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I. Clerks in chancery and supreme court.

An act respecting the clerk in chancery and the clerk of the supreme court.

Approved April 17, 1846.

Rev. 521.

R. S. 821.

Oath required.

1. That every person who shall be appointed clerk in chancery or clerk of the supreme court, shall, before he enters upon the execution of his office, or be admitted to take the oath or affirmation prescribed by law to be taken, for the due and faithful discharge of his said office, if a clerk in chancery, before the chancellor for the time being, and if a clerk of the supreme court, before one of the justices of the supreme court, enter into bond to the state of New Jersey, with at least two good and sufficient sureties, being freeholders in said state, jointly and severally, in the sum of five thousand dollars, to be approved of by the said chancellor or the said justice of the supreme court, which bond, with the condition thereof, shall be in the form hereinafter mentioned; and when so executed, shall, together with the oath or affirmation of office, when subscribed, be recorded in the secretary of state's office, and filed in the same, to be by him kept among the public papers of his office.

Bond to be given.

2. That the bond to be entered into as aforesaid, by the said clerk in chancery, or the said clerk of the supreme court, and their sureties, with the condition thereof, shall be in the form following, that is to say :

Form of bond.

Know all men by these presents, that we, A. B., C. D. and E. F. of _____, are held and firmly bound unto the state of New Jersey in the sum of five thousand dollars, money of the United States, to be paid unto the said state of New Jersey, to the which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals. Dated the _____ day of _____ in the year of our Lord one thousand eight hundred and _____.

837-1
RWS02-270
Rev02-497

CLERKS OF COURTS AND COUNTIES.

Condition of
bond.

The condition of this obligation is such, that if the above-bounden A. B. shall well and truly execute the office of clerk in chancery or clerk of the supreme court (as the case may be) of the state of New Jersey, and in all things touching and concerning the said office, shall well and truly, faithfully and impartially, execute and perform the same, according to law, as well with respect to all persons concerned as to the said state of New Jersey, and at the expiration of his said office, shall deliver all moneys deposited in his office, together with the books, papers and records remaining in the same, or appertaining thereto, to his successor in office, then this obligation to be void, otherwise to be and remain in full force and virtue. (a)

Offices and resi-
dences to be in
Trenton.

3. That the clerk in chancery and the clerk of the supreme court shall reside and keep their offices within the city of Trenton. (1) [See Sec. 8, *post.*]

Supplement.

Approved April 5, 1878.

P. L. 1878, p. 314.

Clerk of supreme
court authorized
to appoint a
deputy clerk.

4. SEC. 1. That from and after the passage of this act, it shall be lawful for the clerk of the supreme court of this state to appoint a deputy in his office, who shall be commissioned by the governor to be deputy clerk of the supreme court; and said deputy clerk shall hold his office during the pleasure of the clerk of the supreme court making the appointment, but in no case to extend beyond the term for which the said clerk of the supreme court is commissioned, and the said deputy clerk shall be required to take and subscribe an oath of like form and character as required to be made by the clerk of the supreme court, and shall give bond to the state in the sum of two thousand five hundred dollars, with like conditions and to be approved in like manner as is required by the first section of the act to which this is a supplement; and the deputy clerk of the supreme court shall, during the absence or inability through sickness or other cause of the clerk of the supreme court, have the same powers and perform all the duties which are now imposed by law upon the clerk of the supreme court.

Deputy to give
bond.

Salary not to be
paid by state.

5. SEC. 2. That nothing in this act shall be construed to authorize the payment of the salary of said deputy clerk from the treasury of the state.

An act respecting the clerk in chancery.

Approved March 9, 1881.

P. L. 1881, p. 86.

Clerk in chancery
to enter into bond.

6. SEC. 1. That every person who shall be appointed clerk in chancery shall, before he enters upon the execution of his office, or be admitted to take the oath or affirmation prescribed by law to be taken for the due and faithful discharge of the duties of his said office, before the chancellor for the time being, enter into bonds with the state of New Jersey, with at least two good and sufficient securities; being freeholders in said state, jointly and severally, in the sum of fifty thousand dollars, to be approved by the said chancellor, which bond, with the condition thereof, shall be in the form hereinafter mentioned; and when so executed shall, together with the oath or affirmation of office, when subscribed, be recorded in the secretary of state's office, and filed in the same, to be by him kept among the public papers of his office.

Oath and bond
to be filed and
recorded in office
of secretary of
state.

Form of bond.

7. SEC. 2. That the bond to be entered into as aforesaid by the said clerk in chancery and his sureties, with the condition thereof, shall be in the form following, that is to say:

Know all men by these presents, that we, A. B., C. D. and E. F., of———, are held and firmly bound unto the state of New Jersey in the sum of fifty thousand dollars, money of the United States, to be paid unto the said state of New Jersey, to the which payment, well and truly to be made, we bind

(a) See *Appleby v. State*, 16 Vr. 161.

(1) By rule 12 of the supreme court the clerk or any person acting for him or in his behalf, shall not practice as an attorney or counselor in that court. By rule 35 of the court of chancery the clerk of said court shall not practice, either as a solicitor or counselor in the court.

ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals. Dated the _____ day of _____, in the year of our Lord one thousand eight hundred and _____.

The condition of this obligation is such that if the above-bounden A. B. shall well and truly execute the office of clerk in chancery of the state of New Jersey, and in all things touching or concerning the said office shall well and truly, faithfully and impartially execute and perform the same, according to law, as well with respect to all persons concerned as to the said state of New Jersey, and at the expiration of his said office shall deliver all moneys deposited in his office, together with the books, papers and records remaining in the same, or appertaining thereto, to his successor in office, then this obligation to be void, otherwise to be and remain of full force and virtue.

Condition of bond.

An act concerning the residence of the clerk in chancery.

Approved April 12, 1886.

P. L. 1886, p. 215.

8. SEC. 1. That it shall be lawful for the clerk in chancery to reside at such place within the state of New Jersey as shall be approved of by the chancellor.

Residence of clerk in chancery

839-8
R02-270

II. Clerks of common pleas, &c.

An act respecting the clerks of the courts of common pleas and general quarter sessions.

Approved April 17, 1846.

Rev. 451, 461, 503, 714.

Har. 311.

R. S. 822.

9. SEC. 1. That every person who shall be elected clerk of the court of common pleas and general quarter sessions, for either of the counties of this state, shall, before he enters on the execution of his office, or be admitted to take the oath or affirmation prescribed by law, enter into bond to the state of New Jersey, with at least two good and sufficient sureties, being freeholders of the county, and approved of by two of the judges of the court of common pleas of the county, jointly and severally, in the sum of five thousand dollars; which bond, with the condition thereof, shall be in the form hereinafter mentioned, and when so executed and approved of, shall, together with the oath or affirmation of office, duly taken and subscribed, be recorded in the secretary's office, and filed in the same, to be, by the secretary of state, kept among the public papers of his office; and in case any person appointed clerk, as aforesaid, before he shall enter into the security aforesaid, shall perform any of the duties required of him by law, in said office, he shall, for every such offense, forfeit and pay, for the use of this state, one hundred dollars, to be sued for and recovered by any one of the judges of the court of common pleas of the county in which the offense shall be committed, in an action of debt, with costs of suit, in the name of this state.

Oath to be taken and bond given.

839-9
R02-271

10. SEC. 2. That the bond to be entered into, as aforesaid, by the said clerks and their sureties, with the condition thereof, shall be in the form following, that is to say:

Recorded and filed.

Penalty.

Form of bond.

Know all men by these presents, that we, A. B., C. D. and E. F. of the county of _____, are held and firmly bound unto the state of New Jersey in the sum of five thousand dollars, to be paid unto the state of New Jersey, to which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals. Dated the _____ day of _____ in the year of our Lord one thousand eight hundred and _____.

The condition of this obligation is such, that if the above-bounden A. B. shall well and truly execute the office of clerk of the court of common pleas and general quarter sessions for the county of _____, and in all things touching and concerning said office, shall well and truly, faithfully and impartially, execute and perform the same, according to law, as well with respect to all persons concerned as the state of New Jersey, and at the expiration of his said office, shall deliver to his successor in office all the

Condition.

books, papers, records and writings remaining in the same, or appertaining thereto, then this obligation to be void, otherwise to be and remain in full force and virtue.

Books, &c., where kept.

11. SEC. 3. That in every county of this state, where an office hath been, or hereafter may be built, at the expense of any county in this state, of materials not liable to be destroyed by fire, and the same is or shall be finished and completed, and be situate within half a mile of the court-house of the respective county, the clerks of the several counties, and their successors in office, shall, and they are hereby required to remove to the office so provided, all the books, records and papers appertaining to the office of the respective clerk.

Penalty for neglect.

12. SEC. 4. That if any clerk of any county of this state shall neglect or refuse, for the space of ten days, to remove all the books, records and papers appertaining to his said office to the office which hath been or may be built and completed as aforesaid, every clerk so offending shall forfeit and pay for each day he shall so neglect or refuse, after the expiration of the said ten days, the sum of ten dollars, to be sued for and recovered by the director of the board of chosen freeholders in the county where the delinquency shall happen, in his own name, to be applied, when recovered, to and for the use of the county.

Sheriffs' bonds to be recorded.

13. SEC. 5. That the clerks of the courts of common pleas and general quarter sessions, in the several counties of this state, shall, and they are hereby required to enter of record, in a book to be kept by them for that purpose, all bonds given to the state of New Jersey by the sheriffs of their respective counties, who shall be hereafter elected, for the fulfillment of their respective duties, as required by the act entitled, "An act concerning sheriffs."

Record or transcript evidence.

14. SEC. 6. That the record aforesaid of such bond, and a transcript of such record, certified to be a true transcript, by the said clerk in whose office the said record is kept, shall be received in evidence in any court of this state, and be as good, effectual and available in law as if the original bond were then and there produced and proved; *and further*, that the said clerk, for recording each bond, shall receive thirty cents, and no more, to be paid by the sheriff giving the same.

How books, &c., delivered to successor.

15. SEC. 7. That the said clerks, upon the expiration of their office, shall, in the presence of one of the judges of the court of common pleas of which they were clerks, respectively deliver to their successor in office the books, papers, records, writings and every document appertaining to said office, and it shall be the duty of the said judge to certify, under his hand and seal, such delivery; which certificate, together with the receipt from the successor in office, shall be transmitted, by said clerk, to the secretary of state, to be by him filed in his office; and in case such clerk shall die during his continuance in said office, it shall be the duty of his executors or administrators to deliver over, in like manner, to the successor in said office, all the books, papers, records, writings, and every document appertaining to said office, and transmit, in like manner, the certificate of the judge and the receipt of the successor, to the secretary of state, to be by him filed in his office.

New clerk to give receipt for them.

16. SEC. 8. That every person who shall be elected to the clerkship of any court of common pleas, shall, on receiving the book or books in which any deeds or conveyances are recorded, sign and acknowledge a receipt for the same, before one of the judges of the said court, whose duty it shall be to deliver the said receipt to the secretary of state, to be by him filed in his office.

Abstracts of fines &c., to be sent to treasurer.

17. SEC. 9. That it shall be the duty of the clerk of every court of this state, to make out, within ten days after the session or term of the said court, a true abstract from the minutes of all fines and amercements awarded, and the amount of all judgments entered on forfeited recognizances for the use of the state during the said session or term, and to transmit the same to the treasurer of this state on or before the first day of November, annually; which abstract shall contain the names of the persons fined and amerced, and against whom judgment as aforesaid has

been entered, and also the names of the sheriff and collector of the county for the time being.

18. SEC. 10. That if any clerk shall refuse or neglect to transmit such abstract to the treasurer, at or before the time hereby appointed, he shall, for every offense, forfeit and pay one hundred dollars, to be recovered by action of debt, with costs, in the name of the secretary of state, for the use of the state. Penalty for neglect.

19. SEC. 11. That it shall be the duty of the treasurer, within two days after the first day of November, annually, to make out and return the name of every delinquent clerk to the secretary, who, upon receipt thereof, shall prosecute such clerk for the recovery of the said penalty. Treasurer to return delinquents.

20. SEC. 12. That the clerks of the courts of common pleas, hereafter to be elected, shall not be allowed to practice or act as attorneys-at-law, in any of the counties of this state, in which they may be so elected; and if any clerk shall practice or act contrary to the prohibition aforesaid, for each offense he shall be liable to the penalty of fifty dollars, to be recovered in an action of debt, by any person who shall prosecute for the same, in any court where the same be cognizable, with costs of suit, and shall also be liable to be removed from office by impeachment. Clerks not to practice law.

21. SEC. 13. That it shall not be lawful for any clerk of any court of common pleas in this state, to hold or exercise the office of justice of the peace, any law of this state heretofore passed to the contrary notwithstanding. Nor hold office of justice.

An act relative to clerks of counties and of county courts.

Approved March 21, 1863.

22. SEC. 1. That where any of said clerks shall have heretofore appointed a deputy, and such deputy shall have authenticated acts or signed certificates in his own name as deputy clerk, instead of the name of his principal, all such authentications heretofore made and all certificates heretofore so signed by any acting deputy clerk, shall be taken and deemed as valid and effectual in law as if the same had been done in the name of the clerk and under his own hand.

P. L. 1863, p. 440. Acts of deputy clerks legalized.

841-22
R08-271
Rev02-480

An act concerning clerks of counties in this state.

Approved April 21, 1876.

23. SEC. 1. That it shall be lawful for each of the clerks of the different counties of this state to appoint, under his hand and seal, an assistant in his office, to be known and denominated as his "deputy clerk," who shall hold office during the pleasure of the clerk, but no longer than the term for which said clerk shall be elected; such deputy clerk, before he enters upon the duties of such office, shall take and subscribe before one of the judges of the court of common pleas, an oath of like form and character as that required to be taken by the said clerks; which appointment, with the certificate of the oath or affirmation indorsed thereupon and attested by the said judge, shall be filed and always thereafter kept in the office of said clerk so making the appointment; and the deputy clerk, as aforesaid, shall, during the absence or inability of the clerk, have the same powers and perform all the duties which are now or shall be imposed or conferred by law upon the different clerks of the counties respectively; *provided*, that no additional compensation shall be paid such deputy by the county. (a)

P. L. 1876, p. 289. County clerk empowered to appoint a deputy clerk.

Deputy clerk to take and subscribe oath.

841-23
RWS02-27
32V-208

Proviso.

Supplement.

Approved March 27, 1882.

24. SEC. 1. That in all counties where the county clerks are now paid by annual salary, the deputy clerk shall receive the sum of two thousand

P. L. 1882, p. 195. Annual salary of deputy clerk in certain counties.

(a) A challenge to the array will not be sustained founded on the fact that in making up the jury list before the pleas, the assistant clerk, and not the clerk, who was sick, officiated; for

such a function the assistant had full competency. *Stephens v. State*, 24. *Pr.* 245.

dollars per annum, which shall be paid to said deputy clerk in quarterly payments by the collectors of said counties respectively. (a)

Repealer.

25. SEC. 2. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

An act creating the office of assistant clerk, and providing a suitable salary therefor in counties in which the criminal and civil fees of the clerks go to the county collector for the use of the county.

P. L. 1885, p. 71.

Approved March 10, 1885.

Lawful to have assistant clerks in certain counties.

842-26
R02-271

26. SEC. 1. That in any county in this state in which it is now or shall hereafter be provided by law that the fees, costs and compensations allowed clerks for services in the criminal and civil courts shall be collected and paid over to the collector for the use of the county, it shall be lawful to have an assistant clerk, to be paid by said collector of said county.

By whom appointed.

27. SEC. 2. That each of the clerks of said counties of this state, whenever the population of his said county shall exceed sixty thousand, shall appoint under his hand and the seal of his office, an assistant clerk to be known and designated as such, and that said assistant clerk shall be a public officer, with a term similar to that of said clerk. (b)

Term of.

28. SEC. 3. That the term of such assistant clerks shall commence with their said appointment, and that if said appointment shall be approved by the presiding judge of the court of common pleas of said county, said appointment shall be for the term of five years.

Powers of.

29. SEC. 4. That such assistant clerks shall have and possess all the powers of the county clerk, to be exercised in his absence and under his direction, and it shall be competent for such assistant clerks to do and perform each and every act that the county clerk is required by law to perform, and which said county clerk is authorized by law or custom to do or perform.

To use name and seal of clerk.

30. SEC. 5. That said assistant clerks shall use the name and seal of the county clerk in his official acts.

Oath of office.

31. SEC. 6. That after the appointment of said assistant clerks, respectively, they shall severally subscribe an oath and file the same in the office of the county clerk, that they will support the constitution of the United States and the state of New Jersey, and that they will demean themselves in office faithfully, and well and truly perform the duties of their office to the best of their knowledge, skill and ability.

Bond to be given.

32. SEC. 7. That each of said assistant clerks shall, before he enters upon the duties of his office, enter into a bond to the state of New Jersey in the sum of two thousand dollars, with two sufficient sureties which said bond shall be approved as to form and security by the presiding judge of the court of common pleas, and shall be recorded in the office of the secretary of state, conditioned for the faithful performance of the duties of his office, and that any party aggrieved by the acts of said assistant clerk shall, after obtaining permission in writing of the chancellor of this state, prosecute said bond in the name of the state of New Jersey for the use of the party aggrieved, and that, for all purposes of suit, a certified copy of said bond shall be, and be taken to be, the original; *provided*, that no prosecution upon said bond shall be had after four years from and after the expiration of his term of office.

Salary.

33. SEC. 8. That the said assistant clerk shall be paid the sum of two thousand dollars per annum in equal quarterly payments by the county collector.

(a) This act was held by the court of chancery to be unconstitutional, both as increasing an incumbent's salary and also as regulating the internal affairs of a county by a special or local law. *Gibbs v. Morgan*, 12 *Stew.* 126. *Ernst v. Morgan*, 12 *Stew.* 391.

(b) This act declared by the court of chancery unconstitutional, as being special legislation regulating the internal affairs of a county. *Ernst v. Morgan*, 12 *Stew.* 391.

An act concerning county clerks.

Approved May 9, 1889. P. L. 1889, p. 420.

34. SEC. 1. That if, at any term or session of a court having a clerk, no clerk or duly-appointed deputy shall be present, the court may appoint some fit person to act as clerk during the absence of such clerk and deputy; the duties of said temporary clerk shall be confined to the clerical work of keeping the records of the court, swearing jurors, witnesses, taking verdicts, and such other duties as are performed by the clerk in the presence of or under the direction of the court.

Court may appoint clerk in absence of clerk or deputy.

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R02-271

An act concerning county clerks.

Approved March 25, 1863. P. L. 1863, p. 485.

35. SEC. 1. That on and after the passage of this act, the clerk of the court of common pleas in the counties of Bergen, Cumberland, and Atlantic, shall be, and the said clerk is hereby authorized, during his continuance in office, to perform all the duties and exercise all the powers belonging to the office of a commissioner for taking the acknowledgment and proof of deeds; and each clerk aforesaid, upon taking any acknowledgment or affidavit, by virtue of the powers conferred by this act, shall affix to his signature the words "county clerk."

Clerks of Bergen, Cumberland and Atlantic counties authorized to take acknowledgments, &c.

843-35
R02-271

III. Miscellaneous acts.**An act concerning public records.**

Approved May 6, 1889. P. L. 1889, p. 364.

36. SEC. 1. That hereafter it shall be and it is hereby made the duty of every county clerk in this state to attend the daily sessions of the courts of which he is the clerk, either in person or by deputy, or by some competent person, whose duty it shall be to keep a minute of the proceedings of said court or courts in their respective counties, and that the public shall have access to said minutes at all proper and reasonable hours, and that the said county clerks shall receive no extra compensation therefor, notwithstanding the duties of the respective county clerks may have been or shall be increased; but the county clerks of the respective counties of this state shall receive and be allowed and paid the same per diem, and no more, for such attendance upon said courts as the sheriffs of the respective counties of this state are now allowed by law for their daily attendance upon said courts, to be paid in the same manner and by the same authority that the said sheriffs are now paid.

County clerk to attend sessions of courts and keep minute of proceedings.

843-36
R02-271

Compensation per diem.

37. SEC. 2. That all acts and parts of acts, local, general or special, inconsistent with this act, be and the same are hereby repealed.

Repealer.

An act for the better protection of moneys deposited with public officials.

Approved March 10, 1892. P. L. 1892, p. 86.

38. SEC. 1. That from and after the passage of this act the clerks of the courts of common pleas and the clerks of the several counties in this state shall be held personally liable for all moneys paid into their hands as such officials, and for such care, custody and liability the officials before named may retain for their own use, out of the moneys so paid into their hands, the same fees as the clerk of the court in chancery is now or may hereafter be by law permitted to retain from fines paid to them.

Clerks of courts of common pleas and clerks of counties shall be personally liable for all moneys paid into their hands.

843-38
R02-271

39. SEC. 2. That the justices of the supreme court are hereby directed, upon the application in writing of any clerk of the courts of common pleas or any county clerk, to designate the bank or banks or trust company in which such official shall deposit all moneys paid to him officially, then, and in that case, such official shall be released from personal liability;

Supreme court justices to designate banks wherein clerks shall deposit.

Proviso.

providing, that such official shall not use such moneys so deposited with him for his own benefit or profit while in his care.

Repealer.

40. SEC. 3. That all acts and parts of acts inconsistent with this act shall be and are hereby repealed, and that this act shall take effect immediately.

An act for the purchase and preservation of the public newspapers printed in the several counties of this state.

P. L. 1848, p. 221.

Clerks, when authorized to subscribe for newspapers to be filed.

Approved March 9, 1848.

41. SEC. 1. That the clerks of the several counties of this state be, and they are hereby authorized and required to subscribe for such newspapers, at least one, and not exceeding two, printed and published in each of the counties in which they officiate, as the boards of chosen freeholders in said counties may determine, and file the same in their respective offices, causing them to be bound from time to time in a substantial manner, in volumes of convenient size for the use of the inhabitants of the county, who shall have access to them, free from all charge or expense, during office hours.

42. SEC. 2. That such papers, and the binding thereof, shall be paid for by the respective boards of chosen freeholders out of the county treasury, upon the order of the clerk of the county; and the said boards of chosen freeholders are hereby authorized and required to pay all orders drawn as aforesaid by the said clerks for the papers, and binding thereof, aforesaid.

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R02-271

Papers and binding thereof to be paid for by board of chosen freeholders.

Collusive Judgments, &c.

1. Reversioner may defend against tenant for life or years.
2. Not prejudiced by default of tenant.
3. Right of entry after disseizor's death.
4. Widow's right, when not barred.
5. When *feme covert* may defend alone.
6. Wife not prejudiced by husband's conveyance.

7. What alienations, &c., of dower void.
8. What, if made with subsequent husband.
9. Of recovery with assent of heir, &c.
10. Alienation by tenant by the curtesy.
11. When nonage not to delay suit.
12. Writ of error, restitution, &c.

An act granting relief, in certain cases, against collusive judgments and wrongful alienations of lands.

R. S. 631.

Passed March 2, 1798.

Reversioner may defend against tenant for life or years.

1. That if tenant in dower, tenant by the curtesy, or other tenant for term of life or lives, is or shall be impleaded, the person to whom the reversion or remainder belongs may come into court at any time before judgment, and be admitted to defend his or her right.

Reversioner not to be prejudiced by certain acts of tenant.

2. That if tenant in dower, tenant by the curtesy, or other tenant for term of life or lives, shall, when impleaded, make default or give up the tenements demanded, or if judgment be given on such default or surrender, then the person to whom the reversion or remainder belongs, after the death of such tenant, shall in no wise be prejudiced or injured by such default, surrender or judgment.

The dying seized of the disseizor shall not take away the right of entry, unless he has had peaceable possession for five years.

3. That the dying seized of any disseizor of or in any lands, tenements or hereditaments, having no right or title therein, shall not be such descent in law to the heir of the disseizor as to take away the entry of the person who, at the time of such descent, had lawful title of entry, except such disseizor hath had peaceable possession for the space of five years next after the disseizin committed, without entry by or continual claim of such as have lawful title.

Widow not barred of her right of entry into her land lost by default of her husband.

4. *And whereas*, when a husband doth lose the lands of his wife by default, it is unreasonable that the wife, after the death of her husband, should have no recovery but by writ of right; *be it therefore enacted*, that a woman, after the death of her husband, shall not be injured by such default; but shall, notwithstanding, retain her right of entry, and prosecute the same by writ of entry, or any other action, real or mixed, that may be adapted to the case; and if in such action the tenant object to her claim or demand, that he entered into the land by judgment, and it be