>5. What defendants named in one process.</li> <li>6. When bill filed before process issued.</li> <li>7. Of security for costs.</li> <li>8. Who to serve process.</li> <li>9. How to be served.</li> <li>10. When accompanied by ticket.</li> <li>11. Security on injunction after verdict.</li> <li>12. Same, in mixed actions.</li> <li>13. Remedy, if security insufficient.</li> <li>14. Chancellor may refer question.</li> <li>15. Affidavit for injunction before verdict.</li> <li>16. Of motion to dissolve after answer.</li> <li>17. Notice of special motions.</li> <li>18. Breach of injunction punished.</li> <li>19. Ne exeat.</li> <li>20. What equivalent to service of subpoena.</li> <li>21. Pleadings, when to be filed.</li> <li>22. Order for publication.</li> <li>23. Plea or demurrer set down.</li> <li>24. Replication to plea.</li> <li>25. Demurrer first disposed of.</li> <li>26. Answer after plea or demurrer.</li> <li>27. Costs on plea or demurrer.</li> <li>28. When complainant must proceed.</li> <li>29. Exceptions to answer.</li> <li>30. Costs on exceptions.</li> <li>31. When second answer required.</li> <li>32. When third answer required.</li> <li>33. Consequences if insufficient.</li> <li>34. Cross bill and answers.</li> <li>35. Rules entered of course.</li> <li>36. Amendments.</li> <li>37. Parties to take notice, of what.</li> <li>38. When answer taken as true.</li> <li>39. Cause, when at issue.</li> <li>40. Interrogatories to complainant.</li> </ol> | <ol style="list-style-type: none"> <li>41. Of examinations.</li> <li>42. Witnesses' fees.</li> <li>43. Case for opinion of judges.</li> <li>44. Issue, when ordered.</li> <li>45. Rule for hearing.</li> <li>46. What if complainant do not attend.</li> <li>47. What if defendant do not attend.</li> <li>48. Papers to be used at hearing.</li> <li>49. Fees for attending to advise court.</li> <li>50. Pleadings, etc., to be enrolled.</li> <li>51. But not after dismissal.</li> <li>52. Record to be signed by chancellor.</li> <li>53. Enrollment after clerk's death.</li> <li>54. Signing by the statute.</li> <li>55. Effect of decree.</li> <li>56. When to operate as conveyance.</li> <li>57. When filing bill deemed notice.</li> <li>58. Clerk to file and record notice.</li> <li>59. Lien of decree.</li> <li>60. Fees on notice and abstract.</li> <li>61. Of decrees against absent defendants.</li> <li>62. Of moneys brought into court.</li> <li>63. Process after decree.</li> <li>64. Sales on foreclosure.</li> <li>65. Deed made, money applied.</li> <li>66. When execution superseded.</li> <li>67. Proceedings when money not all due.</li> <li>68. Fi. fa. to bind from delivery.</li> <li>69. Amercement of sheriff.</li> <li>70. His liability for neglect.</li> <li>71. Redress in such case.</li> <li>72. Penalty for not returning process.</li> <li>73. Punishment for contempt.</li> <li>74. Clerk to account for fines.</li> <li>75. Of costs, and compelling payment.</li> <li>76. Certain process omitted.</li> <li>77. Register's office abolished.</li> <li>78. What not to be registered.</li> <li>79. Rules of practice.</li> <li>80. Appeals, time allowed for.</li> </ol> |
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REV. 494, 702.  
HAR. 54, 298,  
373.  
1838-9.  
PAMPH. 162.  
1839-40.  
PAMPH. 58.  
1845.  
PAMPH. 151,  
157.

An Act respecting the court of chancery.

Revision....Approved April 16, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the court of chancery shall hold annu-

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CHAP. I.
- ally, at Trenton, four stated terms, commencing on the third Tuesday in March, June, September and December, respectively, and such special terms, at the same or any other place, as the chancellor shall from time to time appoint.
- Terms.
- Term lost, suits, etc., continued.
2. *And be it enacted*, That if the said court shall not sit or be opened at any of the said terms, whether stated or special, the writs and process then returnable, and the bills, suits, pleadings, and proceedings depending before the said court, shall be continued of course till the next term, and so from term to term until the court shall sit.
- Always open for certain purposes.
3. *And be it enacted*, That the said court of chancery shall be considered as always open for the granting of injunctions, writs of ne exeat to prevent the departure of defendants from the state, and other writs and process heretofore usually granted in vacation.
- Process, endorsed, signed, sealed.
4. *And be it enacted*, That every subpoena, process of sequestration, writ of execution, or other writ or process, shall be issued by a solicitor, or by the clerk, at the instance of the party, and before the service or execution thereof, shall be subscribed or endorsed with the name of the said solicitor or party, and also signed and sealed by the said clerk.
- Names in one process.
5. *And be it enacted*, That the names of all defendants in any suit who are resident in the same county, shall be inserted in one subpoena or process.
- When bill to be first filed.
6. *And be it enacted*, That no subpoena or other process for appearance shall issue out of the court of chancery, except in cases to stay waste, until after the bill shall have been filed with the clerk of the court.
- When security for costs required,
7. *And be it enacted*, That if the complainant reside out of this state, he shall, before the issuing of process to appear, cause a bond to be executed by at least one sufficient person, being a freeholder and resident within this state, to the defendant, in the penal sum of one hundred and fifty dollars, conditioned to prosecute the suit with effect, and to pay costs to the defendant, if he shall be entitled thereto, and have the same filed with the clerk, or in default thereof, the complainant's solicitor, who shall file the said bill and issue process thereon, shall be responsible to pay the defendant such costs as he may be entitled to by the order of the court; and if the said bill and process be signed by the complainant, and not by any solicitor, then the said suit shall be stayed till such bond be filed, and if it be not filed by the time appointed by the court, the bill shall be dismissed, with costs.
- or solicitor held responsible,
- or suit stayed.
- Who to serve and return process.
8. *And be it enacted*, That it shall be the duty of the sheriff or coroner, as the case may require, of any county in this state, to whom any subpoena, order, attachment, process of sequestration,

writ of execution, or other process issuing out of the court of chancery, shall be directed or delivered, to serve or execute the same, and to make return thereof at the time and place therein mentioned, which shall be filed by the clerk. TL. XXXIII.  
CHAP. I.

9. *And be it enacted*, That every subpoena or process for appearance shall be served on the person to whom it is directed, or a copy thereof left at his dwelling-house or usual place of abode, at least ten entire days prior to its return. How served.

10. *And be it enacted*, That where a bill shall be filed on any mortgage, or instrument in the nature thereof, for a foreclosure or sale of the premises contained in the same, or any part thereof, and the complainant shall deem it expedient to make any person a defendant therein, other than the mortgagor, his heirs, executors, administrators, or assigns, such complainant shall, with the subpoena to be issued against such other defendant, cause to be issued a ticket, in writing, shortly making known for what cause he is subpoenaed to answer; which ticket shall be, by the officer serving the subpoena, left with the said defendant at the time of such service, and no charge be made therefor. When ticket  
to issue.

11. *And be it enacted*, That no injunction shall issue to stay proceedings at law in any personal action after verdict or judgment, on the application of a defendant in the said proceedings at law, unless a sum of money equal to the amount for which the verdict or judgment is given, with costs, shall be first deposited with the clerk of the court by the applicant for such injunction, or unless said applicant shall give such security, by bond, as the chancellor shall deem good, to the party or parties at law against whom such injunction is prayed, in double the amount of such verdict or judgment and costs at law, with condition to abide such order or decree as the chancellor shall make in the premises. Injunction  
after verdict,  
etc.

12. *And be it enacted*, That no injunction shall issue to stay proceedings at law in any mixed action after verdict or judgment, on the application of a defendant in the said proceedings at law, unless the applicant shall first deposit with the clerk of the court such a sum of money as the chancellor shall direct, or give such security, by bond, to the party against whom the injunction is prayed, as the chancellor shall direct. Security re-  
quired.

13. *And be it enacted*, That when any injunction shall be granted upon bond as aforesaid, and the party against whom the same has been granted shall think the said bond not sufficient security, such party may apply to the chancellor to have the security made sufficient; whereupon the chancellor, if he shall deem it expedient to hear such applicant, shall direct notice to be given to the party giving said bond to appear before him at such time and place as he And so in  
mixed ac-  
tion.

Remedy, if  
security  
deemed in-  
sufficient.

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shall appoint; and upon proof that the notice directed has been duly served, the chancellor shall hear the matter, if moved so to do, with power to adjourn; and if, upon the hearing of the matter, it shall appear that the said bond is not sufficient security, then the chancellor shall have power to order further security; and if such further security shall not be given, according to the order made for that purpose, then, for that cause, the chancellor shall have power to dissolve the injunction granted on such bond.

Chancellor  
may refer  
question.

14. *And be it enacted*, That the chancellor shall have power to refer the whole matter of the last preceding section to a master in chancery, who shall hear the parties, after at least six days notice to the party giving the said bond, and make report to the chancellor with all convenient speed.

Injunction  
before ver-  
dict, etc., af-  
fidavit re-  
quired.

15. *And be it enacted*, That no injunction shall be granted to stay proceedings in any suit at law, before a verdict or judgment, unless the chancellor be satisfied of the complainant's equity, either by affidavit, certified at the foot or on the back of the bill, that the allegations thereof are true, or by other means.

Motion to  
dissolve af-  
ter answer.

16. *And be it enacted*, That no motion to dissolve an injunction, which has been regularly obtained, shall be heard until ten days after the answer is filed, if the party rely in any measure on his answer for the dissolution.

Notice of  
special mo-  
tions.

17. *And be it enacted*, That neither a motion to dissolve an injunction, nor any other special motion, shall be heard, unless eight days notice, exclusive of Sunday and the day of service, shall have been given thereof to the opposite solicitor.

Breach of  
injunction to  
stay waste  
punished.

18. *And be it enacted*, That if the person against whom an injunction shall be issued to stay waste, shall, after the service thereof, do or commit, or consent, direct, or suffer to be done or committed, any waste or destruction of or upon the premises, contrary to the said injunction, and the chancellor, on affidavit or other proof, shall be of opinion that such waste or destruction hath been done or committed, then the said chancellor may, on motion, order an attachment of contempt to be issued against the person so charged with disobedience to, and a breach of the said injunction; and if the person so offending shall be brought before the chancellor, by virtue of the said attachment, and shall not make it appear to his satisfaction that no waste or destruction hath been done or committed as aforesaid, then the said chancellor may, in his discretion, and on motion, order such offender to be committed, and kept in close custody, until he shall give further order therein.

Ne exeat.

19. *And be it enacted*, That no writ of ne exeat shall be granted, unless satisfactory proof be made to the chancellor, that the defendant designs quickly to depart from this state; and if granted,

the chancellor shall direct to be endorsed thereon the sum in which the party shall give bond, with surety or sureties, being freeholders in this state. Tl. XXXIII.  
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20. *And be it enacted*, That a written appearance in any suit in chancery, or a written acknowledgment of the service of any subpoena to answer, signed by a defendant, or his or her solicitor, shall have the same force and effect as if such defendant had been regularly served with a subpoena to answer by the sheriff or any other proper officer. What equivalent to service of subpoena.

21. *And be it enacted*, That when a subpoena to answer shall have been returned duly served by the proper officer, or the appearance of the defendant shall have been signed, or service of a subpoena acknowledged, as mentioned in the preceding section, the defendant shall file his plea, demurrer, or answer to the bill of complaint, on or before the second day of the stated term next after the day of appearance specified in such subpoena, unless the court shall grant the defendant further time; and if the defendant shall not file his plea, demurrer, or answer within the time hereby limited, or that granted by the court, the bill of complaint shall be taken as confessed against such defendant, and such decree made thereon as by the court shall be deemed equitable and just; or the chancellor may, at his discretion, order the complainant to produce documents and witnesses to substantiate and prove the allegations in the bill of complaint; or the chancellor may examine the complainant on oath or affirmation, to ascertain the truth of the allegations in the said bill; and such decree shall be made in either case as the chancellor shall think equitable and just. Pleadings, when to be filed.  
Consequence of default.

22. *And be it enacted*, That in case of a bill filed against any defendant against whom a subpoena or other process to appear shall issue, and such defendant shall not cause his appearance to be entered in such suit, as according to the rules of said court the same ought to be entered, in case such process has been duly served, and it shall be made to appear by affidavit or otherwise to the satisfaction of the chancellor that such defendant is out of the state, or cannot upon due inquiry be found therein, or that he conceals himself within this state, every such defendant shall be deemed and taken to be an absent defendant, and thereupon the chancellor may, by order, direct such absent defendant to appear, plead, answer, or demur to the complainant's bill, at a certain day therein to be named, not less than two, nor more than six months from the date of such order; which order shall, within twenty days thereafter, be served personally on such defendant, by a delivery of a copy thereof to him, or be published in one or more of the public newspapers printed in this state, and designated in such order, for six When order of publication required

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weeks successively, at least once in every week; and which said order shall also be published or served in any other manner that the chancellor may see proper in the same to direct; and in case such absent defendant shall not appear, plead, answer, or demur within the time so limited, or within some further time to be allowed by the chancellor, if he shall think proper, and on proof of personal service or of the publication of said order or orders as aforesaid, and of the performance of the directions contained in said order or orders to the satisfaction of the chancellor, the chancellor may order and direct that the complainant's bill be taken as confessed against such absent defendant so failing to plead, answer, or demur, or the chancellor may, at his discretion, order the complainant to produce documents, depositions, exhibits, or other evidence to substantiate and prove the allegations in the bill, or the chancellor may examine the complainant on oath or affirmation, touching or concerning the allegations in the bill, and thereupon such decree shall be made, in either case, as the chancellor shall think equitable and just.

Proof of.

Bill taken  
pro con. or  
proofs re-  
quired.

Plea or de-  
murrer to be  
set down.

23. *And be it enacted,* That when a plea or demurrer shall be filed, it shall be the duty of the party pleading or demurring to set it down for argument at the next term, or in default thereof, the said plea or demurrer shall be overruled of course.

Replication  
to plea.

24. *And be it enacted,* That when the complainant conceives the plea to be good, though not true, he may reply to, and take issue upon it, and proceed as in case of an answer.

Demurrer  
first disposed  
of.

25. *And be it enacted,* That if the defendant file a demurrer and answer, the complainant shall not proceed on the answer till the demurrer has been argued or disposed of.

Answer after  
plea or de-  
murrer.

26. *And be it enacted,* That if the plea or demurrer be overruled, no other plea or demurrer shall be thereafter received; but in such case the defendant shall file his answer to the complainant's bill in forty days after such overruling; and if he fail to do so, the said bill shall be taken as confessed, and the said court shall thereupon proceed as directed in the twenty-first section of this act.

Costs on plea  
or demurrer.

27. *And be it enacted,* That if the plea or demurrer be allowed, the complainant shall pay costs, and if overruled, the defendant shall pay them.

When com-  
plainant to  
proceed.

28. *And be it enacted,* That the complainant shall file exceptions or a replication, or set down a cause for hearing upon bill and answer within thirty days after the expiration of the time limited or granted for filing the answer, or on failure thereof, his bill shall be dismissed, with costs, unless good cause be shown to the contrary.

29. *And be it enacted,* That when exceptions shall be filed to an

answer, a rule may be entered of course with the clerk, either in term time or in vacation, to refer the same to a master of the court, who shall decide and report upon them within thirty days after they are filed; but an appeal from such report shall be allowed to the chancellor, who shall hear and determine the same at the next term.

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Exceptions  
to answer.

30. *And be it enacted*, That the complainant, if his exceptions be overruled, shall pay costs to the defendant; and the defendant, if his answer be adjudged insufficient, shall pay costs to the complainant.

Costs on ex-  
ceptions.

31. *And be it enacted*, That when an answer shall be adjudged to be insufficient, the defendant shall file a second or further answer within thirty days after such adjudication, or on failure thereof the said bill shall be taken as confessed, and such proceeding had thereon as if the first or original answer had not been filed within the limited or granted time.

When se-  
cond answer  
required.

32. *And be it enacted*, That if such second or further answer shall be adjudged to be insufficient, the defendant shall pay double costs, and shall file a third or further answer within twenty days after such adjudication, or on failure thereof the said bill shall be taken as confessed, and such proceedings be had thereon as if the first or original answer had not been filed within the limited or granted time as aforesaid.

When third  
answer re-  
quired, and  
costs.

33. *And be it enacted*, That if such third or further answer shall be adjudged to be insufficient, the defendant shall pay treble costs; and in such case further time to answer shall not be allowed, but the said bill shall be taken as confessed, and such proceedings be had thereon, as if the first or original answer had not been filed in due time.

Consequen-  
ces, if insuffi-  
cient.

34. *And be it enacted*, That if a cross bill be exhibited, the defendant to the first bill shall answer thereto before the defendant to the cross bill shall be compelled to answer such cross bill.

Cross bill  
and answers.

35. *And be it enacted*, That all rules, common or special, by consent of the parties or their solicitors, shall be entered of course with the clerk, whether in term time or in vacation.

Rules enter-  
ed of course.

36. *And be it enacted*, That all amendments shall be made with or without costs, and on such equitable terms as the said court shall direct.

Amend-  
ments.

37. *And be it enacted*, That parties to suits in chancery shall take notice, at their peril, of the filing of answers, demurrers, pleas, replications and other pleadings, and of the pronouncing and signing of decrees.

Of what, par-  
ties to take  
notice.

38. *And be it enacted*, That if the complainant proceed to a hearing on bill and answer only, the answer shall be taken to be

On bill and  
a answer, an-  
swer taken  
as true.

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true in all points; and no evidence shall be received unless it be matter of record, to which the answer refers, and is proveable by the said record.

Cause at issue. 39. *And be it enacted*, That every cause in the court of chancery shall be deemed to be at issue on filing a replication; and it shall not be necessary to issue a subpœna or enter a rule to rejoin in any case.

Interrogatories to complainant. 40. *And be it enacted*, That the defendant in chancery, after he shall have filed his answer, may exhibit interrogatories to the complainant, which shall be answered by him on oath or affirmation; and such answer shall be evidence in the cause in the same manner and to the same effect as the defendant's answer to the complainant's bill is evidence; and if the complainant shall not answer such interrogatories by the time appointed by the court, he shall be in contempt, and his bill dismissed, with costs.

Of examinations. 41. *And be it enacted*, That all examinations of witnesses hereafter to be taken and made use of at the hearing of any cause in the court of chancery, shall be taken and reduced to writing by one of the examiners of said court, or before a commissioner or commissioners appointed by the chancellor according to the course of the court, who are hereby authorized to administer the proper oath or affirmation to the witnesses examined by them, or any of them; and all examinations of witnesses before examiners shall be taken on ten days notice of the time and place of taking such examination, given by the party or his solicitor to the opposite party or his solicitor; and either of the parties in the cause shall and may, in their proper persons, or by their solicitor or counsel, have liberty to be present and examine and cross-examine such witnesses; all which examination of witnesses so taken, shall be filed with the clerk of the court, to be made use of and read in evidence upon the hearing of the cause, saving all legal exceptions.

Witness's fees. 42. *And be it enacted*, That witnesses in the court of chancery shall be allowed the same fees as by law are allowed to witnesses in the supreme court.

Cases for opinion of supreme court. 43. *And be it enacted*, That the court of chancery may send any matter of law to the supreme court, for their opinion to be certified thereon.

When issue ordered. 44. *And be it enacted*, That if any matter of fact shall render the intervention of a jury necessary, then the court of chancery is hereby authorized to direct an issue for the trial of the same in the supreme court.

Rule for hearing. 45. *And be it enacted*, That every cause shall be set down for hearing at the next stated term after the filing of the replication; or on failure thereof, the complainant's bill shall be dismissed, with

costs, unless the court, on just cause and reasonable terms, allow further time for the said hearing; and if the said hearing be not had within the time so limited or allowed, then the court shall dismiss the said bill, with costs; *provided always*, that there be fifteen days between the filing of the replication and the next stated term; and if there be not, then the hearing shall be had at the subsequent stated term or at a special term.

46. *And be it enacted*, That if the complainant shall not attend at the time appointed for the hearing of the cause, his bill shall be dismissed, with costs. What if complainant do not attend.

47. *And be it enacted*, That if the defendant shall not attend at the time appointed for the hearing of the cause, the bill, answer, replication, documents, examinations and proofs shall be read, on the part of the complainant, and the court thereupon shall decree in favour of the complainant or dismiss his bill, as the case may require. What if defendant do not attend.

48. *And be it enacted*, That the bill, answer, pleadings, papers, documents, examinations and proofs filed in the cause, shall be used at the argument or hearing, for which no charge shall be made by the clerk. Papers used at hearing.

49. *And be it enacted*, That whenever the chancellor shall deem it necessary to call to his assistance the chief justice or any justice or justices of the supreme court, or one or more of the masters in chancery, to advise with upon the hearing of a cause, or an argument, or upon motions of importance, each justice and master shall be allowed after the rate of two dollars a day, by way of compensation for attending the said court, to be paid by the treasurer of the state, on a certificate, signed by the chancellor, of the time of such attendance, allowing one day for every twenty miles from his place of residence. Fees for attending chancellor to advise.

50. *And be it enacted*, That when any cause shall be finally determined in the court of chancery, except where the suit, bill or proceeding shall be dismissed by consent, the clerk of the court shall enter or enroll together, in order, the bill, answer, pleadings, reports, decretal orders, and decree in such cause, in a book to be kept for that purpose, which shall be signed by the chancellor, as of the day on which such decree was pronounced; but such decree shall not contain any recital of the said bill, answer, or other pleadings. Pleadings, etc., to be enrolled.

51. *And be it enacted*, That whenever any suit, bill or proceeding shall be dismissed out of the court of chancery, in pursuance of any consent or agreement of the parties for that purpose, no enrollment of the bill, petition, answer, or other proceedings had in such suit, shall be necessary; nor shall any fees be allowed or But not after dismissal.

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taxed therefor; *provided always*, that either party may, at his or their own expense, require the same to be enrolled.

Signed by  
chancellor.

52. *And be it enacted*, That whenever the proceedings and decree in any cause are by law required to be entered or enrolled in manner aforesaid, it shall be the duty of the clerk to enter or enroll the same, so that the record may be ready to be signed by the chancellor within three months after the final decree in such cause shall have been filed with the said clerk; and no clerk shall charge any fee therefor, until such service shall have been actually performed.

Enrolled af-  
ter death of  
clerk.

53. *And be it enacted*, That whenever any cause shall be finally determined in the court of chancery, and the person then being clerk of the said court, shall cease to be such, by death or otherwise, before he shall have entered or enrolled the proceedings in such cause, in manner aforesaid, if by law they ought to be so entered or enrolled, then it shall be the duty of his successor in office, within three months after his appointment, to make, or cause to be made, such entry or enrollment.

Signed by  
the statute.

54. *And be it enacted*, That if any chancellor by whom any cause shall have been finally heard and determined, shall go out of office, and some other person shall be appointed chancellor before the proceedings and final decree in such cause shall have been enrolled and signed in the book kept for that purpose, then it shall be the duty of his successor in office, or the chancellor for the time being, to sign such enrollment with his own name, prefixing to such signature the words "by the statute;" and all proceedings and decrees so signed, shall be as good and effectual in law, to all intents and purposes, as if the same had been duly signed by the chancellor who pronounced such final decree.

Effect of de-  
cree.

55. *And be it enacted*, That the decree of the court of chancery shall, from the time of its being signed, have the force, operation, and effect of a judgment at law in the supreme court, from the time of the actual entry of such judgment.

When to  
operate as a  
conveyance.

56. *And be it enacted*, That where a decree of the court of chancery shall be made for a conveyance, release, or acquittance, and the party against whom the said decree shall pass, shall not comply therewith by the time appointed, then such decree shall be considered and taken, in all courts of law and equity, to have the same operation and effect, and be as available as if the conveyance, release, or acquittance had been executed conformable to such decree.

How bill,  
etc., made to  
operate as  
constructive  
notice.

57. *And be it enacted*, That neither the filing of a bill in chancery, nor any proceedings had or to be had thereon, before a final decree, shall be deemed or taken to be constructive notice to any

bona fide purchaser or mortgagee of any lands or real estate to be affected thereby, until the complainant in such bill, or his solicitor, shall have first filed in the office of the clerk of the court of common pleas of the county in which such lands or real estate lie, a written notice of the pendency of such suit, setting forth the title of the cause and the general object thereof, together with a description of the lands or real estate to be affected thereby; *pro-vided*, that nothing in this section contained shall be construed or taken to apply to any bill filed or to be filed for the satisfaction or foreclosure of any duly registered mortgage.

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58. *And be it enacted*, That it shall be the duty of the clerk with whom any such notice shall be filed, forthwith to record the same, together with the time of the filing thereof, in a proper book, to be by him provided and kept in his office for that purpose; which book shall be properly indexed by the said clerk, and be a public record, to which all persons desirous of examining the same shall have access.

Clerk to file  
and record  
notice.

59. *And be it enacted*, That no decree of the court of chancery, hereafter to be made, shall, as against any person not a party thereto, become a lien upon or bind any lands, tenements, hereditaments, or real estate, other than those specifically mentioned and described in such decree, or in the bill of complaint on which the same is founded, until the parties interested in such decree, or some or one of them, shall have filed in the office of the clerk of the supreme court a statement or abstract of such decree, containing the names of all the parties thereto, designating particularly those against whom it is rendered, with the state and county in which they respectively resided, the time at which the said decree was signed, and the amount of the debt, damages, costs, or other sum of money thereby directed to be paid; which statement or abstract the said clerk shall forthwith record in a proper book, to be by him provided and kept in his office for that purpose; which book shall be properly indexed by the said clerk, and be a public record, to which all persons desirous to examine the same shall have access.

Of the Lien  
of a decree  
in chancery.

60. *And be it enacted*, That the following, and no other fees shall be allowed for the services required by the two last preceding sections of this act, viz: to the county clerk, for filing and recording each notice, ten cents per folio; to the clerk of the supreme court, for filing and recording every statement or abstract, twenty-five cents; which fees shall be included with the other costs in the cause, and taxed therewith, by the clerk of the court of chancery.

Fees on no-  
tice and ab-  
stract.

61. *And be it enacted*, That in cases where a decree shall be made upon any bill in equity against an absent defendant, the

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Of enforcing  
decree a-  
gainst absent  
defendant.

Complainant  
to give bond,

or sequestra-  
tion ordered.

Time within  
which de-  
fendant may  
have relief.

May file bill.

When de-  
cree confirm-  
ed.

Moneys  
brought into  
court.

chancellor, before issuing process to compel the performance of such decree against such absent defendant, may require the complainant to give bond, with such security and in such sum as he may direct, to abide such decree or order touching the restitution of the estate and effects of such absent defendant, or the repayment of any sum of money which the complainant may receive by virtue of such decree, but which shall afterwards be made to appear, as hereinafter provided, not to have been due and owing to him; and in case no such security shall be given, no process or execution shall issue to compel the performance of the decree so made against such absent defendant, but the estate and effects of such absent defendant may, by order of the chancellor, be sequestered, and remain under the direction of the chancellor, to abide such order as he shall think just and proper respecting the same. And in case any such absent defendant, against whom any decree shall be made as aforesaid, his heirs, devisees, executors, administrators, or assigns, as the case may require, shall, within six months after notice in writing be given to him or them of such decree, or within three years after such decree, in case no such notice as aforesaid shall be given, petition the chancellor touching the matter of such decree, and pay, or secure to be paid, such costs as the chancellor shall think reasonable to order and direct, then and in such case the person or persons as aforesaid, so petitioning, may be permitted to appear and answer the complainant's bill, and thereupon such proceedings shall be had, as if such absent defendant had appeared in due season and no decree had been made; or such absent defendant may, within the times aforesaid, file his bill of complaint in the said court, for an account and settlement of the amount which was really and truly due to the complainant at the time of the decree, and to compel the said complainant to refund and repay what he may have wrongfully recovered and received, together with the interest from the time of the receipt thereof, with costs of suit, the former decree against such absent defendant notwithstanding; but in case no petition shall be presented, or bill filed, as before provided for, within six months from the time notice as aforesaid shall be given, due proof thereof being made, or within three years from the date of the decree, the decree shall be deemed and adjudged to be confirmed; which confirmation shall have relation to the time of making said decree. And the decree shall be executed and performed as in cases where the defendant had duly appeared.

62. *And be it enacted*, That it shall and may be lawful for the chancellor to cause any moneys brought into court, to be deposited by the clerk, in his name as clerk of said court, in one of the banks

of this state, to the credit of the cause to which it belongs, or to be invested in any public stock of the United States; and the moneys so deposited, or public stock in which it shall be so invested, shall be, from time to time, accounted for, invested, transferred, or reinvested, or otherwise disposed of, as the court shall deem reasonable and proper; and on the resignation, death, or removal of the clerk of the said court of chancery, all moneys deposited in either of the said banks, by the said clerk, shall be carried to the account of his successor in office, and the said bank shall take notice thereof, and transfer such accounts accordingly; and the chancellor may, from time to time, make such rules and regulations respecting such deposits and investments, as to him shall appear just and right, and for the interest of all persons and parties concerned therein.

63. *And be it enacted,* That the complainant having obtained a decree, it shall be lawful for the said court to issue process for the immediate sequestration of the real and personal estate of the defendant, or so much thereof as may be sufficient to satisfy the demand of the complainant in the decree specified, with costs, or to issue a writ of fieri facias against the goods and chattels, lands and tenements, hereditaments and real estate, of the defendant, upon which sufficient property shall be taken and sold to satisfy the said demand, with costs, or to issue a capias ad satisfaciendum against the defendant, upon which writs of fieri facias and capias ad satisfaciendum there shall be the same proceedings as at law; or to cause, by injunction, the possession of the effects and estate demanded by the bill, and whereof the possession or a sale is decreed, to be delivered to the complainant or otherwise, according to such decree and as the nature of the case may require; and in case of sequestration, the court shall order payment and satisfaction to be made out of the estate so sequestered, according to the true intent and meaning of the decree.

64. *And be it enacted,* That where a bill shall be filed for the foreclosure or satisfaction of any mortgage, it shall be lawful for the said court to decree a sale of the mortgaged premises, or such part thereof as shall be sufficient to discharge the said mortgage or encumbrances on the said mortgaged premises, besides costs; which sale shall be made, either by one of the masters of the court or by the sheriff of the county where the premises are situated, by virtue of a writ of fieri facias issued for that purpose; which said writ of fieri facias shall, before it is sued forth, be recorded by the clerk of the said court in the book kept by him for recording of executions against real estate.

65. *And be it enacted,* That the sheriff or other officer to whom

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Deed made,  
money dis-  
posed of.

Proviso.

Supersedes  
on absent  
defendant's  
appearance  
before sale.

Proceedings  
where mo-  
ney secured  
by mortgage  
is not all due.

such writ of fieri facias, as mentioned in the last preceding section, shall be directed and delivered, shall make sale pursuant to the command of said writ, and shall make and execute a deed or deeds for the premises sold, as the case may require; and the moneys arising from the said sale shall be applied to pay off and discharge the moneys decreed to be paid, and the remainder, if any there be, and if the person or persons entitled to receive it shall be absent out of this state, may be invested in stock of the United States, or put at interest on such security as the said court shall think proper to order; and the same shall be delivered or paid to the person or persons entitled to receive it, upon his or her application to the court for the same; *provided always*, that no greater estate in the premises sold, shall at any time be conveyed or granted to such purchaser, than would have vested in the mortgagee had the equity of redemption been duly foreclosed.

66. *And be it enacted*, That in all cases of a decree for sale of mortgaged premises against any absent defendant, if such defendant shall, at any time before the sale made by the sheriff, in pursuance of any writ of execution, issued as aforesaid, cause his appearance to be entered in court, and shall pay such costs to the complainant as the court shall think reasonable, then it shall and may be lawful for the said court, by a writ of supersedeas, directed to the sheriff or other officer, to stay his proceedings on the execution for the sale of such mortgaged premises; and thereupon such proceedings shall and may be had, as if an appearance had been entered, within such time and in such manner as, according to the rules of the court, the same ought to have been entered, in case the first process in the suit had been duly served.

67. *And be it enacted*, That when a decree of the court of chancery shall be made for the sale of mortgaged premises (in cases where the whole sum secured by the mortgage is not due) either for nonpayment of any portion or instalment of the debt or demand intended to be secured by the mortgage, or the nonpayment of interest due, or both, and it shall appear to the court that a part of the mortgaged premises cannot be sold to satisfy the amount due without material injury to the remaining part of the mortgaged premises, and that it is just and reasonable that the whole of the mortgaged premises should be sold together, it shall and may be lawful for the said court to decree a sale to be made of the whole of the mortgaged premises, and to apply the proceeds of the sale of said premises, or so much thereof as shall be necessary, as well to the payment of the interest, instalments or portions then due, and also the costs then due and payable, as to the payment of the whole or residue of the debt or demand which hath not

become due and payable, and the residue of the proceeds of such sale to be paid to the person or persons entitled to receive the same, or to be brought into court to abide the further order of the court, as the equity and circumstances of the case require; *provided always*, that when the residue of the debt or demand intended to be secured by the said mortgage, is payable at a future day without interest, and the mortgagee is willing to receive the same, the court shall deduct a rebate of legal interest for what the mortgagee shall receive on the said debt or demand, to be computed from the time of the actual payment thereof to the time such residue of the debt or demand would have become due and payable.

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68. *And be it enacted*, That a writ of fieri facias shall bind the property of the goods of the person against whom it is issued, from the time that it was delivered to the sheriff or officer to be executed, as at law.

Fi. fa. to bind  
from delive-  
ry.

69. *And be it enacted*, That if the sheriff or other officer shall neglect or refuse to execute any process of sequestration to him directed and delivered, or to make payment of the rents, issues and profits of the estate so sequestered, according to the order of the said court, or, where the execution shall be by fieri facias, shall neglect to file a just and true inventory of the goods and chattels, lands, tenements, hereditaments and real estate, so levied on and seized, unless he return that he hath levied to the amount of the demand or sum therein specified, with costs, or shall voluntarily or negligently omit, for the space of two months, to render to the complainant, or his representative or solicitor, the money which he shall have received from the sale of the estate, real and personal, of the defendant or otherwise, then such sheriff or officer shall be amerced by the said court to the amount of the demand of the complainant, with costs, for the use of the said complainant; *provided*, that ten days notice in writing shall be given to such sheriff or officer by the complainant, his representative or solicitor, of the intended application for such amercement; which amercement, so ordered by the court, shall have the force, operation and effect of a decree, whereon execution, in the name and for the use of the said complainant or his representative, may instantly, on motion in term time, and without further proceedings, be awarded and issued against the goods and chattels, lands, tenements, hereditaments and real estate of the said sheriff or officer.

When sheriff  
to be amerc-  
ed.

Proviso.

70. *And be it enacted*, That if the sheriff or other officer shall neglect or refuse to execute any writ of fieri facias to him directed or delivered, for the space of two months, or shall adjourn the sale or vendue of the lands, tenements, hereditaments and real estate by him levied upon by virtue of such writ of fieri facias, more than

When liable  
for debt, etc ,

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twice, and exceeding one month for each adjournment, he shall be and hereby is made liable to the amount of the debt or damages and costs, or sum or sums of money mentioned in the said writ, with interest, and for the recovery thereof may be amerced and proceeded against in the manner prescribed in and by the last preceding section of this act; *provided always*, that if the said sheriff or other officer shall, at any time before the entry of such amercement against him as aforesaid, sell the property levied upon and bring the whole amount of the product of such sale (after deducting his lawful fees) into court, the said sheriff or other officer shall be exonerated from all liability on account of said amercement.

Neglect, etc.,  
of sheriff.

71. *And be it enacted*, That if any party to a suit in chancery shall be aggrieved by the neglect, default, malpractice or misconduct of the sheriff, then such party, his representative or attorney, may apply and be redressed, to the amount of the sum specified in the order or decree, in the manner prescribed by the eleventh and twelfth sections of the act entitled, "An act concerning sheriffs."

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CH. 14.

Penalty for  
neglect to  
return process.

72. *And be it enacted*, That if any sheriff or other officer, to whom any writ, process or order of the court of chancery shall be directed or delivered, shall not make return thereof at the day of return, and according to the tenor of such writ, process or order, the same not being countermanded, he shall be in contempt, and process of contempt shall, on motion in term time, be issued against him; and before he shall be discharged from such contempt, he shall pay to the clerk, for the use of the state, as a fine for the said contempt, a sum not exceeding fifty dollars, to be imposed by the court, and the costs incurred by means thereof.

Punishment  
for con-  
tempt.

73. *And be it enacted*, That to enforce obedience to the process, rules and orders of the court of chancery, where any person shall be in contempt according to the law, practice, or course of the said court, he shall, for every such contempt, and before he be released or discharged from the same, pay to the clerk in chancery, for the use of this state, a sum not exceeding fifty dollars, as a fine for the said contempt; and the said person being in court, upon process of contempt or otherwise, shall stand committed and remain in close custody until the said process, rule or order shall be obeyed and performed, and until the fine so imposed for such contempt, with the costs, be fully paid.

Clerk to ac-  
count for  
fines.

74. *And be it enacted*, That the said clerk in chancery shall account for, on oath, and pay annually to the treasurer of this state, the fines which he shall have received by virtue of this act.

Costs discre-  
tionary; pay-  
ment com-  
pelled.

75. *And be it enacted*, That except where it is otherwise directed by this or some other act of the legislature, it shall be in the discretion of the court of chancery to award costs or not; and the

payment of costs, when awarded, may be compelled by writ of TL. XXXIII. CHAP. 2. fieri facias or capias ad satisfaciendum, issuing out of the said court, or by subpœna and attachment.

76. *And be it enacted*, That subpœna to hear judgment, attachment with proclamations, and commission of rebellion, shall, in all cases in chancery, be deemed unnecessary, and omitted accordingly. What process omitted.

77. *And be it enacted*, That the office of register in the court of chancery be, and it is hereby abolished. Register abolished.

78. *And be it enacted*, That it shall not be necessary for the clerk in chancery to register any rule, order, or decree, or any master's report, that may be made in any cause or proceeding depending or hereafter to be brought or prosecuted in the said court of chancery; nor shall any fees be allowed or taxed for registering any such rule, order, decree or report. What not registered.

79. *And be it enacted*, That it shall be lawful for the court of chancery, from time to time, to make, alter, amend, or revoke any rule of practice, so as to obviate doubts, advance justice, and expedite suits in the said court, so that the same be not contrary to the provisions of this act. Rules of practice.

80. *And be it enacted*, That all persons aggrieved by any order or decree of the court of chancery, may appeal from the same, or any part thereof, to the court of errors and appeals; and all appeals, except from final decrees, shall be made within forty days after filing the order or decree appealed from; and all appeals from final decrees in the said court shall be made within three years after making such decree; *provided*, that in cases where the person entitled to such appeal from any final decree be an infant, feme covert or insane, he shall have three years to bring such appeal, after such disability shall be removed. Appeal. Proviso.

## CHAPTER 2.

### BILLS OF DISCOVERY.

1. Bill for, authorized.

2. Court may compel.

A supplement to "An act respecting the court of chancery."

1845.  
PAMPH. 141.

Approved March 20, 1845.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Hereafter whenever an execution against the property of a defendant shall have been issued on a judgment at law, and shall Bill may be filed in chancery for discovery of property.

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have been returned unsatisfied, in whole or in part, leaving an amount or balance remaining due exceeding one hundred dollars, exclusive of costs, the party suing out such execution may file a bill in chancery to compel the discovery of any property or thing in action belonging to the defendant in such judgment, and of any property, money, or thing in action, due to him or held in trust for him, except such property as is now reserved by law, and to prevent the transfer of any such property, money, or thing in action, or the payment or delivery thereof to the defendant, except when such trust has been created by, or the fund so held in trust has proceeded from, some person other than the debtor himself.

The court to have power to compel discovery.

SEC. 2. The court shall have power to compel such discovery, and to prevent such transfer, payment, or delivery, and to decree satisfaction of the sum remaining due on such judgment, out of any personal property, money, or things in action belonging to the defendant, or held in trust for him, with the exception above stated, which shall be discovered by the proceedings in chancery; *provided*, that if the personal property, money, or thing in action, which shall be discovered as aforesaid, does not amount to the sum of one hundred dollars, no costs shall be recovered by the plaintiff against the defendant in such proceeding.

Proviso.

### CHAPTER 3.

#### DIVORCE.

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|---|---|
| <ol style="list-style-type: none"> <li>1. Jurisdiction of the court.</li> <li>2. Of process and answer.</li> <li>3. Divorce, and issue illegitimate.</li> <li>4. When issue not illegitimate.</li> <li>5. Collusion of parties.</li> <li>6. When cohabitation deemed incest.</li> <li>7. When deemed adultery.</li> <li>8. Divorce for extreme cruelty.</li> <li>9. Of alimony and maintenance.</li> <li>10. Of provision for wife's maintenance.</li> <li>11. Security for costs.</li> <li>12. Suits by petition.</li> </ol> | <ol style="list-style-type: none"> <li>13. Citation, etc., served.</li> <li>14. By whom.</li> <li>15. How.</li> <li>16. Proceedings after service, etc.</li> <li>17. Order for proofs.</li> <li>18. Absent defendants.</li> <li>19. Defects of form cured.</li> <li>20. Decree, and how executed.</li> <li>21. Enrollment.</li> <li>22. Fees.</li> <li>23. When issue ordered.</li> <li>24. Suit by poor person.</li> </ol> |
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#### An Act concerning divorces.

REV. 667.  
MAR. 69.  
1842-3.  
PAMPH. 84.  
Jurisdiction of the court of chancery.

Revision....Approved April 15, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the court of chancery shall have jurisdiction of all causes of divorce and of alimony or maintenance, by this bill directed and allowed, provided the parties, complainant and defendant, or either of them, were or shall be inhabitants of

this state at the time of the injury, desertion or neglect complained of, or where the marriage shall have been solemnized or taken place within this state, and the complainant shall have been an actual resident in this state at the time of the injury, desertion or neglect complained of, and at the time of exhibiting the bill; or where the adultery was committed in this state, and the parties, complainant and defendant, or either of them, reside in this state at the time of exhibiting the bill; or where the complainant or defendant shall be a resident of this state at the time of filing the bill of complaint, and the complainant or defendant shall have been a resident of this state for the term of five years during which such desertion shall have continued; *provided*, such complainant shall make his or her oath or affirmation, to be annexed to the bill of complaint, that his or her complaint is not made by any collusion between him or her and the defendant, for the purpose of dissolving their marriage, but in truth and good faith for the causes set forth in the bill of complaint.

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Bill to be  
sworn to.

2. *And be it enacted*, That the like process and course of practice and procedure shall be had and pursued in all such causes as are usually had and pursued in other causes on the equity side of the said court, except that the answer of defendants shall not be under oath.

Process and  
answer.

3. *And be it enacted*, That divorces from the bond of matrimony, shall be decreed where either of the parties had another wife or husband living at the time of such second or other marriage; and that all marriages where either of the parties shall have a former husband or wife living at the time of such marriage, shall be invalid from the beginning and absolutely void, and the issue thereof shall be deemed to be illegitimate, and subject to all the legal disabilities of such issue.

Divorce de-  
creed.

What mar-  
riages void,  
and issue il-  
legitimate.

4. *And be it enacted*, That divorces from the bond of matrimony may be decreed, in case the parties are within the degrees prohibited by law, and in case of adultery in either of the parties; and also for wilful, continued, and obstinate desertion for the term of five years; but the decree or sentence of divorce in such cases shall not render illegitimate the issue of any marriage so dissolved.

What di-  
vorce not to  
render issue  
illegitimate.

5. *And be it enacted*, That if it appear to the court that the adultery complained of shall have been occasioned by the collusion of the parties, and done with an intention to procure a divorce, or that the complainant was consenting thereto, or that both parties have been guilty of adultery, then no divorce shall be decreed.

Collusion of  
parties.

6. *And be it enacted*, That if any persons, who shall be divorced on account of their being within the prohibited degrees, shall, after such divorce, cohabit together, such persons so offending

When coha-  
biting after  
divorce in-  
cest.

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CHAP. 3. shall be liable to all the pains and penalties provided by the then existing laws against incest.

When punished as adultery.

7. *And be it enacted*, That if any persons shall cohabit or live together in the same house, after a divorce for the cause of adultery or prior marriage, such persons so offending shall be liable to all the pains and penalties provided by the laws against adultery.

Divorce for extreme cruelty.

8. *And be it enacted*, That for extreme cruelty in either of the parties, the court of chancery may decree a divorce from bed and board for ever thereafter, or for a limited time, as shall seem just and reasonable.

Of alimony and maintenance.

9. *And be it enacted*, That when a divorce shall be decreed, it shall and may be lawful for the court of chancery to take such order touching the alimony and maintenance of the wife, and also touching the care and maintenance of the children, or any of them, by the said husband, as from the circumstances of the parties and the nature of the case shall be fit, reasonable and just; and in case the wife is the complainant, to order the defendant to give reasonable security for such alimony and maintenance; and upon his neglect or refusal to give such reasonable security as shall be required of him, or upon default of him and his surety, if any there be, to pay or provide such alimony and maintenance, to award and issue process for the immediate sequestration of the defendant's personal estate, and the rents and profits of his real estate, and to appoint a receiver thereof, and cause such personal estate and the rents and profits of such real estate, or so much thereof as shall be necessary, to be applied towards such maintenance and allowance, or to such maintenance and allowance as to the said court shall, from time to time, seem reasonable and just, or to enforce the performance of the said decree or orders by such other lawful ways and means as is usual, and according to the course and practice of the court of chancery.

Sequestration of estate.

When husband compelled to support wife.

10. *And be it enacted*, That in case a husband, without any justifiable cause, shall abandon his wife or separate himself from her and refuse or neglect to maintain and provide for her, it shall and may be lawful for the court of chancery to decree and order such suitable support and maintenance to be paid and provided by the said husband for the wife and her children, or any of them, by that marriage, or out of his property, and for such time as the nature of the case and the circumstances of the parties render suitable and proper in the opinion of the court, and to compel the defendant to give reasonable security for such maintenance and allowance, and from time to time to make such further orders touching the same as shall be just and equitable, and to enforce such decree and orders in the manner mentioned in the last preceding section of

this act; but during the time such maintenance shall be allowed by the decree or sentence of the court, the husband shall not be chargeable with her debts. TL. XXXIII.  
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11. *And be it enacted*, That in any such suit as is mentioned in the last preceding section, it shall and may be lawful for the chancellor, if applied for before answer filed, to order a bond to be given in one hundred dollars, by one or more sufficient freeholders, with condition to pay such costs as shall or may be awarded by the court to be paid to the defendant. Security for  
costs requir-  
ed.

12. *And be it enacted*, That all suits in the court of chancery for divorces, may be commenced by filing a petition with the clerk of the court; which petition shall plainly and fully state the cause or causes of the application for such divorce and the relief prayed; and the complainant shall make his or her oath or affirmation, to be annexed to the said petition, that his or her complaint is not made by any collusion between him or her and the defendant, for the purpose of dissolving their marriage, but in truth and good faith for the cause or causes set forth in the petition. Suits by pe-  
tition.

13. *And be it enacted*, That upon filing the said petition, the clerk shall, if required, make out a certified copy thereof to be served on the defendant, and issue a citation under the seal of the court for the defendant to answer the said petition on or before the first day of the next stated term of the court; which citation shall bear date the day of issuing thereof, and be tested in the name of the chancellor. Citation and  
copy of peti-  
tion served.

14. *And be it enacted*, That it shall be the duty of the sheriff or coroner, as the case may require, of any county in this state, to whom any such citation and certified copy of the petition shall be directed or delivered, to serve the same, and to make return of the said citation at the time and place therein mentioned, which shall be filed by the clerk. By whom.

15. *And be it enacted*, That every such citation shall be served, either by delivering to the defendant a copy thereof, together with a certified copy of the petition, or by leaving the said copies at his or her dwelling-house or usual place of abode, at least twenty entire days before its return. How served.

16. *And be it enacted*, That on a citation being returned "served" or "cited" by the sheriff or coroner, as the case may require, the defendant shall, on the day mentioned therein for him or her to answer the said petition, or within three days thereafter, file his or her answer to the said petition, unless the court shall grant the defendant further time for that purpose; which answer shall plainly and fully set forth the cause or causes of his or her defence, and shall be signed by the defendant, but not sworn to; after which, Proceeding  
after process  
returned  
served.  
Answer.

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Proofs. without any replication or further pleadings or rule, the parties shall proceed to take their evidence as in other cases in the court of chancery, so that the cause may be heard at the next stated term thereafter, unless the court, for good cause and upon such terms as shall be considered by the court just and reasonable, shall think proper to put off the hearing thereof to another term.

If no answer,  
order for  
proofs. 17. *And be it enacted*, That if a defendant, upon the citation being returned "served" or "cited" as aforesaid, shall not file his or her answer to the petition, within the time limited by this act or granted by the court, the court may make an order that the petitioner proceed to take depositions and other evidence to substantiate and prove the allegations in the petition, and to bring on the hearing of the cause *ex parte*.

Order for  
publication,  
if defendant  
absent. 18. *And be it enacted*, That in case a petition as aforesaid shall be filed, and it shall be made to appear, by affidavit or otherwise, to the satisfaction of the chancellor, that such defendant is out of this state, or cannot upon due inquiry be found therein, or that he or she conceals himself or herself within this state, the chancellor may thereupon, by order, direct such defendant to answer the said petition, at a certain day therein named, not less than two nor more than six months from the date of such order, which order shall, within twenty days thereafter, be served on such defendant, by a delivery of a copy thereof to him or her, or by leaving it at his or her dwelling-house or usual place of abode, or be published in one of the newspapers printed in this state, and designated in such order, and continued therein for four weeks successively, at least once in every week, and shall be published in such other manner as the particular circumstances of the case may require, if, in the opinion of the chancellor, any other or further publication shall be necessary; and in case such defendant shall not file his or her answer within the time so limited, or within some further time to be allowed by the chancellor, on proof of due service or publication of the said order, the court may order and direct the petitioner to produce depositions or other evidence to substantiate and prove the allegations in the petition; and the said petitioner may then proceed *ex parte*, and bring on the hearing of the said cause.

Not void for  
defect of  
form. 19. *And be it enacted*, That no petition, citation, answer, or other proceedings in any suit commenced by petition as aforesaid, shall be set aside, or otherwise annulled or made void for any defect in matter of form, or for any mistake or omission not affecting the real merits of the cause; and the chancellor may permit either party to amend his or her petition, answer, or other proceedings in the cause, either in matters of form or substance, and proceed to give judgment according to the merits of the case.

20. *And be it enacted*, That in all cases where the proceedings shall be commenced by petition as aforesaid, it shall and may be lawful for the chancellor, where not otherwise herein directed, to proceed as directed and allowed by this act in other cases, and to make such decree as authorized in such cases; which decree shall be carried into effect in the manner herein directed and provided for, and the court is hereby invested with all powers necessary to the conducting and finally determining such cases, according to the true intent and meaning of this act.

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Decree, and  
how execu-  
ted.

21. *And be it enacted*, That when any cause shall be finally determined, which shall be commenced by petition as aforesaid, the clerk of the court of chancery shall enter or enroll together in order, the petition, answer, decretal orders, reports and final decree in such cause, in his book of decrees; which enrollment shall be signed as is authorized and required in other cases.

Enrollment.

22. *And be it enacted*, That there shall be allowed in the taxation of costs, for the petition, the sum of one dollar; for the answer, the sum of one dollar; to the clerk for the citation and certified copy of the petition, seventy-five cents; to the sheriff for serving and returning the citation, one dollar and fifty cents; and to the examiner for taking the examination of every witness, for each sheet, ten cents, and for certifying every exhibit shown to a witness, ten cents; and that no other or greater fees shall be allowed for the said services.

Fees.

23. *And be it enacted*, That if, in the opinion of the chancellor, any matter of fact shall render the intervention of a jury necessary in any suit or proceeding for a divorce, then the court of chancery is hereby authorized to direct an issue for the trial of the same in the supreme court, or in one of the circuit courts.

When issue  
ordered.

24. *And be it enacted*, That whenever any poor person shall have cause of suit under this act, and shall make an affidavit or affirmation, that he or she is not worth one hundred dollars clear estate, the chancellor may, at his discretion, assign to such poor person a solicitor and counsel learned in the law, to prosecute the said cause, who, together with all other officers, shall perform their respective duties therein without fee or reward.

Suit in for-  
ma pauperis.