

the centre line of Putnam street; thence northerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof at its junction with the centre line of Woolsey street; thence southerly along the centre line of Woolsey street, and in continuation thereof, to the southerly boundary of Jersey City; thence westerly along said southerly boundary to the westerly boundary of said city; thence along the said westerly boundary to the place of beginning; and also so much of said county of Hudson as is comprised within the limits of the township of Greenville, and the city of Bayonne.

- Seventh district. The seventh district: being all that part of the county of Hudson which is comprised within the limits of the city of Hoboken.
- Eighth district. The eighth district: being all that part of the county of Hudson which is not comprised within the limits of any other of said assembly districts.

VII. Congressional districts.

A further supplement to the act entitled "An act to regulate elections," approved April sixteenth, anno domini one thousand eight hundred and forty-six.

P. L. 1872, p. 57.

Approved March 27, 1872.

- Congressional districts. 201. SEC. 1. That for the purpose of electing members of the house of representatives of the United States, this state shall be divided into seven districts, as follows, to wit:
- First district. I. The counties of Camden, Cape May, Cumberland, Gloucester and Salem shall constitute and be called the "first district;"
- Second district. II. The counties of Atlantic, Burlington, Mercer and Ocean shall constitute and be called the "second district;"
- Third district. III. The counties of Monmouth, Middlesex, and Union shall constitute and be called the "third district;"
- Fourth district. IV. The counties of Hunterdon, Somerset, Sussex, and Warren shall constitute and be called the "fourth district;"
- Fifth district. V. The counties of Bergen, Morris and Passaic shall constitute and be called the "fifth district;"
- Sixth district. VI. The county of Essex shall constitute and be called the "sixth district;"
- Seventh district. VII. The county of Hudson shall constitute and be called the "seventh district."
- Time of holding election. 202. SEC. 2. That each of said districts shall elect one person to represent this state in the house of representatives of the United States; which election shall be held on the Tuesday next after the first Monday in November next, and on the Tuesday next after the first Monday in November in each second year thereafter, until congress shall otherwise provide.

Errors.

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 16. How recognizance taken.
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 18. When recognizance to be filed.
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An act respecting writs of error.

Revision—Approved March 27, 1874.

R. S. 929, 980.
P. L. 1859, p. 643.

I. When and to what courts error lies.

1. That a writ of error shall not be granted or issued in any case, until final judgment be rendered.*(a)*

No writ until final judgment.
R. S. 980, § 14.
2. No writ of error shall be brought or allowed on any judgment that shall have been, or hereafter may be entered or obtained, unless the same shall be had and done within three years after the judgment rendered; *provided*, that in cases where the person entitled to such writ of error be an infant, *feme covert*, or insane, he or she shall have three years to bring such writ of error after such disability shall be removed.*(b)*

Must be brought within three years.
Ib. § 15.
Excepting.
3. Errors happening in the supreme court shall be heard, rectified and determined by the court of errors and appeals.

Errors in supreme court.
Ib. § 1.
4. It shall and may be lawful for the attorney general, in behalf of this state, or for any party, his legal representative, or other person who may be damnified or aggrieved*(c)* by any judgment rendered or to be rendered in the supreme court, to sue forth a writ of error, to be directed to the justices of the said supreme court, commanding them to cause the record of such judgment, and all things concerning the same, to be brought before the court of errors and appeals.

By whom writ sued out.
Ib. § 2.
5. All errors happening in any circuit court, shall be heard, rectified and determined, either by the supreme court or by the court of errors and appeals, at the option of the party prosecuting such writ of error.*(d)*

Errors in circuit.
Ib. § 4.
6. All errors happening in any court of common pleas, shall be heard, rectified and determined by the supreme court, which is hereby declared to have jurisdiction of the same, and out of which a writ for that purpose shall be issued at the instance of the state, or of any party, his legal representative, or other person who may be damnified or aggrieved by any judgment rendered or to be rendered in any of the said courts of common pleas.

Errors in pleas.
Ib. § 5.

II. How writ issued and returned; assignment of errors, &c.

7. The party prosecuting a writ of error, shall, without delay, cause a transcript of the said record*(e)* to be made, and the said justices or judges to whom the said writ of error may be directed, or any one of them, shall annex the said transcript to, and endorse a proper return on the said writ, and return the same under his or their signature;*(g)* and unless the said party shall procure the said writ to be returned to the day to which it is made returnable, or show good cause why it is not returned, the said writ shall be null and void.

Writ when to be returned.
Ib. § 3.
R. S. 929, § 103.
8. Writs of error to remove causes into the court of errors and appeals, shall issue out of that court and under its seal, and shall be dated as of the day on which it issues, and in the name of the chancellor, chief justice, or any other judge of said court.*(h)*

Writs from court of error how tested.
P. L. 1859, p. 643.
9. All writs of error may be made returnable either in term time or in vacation, and shall be made returnable within such time as the court whence they issue shall, by rule, from time to time direct.

When returnable.
Revision.

(a) A writ of error will lie on a decision upon the legality of an election of officers of a corporation, *Taylor v. Griswold*, 2 Gr. 253, note; on a judgment that an administrator shall not pay costs, *Norcross v. Boulton*, 1 Harr. 310; on an order of the circuit court refusing to set aside an award, where the proceedings have been entered of record, *Eames v. Siles*, 2 Vr. 490 *Jessup v. Cook*, *Coze* 105. *Bell v. Price*, 2 Zab. 585. See *Ford v. Potts*, 1 Hal. 388; on an order settling the priority among several executions, *Woodruff v. Chapin*, 3 Zab. 555; on a judgment of non-suit, *Rose v. Parker*, 2 South. *780(b); on a judgment entered by confession, *Burroughs v. Condit*, 1 Hal. 300. *Phillips v. Phillips*, 3 Hal. 122. A writ of error will not lie to bring up the proceedings on the trial of a feigned issue, *Brewer v. Ware*, 3 Harr. 370; nor, the order for such issue, *Tradesmens Bank v. Allen*, 3 Vr. 543; nor upon a mere entry in the minutes of the court below, discharging a rule improvidently granted, *Den. Rutherford v. Fen*, 1 Zab. 700. See *Evans v. Adams*, 3 Gr. 373; nor upon a decision denying the application of defendant to be discharged from arrest in a civil suit upon a contract, *Allen v. Tyler*, 3 Vr. 499; nor upon an order overruling a demurrer to a *mandamus*, *Warren Railroad Co. v. Belvidere*, 6 Vr. 588; nor because the judge has not signed the record, *Lutkins v. Den. Zabriskie*, 1 Zab. 387; nor because the judge refused to allow all the evidence in a cause to be inserted in the bill

of exceptions, *Budd v. Crea*, 1 Hal. 370. *Wilson ads. Moore*, 4 Harr. 186. The superior court decides whether it issued properly, *State v. Farlee*, *Coze* 82. *Jessup v. Cook*, *Coze* 105. *Hillyer v. Schenck*, 2 *McCart*, 399.

(b) A writ of error in a criminal case must be sued out within three years, *State v. Holmes*, 7 Vr. 62.

(c) Judgment creditors of B. cannot bring error on a judgment of A. against B., *Sherer v. Collins*, 2 Harr. 181. *Black v. Kirgan*, 3 Gr. 45. See *Clapp v. Ely*, 3 *Dutch*, 575. And see *ante*, p. 220(b).

(d) See *ante*, p. 215(b).
(e) The schedule should contain simply a transcript of the record from the book of judgments, *McCourry v. Snydam*, 5 Hal. 245; and the court will strike out errors assigned upon the written opinions of the court, *State, Buckman v. Demarest*, 3 Vr. 528. The court, on diminution alleged, may supply any defects in the record, *Gilliland v. Rappleyea*, 3 Gr. 188, even after argument, *Appgar v. Hiller*, 4 Zab. 808. See RULES OF COURT OF ERRORS, § 24.

(g) The return on a writ of error to the circuit court or common pleas need not be so certified, *Stevens v. Chetwood*, 2 Harr. 358.

(h) Before the passage of this section writs of error to the supreme court issued out of chancery, *Anonymous, Spen*, 495. *Carter v. Gleason*, 1 Zab. 561, note.

Errors to be assigned in thirty days.

R. S. 929, § 100.
Amended.

Joinder in thirty days.
Ib. § 101.

The plaintiff to notice case for argument.
Ib. § 102.
Amended.

Otherwise judgment to be affirmed.

10. The plaintiff in error shall assign and file errors, and serve a copy thereof on the defendant in error or his attorney, in thirty days after the return of the writ, or be nonprossed, unless the court shall grant further time; and in such case the plaintiff shall assign and file errors, and serve a copy of the same on the defendant or his attorney within the time so granted, or be nonprossed.(a)

11. The defendant shall join in error within thirty days after service of copy of said assignment of errors, and in default thereof, said errors shall be taken as confessed, and the cause be set down to be heard *ex parte*.

12. After joinder in error, the plaintiff in error shall notice the case for argument at the next term; such notice shall be served at least twenty days before such intended argument, if there be not sufficient time between the joining of said issue and the next term, then the argument shall be noticed for a special day in term, or at the subsequent term at the option of the plaintiff in error; if the plaintiff fail to give such notice, or bring on the argument at the time appointed, the judgment shall be affirmed, unless the court, in its discretion, shall grant further time.(b)

III. Writ when a supersedeas.

How execution stayed on error, after judgment in debt, &c.

R. S. 980, § 6.

Recognizance required.

Which must be acknowledged, etc.
Ib. § 7.

Recognizance in dower and ejectment.
Ib. § 8.

13. No execution shall be stayed or delayed by any writ of error or *supersedeas* thereon, for the reversal of judgment in any action of debt founded upon a prior judgment, or upon any single or penal bill for the payment of money only, or upon any obligation with condition for the payment of money only, or upon any action of debt, or upon the case for rent, or upon any contract sued in the supreme court or any other court of record, unless the plaintiff in such writ of error, or other responsible person in his behalf, with two sufficient sureties, to be approved and allowed, shall first become bound to the party for whom such judgment is given by recognizance, as hereinafter directed, in double the sum adjudged to be recovered by the said judgment, to prosecute the said writ of error with effect, and also to pay and satisfy, if the said judgment be affirmed, all the debt or debts, damages and costs, adjudged on the former judgment, and all costs and damages to be awarded for the delay of execution.(c)

14. No execution shall be stayed or delayed in any of the courts mentioned in the section next preceding, by any writ of error or *supersedeas* thereon, after verdict and judgment on such verdict in any personal action whatsoever, unless such recognizance as is prescribed in the preceding section shall be first acknowledged, as hereinafter directed.

15. No execution shall be stayed or delayed by writ of error, to be brought upon judgment after verdict in dower or in ejectment, unless the plaintiff in such writ of error, or other responsible person in his behalf, with two sufficient sureties as aforesaid, shall first become bound by recognizance to the plaintiff in the writ of dower or action of ejectment, in such reasonable sum(d) as the court or a judge thereof to which the writ of error is directed shall think fit, with condition that if judgment be affirmed on the said writ of error, or if the said writ of error be discontinued by default of the plaintiff therein, or if the said plaintiff be non-suit in the said writ of error, that then the said plaintiff shall pay such costs, damages and sum or sums of money as shall be awarded upon or after such judgment affirmed, discontinuance or non-suit; and to the end that the same damages and sum or sums of money may be ascertained, the court wherein execution ought to be granted, shall upon such affirmation, discontinuance or non-suit, issue a writ to inquire, as well of the mesne profits, as of the damages by any waste committed after the first judgment in dower or in ejectment; and upon return thereof, judgment shall be given and execution awarded for such mesne profits and damages, and also for the costs of suit.

(a) A writ of error dismissed because errors were not assigned and filed in season, may be restored on good cause shown by affidavits, *Engle v. Leake*, 1 Zab. 561. The grounds of error should be specified in the assignment, *Donnelly v. State*, 2 Dutch. 465.

(b) Formerly either party could notice the case for argument, and when so noticed the plaintiff in error must prepare the state of the case or have his writ dismissed, *Harwood v. Smethurst*, 2 Vr. 502.

(c) The court will not stay execution to give time to file

bail, *Den, Crane v. Hamilton*, Pen. *882. It belongs to the court rendering the judgment to determine whether an execution shall issue notwithstanding the allowance of a writ of error, *Allen v. Hopper*, 4 Zab. 514. See *Suydam v. Hoyt*, 1 Dutch. 232. The plaintiff in error may have either a writ of *supersedeas* or a rule upon the sheriff to stay proceedings on the execution, *Sayre v. Reynolds*, 2 South. *564.

(d) Bail in error in ejectment, must be in double the annual value of the lands and of the costs, *Den, Crane v. Hamilton*, Pen. *882. *Den, Laurence v. Lippencott*, 1 Hal. 473.

16. The recognizance mentioned in the thirteenth and fourteenth sections of this act may be acknowledged, and the sureties therein may be approved and allowed, either by the court in which judgment is given, in open court, or by any justice or judge thereof; or in case the said judgment be rendered in the supreme court or circuit court, before any one of the commissioners appointed by the supreme court to take recognizances of bail, and the recognizances so taken shall be filed in the court in which judgment is given.

How recognizance taken. *Ib.* § 9.

17. The recognizance mentioned in the fifteenth section of this act may be acknowledged before any one of the justices or judges of the court to which the writ of error is directed, at his chambers, in such reasonable sum as such justice or judge shall think fit; and such recognizance when so acknowledged, as aforesaid, and filed in the said court, shall be as good and effectual in law as if the same had been acknowledged in open court.

Before whom recognizance mentioned in section 15 may be taken. *Ib.* § 10.

18. When a writ of error shall be issued pursuant to the laws of this state, directed to the supreme court, or to any circuit court or court of common pleas, and presented to the court or to the presiding judge thereof, such writ of error shall stay execution; *provided*, the plaintiff in error shall within fifteen days after judgment rendered, unless further time be granted by the court or presiding judge, file in the office of the clerk of said court such recognizance of bail duly taken, as by law is or shall be required.^(a)

Recognizance to be filed within fifteen days after term in which judgment is entered. *Ib.* § 11. Amended.

19. It shall be lawful for the court of errors and appeals, or for the supreme court, or for any justice of the supreme court, upon good cause shown, and upon reasonable notice to require in any case in addition to the bail in error above mentioned, such further security by recognizance, to be given by the plaintiff in error as may seem proper; and unless such additional recognizance, to be taken in the manner hereinbefore prescribed, shall be given within the time appointed by the said court or justice, then the writ of error in such case shall forthwith cease to be a *supersedeas*.

Additional bail in error may be required.

Revision.

20. When it is apparent to the court that the writ of error is brought against good faith or for the mere purpose of delay, or it is returnable of a term previous to the entry of final judgment or special bail, when requisite, is not put in and perfected in due time, it shall not be a *supersedeas* or stay of execution; *provided always*, the thirteenth, fourteenth, and fifteenth sections of this act shall not extend to any writ of error to be brought by any executor or administrator, nor to any action popular, or action on any penal statute, nor to any indictment, presentment, inquisition or information.

Writ issued in bad faith will not stay.

R. S. 980 § 12, 13.

Bail not required in certain cases.

^(a) If the party holding the *postea* does not file the same at the time required by Rule 45 of the supreme court, the defendant, although he may bring error, cannot file his recognizance so as to stay execution, *Warwick v. Cor*, 7 *Vr.* 392.

Escheats.

1. Attorney general to issue writ and form of it.
2. To cause notice thereof to be advertised.
3. To serve notice on tenants, &c. To make conveyances.
4. Compensation to be made by state for services.
5. Injunction to restrain waste.

An act concerning escheats.

Har. 176.

Passed February 27, 1828.

R. S. 342.

1. That whenever the attorney general shall be informed, or shall have reason to suppose, that any person hath died seized of any real estate within this state, without making any devise thereof, and leaving no heirs capable of inheriting the same,^(a) he shall cause a writ to be issued out of the court of chancery, and directed to the sheriff of any county in this state, in the form following: "The State of New Jersey, to the sheriff of the county of _____ greeting: Because we are informed that _____

Attorney general to cause a writ to issue.

^(a) The real estate of a person dying intestate, and leaving no heirs capable of inheriting the same, escheats to and vests in the state at the instant of his death, *O'Hanlin v. Den*, *Van Kleeck*, *Spen.* 31: 1 *Zab.* 582. Land which has escheated may be granted by the state by a private act passed before any proceedings in escheat, *Colgan v. McKeon*, 4 *Zab.* 566. After the state in proceedings in escheat has acknowledged a certain person as heir at law, he cannot proceed with the escheat in the name of the state for his own benefit, *State v. Engle*, 1 *Zab.* 348.