

An act authorizing common carriers, factors and others to sell goods, wares, merchandise and other property unclaimed, upon which they have a lien.

Approved March 27, 1874. P. L. 1874, p. 102.

51. SEC. 1. That it shall be lawful for common carriers, having a lien, either for freight, storage or other charges, upon goods, wares, merchandise or other property, and which shall have been or shall be thereafter unclaimed for three months, or upon which such freight or charges shall have remained, or shall hereafter remain unpaid for a like period of time, to sell such goods, wares, merchandise or other property at public auction, after notice by advertisement once a week for three weeks, in at least one newspaper published in the city or county where such sale is to be made, and by hand-bills posted at the place where such goods, wares or merchandise were originally consigned to, and at not less than twenty conspicuous places at the designated point of sale, at least ten days prior to such sale, giving time and place of sale, and name of owner or consignee, if known or legible, address or marks thereon, if any, with a description or name of the article to be sold, and, when known, the place to which the same were consigned; and all goods, wares, merchandise or other property hereby authorized to be sold which may be in the custody of or stored by any common carrier at any depot, station or other place, may be removed therefrom, and sold at such cities or towns or boroughs within this state as such carriers may deem the best market for the articles to be sold, and that such sale may be made in bulk, in the original packages as marked and consigned, contents unknown, or by the piece, as may, in the judgment of the carriers, realize the largest amount to the owners.

Common carriers may sell unclaimed freight.

Notice to be given.

May collect the goods at one place and sell them.

52. SEC. 2. That in all cases where goods, wares merchandise or other property shall be perishable or damaged, and which the owner or consignee shall for that or any other reason refuse to receive, or by reason of the owner or consignee being unknown, it shall be lawful for the carrier or other having a lien upon the same as aforesaid to sell the same by public outcry, or auction, upon such notice thereof as the nature of the case may reasonably seem to require or admit of.

Perishable goods may be sold at public auction.

53. SEC. 3. That the proceeds of all sales made under the authority of this act, after deducting freight, storage and charges which may be due, as well as advertising, cost of selling and other reasonable expenses, shall be paid to the owner of such property, upon satisfactory proof of such ownership; *provided*, that such proof be made within two years from the date of such sale; and on failure to make such proof at the expiration of that period, such surplus shall be paid into the state treasury for the use of the state.

Proceeds of sale, how disposed of.

54. SEC. 4. That all acts or parts of acts which are supplied by this act are hereby repealed.

Limitation of Actions.

I. LIMITATION OF ACTIONS.

1. Actions within six years.
2. Actions within four years.
3. For words.
4. Against whom not to run.
5. Sheriff's and constable's bonds.
6. Sealed instruments.
7. Judgments.
8. Non-residents excepted.
9. Extended in case of death.
10. New promise to be in writing.
11. What endorsement or payment not sufficient.
12. Act to apply to set-off.
13. Bond by executor, &c.
14. Bond by insolvent.
15. Bond by justice.
16. Right of entry when barred.
17. Action for lands.

18. Equity of redemption.
19. Judgment reversed or arrested.
20. Actions by the state.
21. Actions on penal statutes.
22. When forfeiture to county or township.

II. LIMITATION OF SUITS RESPECTING TITLES TO LAND.

23. Sixty years possession good title.
24. In what cases thirty years a bar.
25. Surveys inspected, &c., bar against proprietors.
26. Boundaries of lands between persons, how ascertained.
27. What surveys of no avail without previous notice to the possessor.
28. Prior surveys to have preference, etc.
29. To what cases this act shall not extend.

R. S. 92.

P. L. 1855, p. 496.
 " 1859, p. 80.
 " 1860, p. 691.

Actions within
 six years.

R. S. 92, § 1.

Actions within
 four years.
 Ib. § 2.

For words.
 Ib. § 3.

Against whom
 not to run.
 Ib. § 4.
 Amended.

Sheriff's and con-
 stable's bonds.
 Ib. § 5.

Sealed instru-
 ments.
 Ib. § 6.
 Amended.

I. Limitation of actions.

An act for the limitation of actions.

Revision—Approved March 27, 1874:

1. That all actions of trespass, *quare clausum fregit*, all actions of trespass, detinue, trover, and replevin for taking away of goods and chattels, all actions of debt, founded upon any lending or contract without speciality, or for arrearages of rent due on a parol demise, and all actions of account and upon the case, (a) except actions for slander, and except, also, such actions as concern the trade or merchandise between merchant and merchant, their factors, agents, and servants, (b) shall be commenced and sued within six years next after the cause of such actions shall have accrued, and not after. (c)

2. That all actions of trespass for assault, menace, battery, wounding, and imprisonment, or any of them, shall be commenced and sued within four years next after the cause of such action shall have accrued, and not after.

3. That every action upon the case for words shall be commenced and sued within two years next after the words spoken, and not after.

4. That if any person or persons who is, are, or shall be entitled to any of the actions specified in the three preceding sections of this act, is, are, or shall be, at the time of any such cause of action accruing, within the age of twenty-one years, or insane, (d) that then such person or persons shall be at liberty to bring the said action so as he, she, or they institute or take the same within such time as is before limited after his, her, or their coming to or being of full age, or of sane memory, as by other person or persons having no such impediment might be done.

5. That any prosecution to be had or commenced upon any bond heretofore given or hereafter to be given, by any sheriff and his securities for the faithful performance of the office of sheriff, shall in no wise operate against or in any manner affect the said securities named and bound in said bond, unless such prosecution shall be commenced within nine years after the date of the said bond, and not after; and any prosecution to be had or commenced upon any bond heretofore given or hereafter to be given by any constable and his securities, for the true and faithful performance of all the duties enjoined on him as constable, shall in no wise operate against or in any manner affect the said securities named and bound in said bond, unless such prosecution shall be commenced within four years after the date of the said bond, and not after. (e)

6. That every action of debt or covenant for rent or arrearages of rent, founded upon any lease under seal, whether indented or poll, and every action of debt upon any single or penal bill for the payment of money only, or upon any obligation with condition for the payment of money

(a) On a note payable on demand, the statute begins to run from the time of making the note. *Larason v. Lambert*, 7 Hal. 247. Where a note is given to renew one against which the statute has nearly become a bar, and it is antedated, the statute is a good bar six years from the time it becomes due. *Paul v. Smith*, 3 Vr. 13. It was suspended during the Revolution. *Montgomery v. Bruere*, 1 South. *266. It applies to a set-off. *Nolin v. Blackwell*, 2 Vr. 170. To an action for use and occupation. *Conover v. Conover*, 3 Saz. 404. If an account is *prima facie* barred by the statute, and it is pleaded, it should not be overruled by the justice. *Sayres v. Scudder*, Pen. *54. *Neafe v. Ackerman*, Pen. *562. It bars an action brought by an executor to recover money over paid to a legatee. *Ely v. Norton*, 1 Hal. 187. An insolvent discharged cannot plead the statute to a debt due before. *Scott v. Stackhouse*, 1 Hal. 431. *Evans v. Huffman*, 1 Hal. Ch. 354. It is a positive and legal bar in all cases within its provisions. *Thorpe v. Corwin*, Spen. 311. See *Cook v. Smith*, 1 Vr. 394. If a party has been restrained from suing by an injunction, the statute is a good plea, but equity may enjoin the defendant from pleading it. *Dekay v. Darrah*, 2 Gr. 288. *Doughty v. Doughty*, 2 Stock. 347. An action commenced but not prosecuted to judgment, is no bar. *Evins v. Schooley*, 3 Harr. 269. Damages done within six years by a nuisance erected before the six years, are not barred, where the nuisance has not been so long erected as to raise a presumption of a grant. *Delaware and Raritan Canal Co. v. Wright*, 1 Zab. 469. *Delaware and Raritan Canal Co. v. Lee*, 2 Zab. 243.

(b) When an account may be considered as a running account, *Franklin v. Camp. Coxe* 196. An account for fire wood, hay, &c., the products of plaintiff's farm, is not an account between merchants, *Müller v. Colwell*, 2 South. *577.

It is now extended to the accounts of persons other than merchants, *Belles v. Belles*, 7 Hal. 339. It applies to a set-off by the defendant, *Smith v. Ruesscastle*, 2 Hal. 357. *Semble*, overruled, *Nolin v. Blackwell*, 2 Vr. 178. There must be items on both accounts within six years, *Gulick ads. Turnpike Co.*, 2 Gr. 545. Nor can the plaintiff remove from the statute that part of his account which is more than six years old by giving the defendant a credit not claimed by him. *Hibler v. Johnston*, 3 Harr. 266. A submission to arbitration cannot keep alive indefinitely an account between partners, *Cowart v. Perrine*, 3 C. E. Gr. 454.

(c) The statute must be pleaded, and cannot be taken advantage of under the general issue, *Brand v. Longstreet*, 1 South. *325. If a bill in equity states a case to which the statute applies, without bringing it within some of its exceptions, the defendant may take advantage of the statute by demurrer, *Bird v. Insee*, 3 C. E. Gr. 363. *Wisner v. Barnet*, 4 Wash. C. C. 631. Or, by plea or answer, *Conover v. Wright*, 2 Hal. Ch. 613. *Ruckman v. Decker*, 3 C. E. Gr. 263. Upon a replication filed to a plea that there was no promise within six years, an agreement not to take advantage of the statute cannot be given in evidence, *Cowart v. Perrine*, 6 C. E. Gr. 101. A plea of non assumpsit within eight years, is bad, *Riggs v. Quick*, 1 Harr. 160. After it is overruled it cannot be again pleaded by the same parties or their privies, *Fisher v. Rutherford*, Bald. C. C. 188.

(d) Whether insane is a question for the jury, under the direction of the court, *Den. Steelman v. Steelman*, 1 Harr. 68. (e) Applications for assessments on sheriff's bonds limited to six years against sureties, *State v. Hardenburgh*, Pen. *355. On constable's bond, *Knowlton v. Read*, 6 Hal. 320.

only, or upon any award under the hands and seals of arbitrators for the payment of money only, shall be commenced and sued within sixteen years next after the cause of such action shall have accrued, and not after;(a) but if any payment shall have been made on any such lease, specialty, or award, within or after the said period of sixteen years, then an action instituted on such lease, specialty or award, within sixteen years after such payment, shall be good and effectual in law, and not after;(b) *provided always*, that the time during which the person who is or shall be entitled to any of the actions specified in this section shall have been within the age of twenty-one years, or insane, shall not be taken or computed as part of the said limited period of sixteen years.

Proviso.

7. That judgments in any court of record of this state may be revived by *scire facias*, or an action of debt may be brought thereon within twenty years next after the date of such judgment, and not after; *provided*, that the time during which the person who is or shall be entitled to the benefit of such judgment shall have been under the age of twenty-one years, or insane, shall not be taken or computed as part of the said limited period of twenty years.(c)

Judgments.

Ib. § 7.

Proviso.

Amended.

8. That if any person or persons against whom there is or shall be any such cause of action as is specified in the first, second, third, fifth, six and seventh sections of this act, shall not be resident in this state when such cause of action accrues, or shall remove from this state after the same shall accrue, and before the time of limitation mentioned in said sections is expired, then the time or times during which such person or persons shall not reside in this state shall not be computed as part of the said limited period within which such action or actions are required to be brought as aforesaid; but the person or persons having, or who may have such cause of action as aforesaid, shall be entitled to all the time mentioned in the said several sections, for bringing their said actions after the cause thereof shall accrue, exclusive of the time or times during which the person or persons liable to such actions shall be not resident in this state as aforesaid.(d)

Non-residents

excepted.

Ib. § 8.

9. That if any person, against whom there is or shall be any such cause of action as is specified in the first, fifth, sixth, or seventh sections of this act, shall have died or shall hereafter die before the expiration of the times of limitation therein mentioned, the space or term of six months next succeeding the death of such person shall not be computed as part of the limited period within which such action or actions is or are required to be brought by the said sections.(e)

Extended in case

of death.

Ib. § 9.

10. That in actions of debt or upon the case, grounded on any simple contract, no acknowledgment or promise by words only, shall be deemed

New promise to

be in writing.

(a) It begins to run from the time when the bond is due, and not from its date, *Richman v. Richman*, 5 Hal. 114. It is presumed to have been paid after sixteen years, *Mease v. Stevens*, Coze 433. But not after twelve years, *Kinma v. Smith*, 2 Gr. Ch. 14. Where a mortgage is given as security for a bond, it may be foreclosed after suit on the bond is barred, *Morris v. Condit*, 2 Hal. 114. *Barned v. Barned*, 6 C. E. Gr. 245. It applies to bonds executed before the date of its passage, *Marston v. Seabury*, Pen. *135. A plea that the bond was not made within sixteen years, is bad, *Richman v. Richman*, 3 Hal. 55.

(b) The endorsements of payments on the bond must be proved by the plaintiff to have been made at or soon after the time they bear date, before they can be read in evidence, and also that they were made by or with the consent of the obligor. Form of pleading in such case, *Van Dyke v. Van Dyke*, 3 Gr. 289. Upon a replication that the action accrued within sixteen years, proof of payments on the bond is inadmissible, *Van Dyke v. Van Dyke*, 2 Harr. 478. But plaintiffs may amend, *S. C.*, 4 Harr. 1. A partial payment by one of two joint obligors, if made while the joint liability exists, will take it out of the statute, *Disborough v. Bidleman*, Spen. 275; 1 Zab. 677. But not if such payment be made after the death of one obligor as against his heirs, *Ibid.* If there are three joint and several obligors, the death of one only severs his liability, and a payment by one survivor is good as against the other, *Corlies v. Fleming*, 1 Vr. 349. A payment by one of two joint and several promisors after the death of the other, is good as against the representatives of the latter, *Bergen v. Davison*, Sept. 1843, Spen. 282. *Infra*, § 10. But if the bond be barred a payment or promise after the statute has run, cannot revive it, *Ludlow v. Van Camp*, 2 Hal. 113. *Marston v. Seabury*, Pen. *702. See *Mease v. Stevens*, Coze 433.

(c) A *scire facias* issued on a judgment fifty years old,

without permission, was quashed, *Peters v. Bache*, Coze 206. A judgment is presumed to be satisfied after twenty years, *Gutick v. Loder*, 1 Gr. 68. A bill to revive a judgment filed more than twenty years after the judgment was obtained, was dismissed, *Bird v. Inslee*, 8 C. E. Gr. 363. A judgment creditor was allowed to explain why he allowed a judgment and execution to remain unsatisfied for twenty-four years, when ample property of the debtor had been levied on, *Johnson v. Tuttle*, 1 Stock. 365. A *scire facias* on an execution is included in the act, *Buchanan v. Kowland*, 2 South. *721.

(d) It applies to cases where the cause of action accrued and defendant removed from the state, prior to its passage, *Smith v. Tucker*, 2 Harr. 82. See *Evans v. Huffman*, 1 Hal. Ch. 354. A plea of non-residence at the time of trial, is no exception, *Halsey v. Beach*, Pen. *123. The defendant must be either non resident when the cause of action accrues, or must have removed after it accrued and before the time of limitation expired, *Paterson Bank v. Ludlow*, 6 Hal. 354. The non-residence of one of two joint debtors does not take it out of the statute, *Bruce v. Flagg*, 1 Dutch. 219. A defendant is entitled to a set-off, where the plaintiff resided out of the state at the time the action accrued and so continued until suit was brought, and defendant became a resident within six years after the action accrued and so continued, *Nolin v. Blackwell*, 2 Vr. 170. The act does not extend to suits by non-resident creditors against non-resident debtors, *Beardsley v. Southmayd*, 3 Gr. 371. *Taberner v. Brentnall*, 3 Harr. 262. *Hale v. Lawrence*, 1 Zab. 713. *Wood v. Leslie*, 6 Vr. 472.

(e) Where A. had a demand against B. which was not barred by the statute, and B. died intestate. Held, the statute would not run until letters of administration were taken out, although there was an executor *de son tort*, *Burnet v. Bryan*, 1 Hal. 377; contra, *Dekay v. Darrah*, 2 Gr. 288.

- Revision. sufficient evidence of a new or continuing contract, whereby to take any case out of the operation of this act, or to deprive any person of the benefit thereof, unless such acknowledgment or promise shall be made or continued by or in some writing to be signed by the party chargeable thereby; and that where there shall be two or more joint contractors or executors, or administrators of any contractor, no such joint contractor, executor, or administrator shall lose the benefit of this act so as to be chargeable in respect, or by reason only of any written acknowledgment or promise, and signed by any other or others of them; *provided always*, that nothing herein contained shall alter or take away or lessen the effect of any payment of any principal or interest made by any person whatsoever; *provided also*, that in actions to be commenced against two or more such joint contractors or executors or administrators, if it shall appear at the trial or otherwise that the plaintiff, though barred by this act as to one or more of such joint contractors or executors or administrators, shall, nevertheless, be entitled to recover against any other or others of the defendants by virtue of a new acknowledgment or promise, or otherwise, judgment may be given, and with costs allowed for the plaintiff as to such defendant or defendants, against whom he shall recover, and for the other defendant or defendants against the plaintiff.
- Proviso.
- Proviso.
- What endorsement or payment made, after this act shall go into effect, upon any promissory note, bill of exchange, or other writing, by or on behalf of the party to whom such payment shall be made, shall be deemed sufficient proof of such payment so as to take the case out of the operation of this act.
- Revision. not sufficient.
- Act to apply to set off.
- Revision.
- Bond of executor &c.
- P. L. 1855, p. 496.
11. That no endorsement or memorandum of any payment written or made, after this act shall go into effect, upon any promissory note, bill of exchange, or other writing, by or on behalf of the party to whom such payment shall be made, shall be deemed sufficient proof of such payment so as to take the case out of the operation of this act.
12. That this act shall be deemed and taken to apply to the case of any debt on simple contract alleged by way of set-off on the part of the defendant.
13. That no action which may be brought upon any bond given by any executor, administrator, guardian, trustee, receiver, or assignee, under any law relating to insolvent debtors or insolvent estates, for the faithful performance of all or any of the duties of such executor, administrator, guardian, trustee, receiver, or assignee, shall in any wise operate against, or in any manner affect the surety or sureties named in said bond, unless such action be commenced within twenty years next after the date of said bond; and such surety or sureties, his or their heirs, devisees, or personal representatives, may plead this act in bar of any action not commenced within that time; *provided*, that the time during which the person who is or shall be entitled to the benefit of such bond shall have been under the age of twenty-one years, or insane, shall not be computed as part of the said limited period of twenty years; *and provided further*, that if any such surety shall not reside in this state when the cause of action accrues on such bond, or shall remove from this state after the same shall accrue, and before the limitation herein mentioned shall expire, then the time or times during which such surety shall not reside in this state shall not, in actions against such surety, his heirs, devisees, or personal representatives, be computed as part of the said limited period; and if any such surety shall die before the expiration of the time of limitation herein mentioned, then the space or term of six months next succeeding such death shall not, in actions against the heirs, devisees, or personal representatives of such surety, be computed as part of the said limited period.
- Bond of insolvent.
- P. L. 1859, p. 80.
- Amended.
- Bond by justice.
- P. L. 1860, p. 691.
14. That any prosecution to be had or commenced upon any bond heretofore given, or hereafter to be given, by any insolvent debtor or person arrested upon final process in any civil action, to the sheriff of any county in this state, for the benefit of the prison limits, shall in no wise operate against or in any manner affect the securities named and bound in such bond, unless such prosecution shall be commenced within sixteen years next after the date of said bond.
15. That any prosecution to be had or commenced upon any bond heretofore given, or hereafter to be given, by any justice of the peace and his securities, according to the eleventh section of the act entitled "An act relating to justices of the peace," approved April seventeenth, eighteen hundred and forty-six, shall in no wise operate against, or in any manner

may affect the said securities named and bound in said bond, their heirs, executors, or administrators, unless such prosecution shall be commenced within ten years after the date of said bond, and not after.

16. That no person who now hath, or hereafter may have, any right or title of entry into any lands, tenements, or hereditaments, shall make any entry therein, but within twenty years next after such right or title shall accrue; and such person shall be barred from any entry afterwards; (a) *provided always*, that the time during which the person who hath or shall have such right or title of entry, shall have been under the age of twenty-one years, or insane, shall not be taken or computed as part of the said limited period of twenty years. (b)

Right of entry
when barred.

R. S. 92, § 10.
Amended.
Proviso.

17. That every real, possessory, ancestral, mixed or other action, for any lands, tenements, or hereditaments, shall be brought or instituted within twenty years next after the right or title thereto, or cause of such action shall accrue, and not after; (c) *provided always*, that the time during which the person who hath or shall have such right or title, or cause of action, shall have been under the age of twenty-one years, or insane, shall not be taken or computed as part of the said limited period of twenty years.

Action for lands.
Ib. § 11.
Amended.
Proviso.

18. That if a mortgagee and those under him be in possession of the lands, tenements, and hereditaments contained in the mortgage, or any part thereof, for twenty years after default of payment by the mortgagor, then the right or equity of redemption therein shall be forever barred. (d)

Equity of re-
demption.
Ib. § 12.

19. That if in any of the said actions specified in any of the preceding sections of this act, judgment be given for the plaintiff, and the same be reversed by writ of error, or if a verdict pass for the plaintiff, and upon matter alleged in arrest of judgment, the judgment be given against the plaintiff, then the said plaintiff, his or her heirs, executors or administrators, as the case shall require, may commence a new action within one year after such judgment reversed or given against the plaintiff, and not after. (e)

Judgment re-
versed or arrest-
ed.
Ib. § 13.

20. That no person or persons, bodies politic, or corporate, shall be sued or impleaded by the state of New Jersey, for any lands, tenements, or hereditaments, or for any rents, revenues, issues, or profits thereof, but within twenty years after the right, title, or cause of action to the same shall accrue, and not after.

Actions by the
state.
Ib. § 14.

21. That all actions or informations which shall be brought or exhibited for any forfeiture upon any penal statute made or to be made, whereby the said forfeiture is or shall be limited to the state of New Jersey only, shall be brought or exhibited within two years next after the offence committed or to be committed against such penal statute, and not after; and all actions or informations, which shall be brought or exhibited for any forfeiture upon any penal statute, made or to be made, the benefit and suit whereof is or shall be by the said statute limited or given to any person or persons who shall prosecute for the same, or to the state of New Jersey, and to any other who shall prosecute in that behalf, shall be brought or exhibited by any person or persons who may lawfully sue for the same as aforesaid, within one year next after the offence committed or to be committed against the said statute; and in default of such suit, then the same shall be brought or exhibited for the state of New Jersey, at any time within one year after the termination of the aforesaid year, and not after; and all actions or informations which shall be brought or exhibited for any forfeiture or cause upon any statute, made or to be

Actions on penal
statutes.
Ib. § 16.

Where forfeiture
to the state.

To prosecutor.
To state and
prosecutor.

To party ag-
grieved.

(a) A peaceable possession for twenty years under a parol partition will give title, *Den, Watson v. Kelly*, 1 *Harr.* 517. But not for five or six years, *Den, Woodhull v. Longstreet*, 3 *Harr.* 405. *Lloyd v. Conover*, 1 *Dutch.* 47. See *Den, Howell v. Howell*, *Spen.* 411. The statute will run against the proprietors, *Cornelius v. Giberson*, 1 *Dutch.* 1. It applies to an action of dower, *Berrien v. Conover*, 1 *Harr.* 107. *Conover v. Wright*, 2 *Hal. Ch.* 613. Twenty years adverse possession gives title, *Den, Van Wickle v. Alpaugh*, *Pen.* *446. Possession by a father after his son arrives at full age, is adverse, *Den, Clark v. Lane*, *Pen.* *417e. What constitutes adverse possession, so as to amount to notice, *ante* p. 156, note (a). What possession plaintiff in ejectment must prove, *Den v. Johnson*, 2 *Hal.* 6. It does not begin to run against a reversioner or remainderman until after the estate for life is terminated, *Pinckney v. Burrage*, 2 *Vr.* 21.

(b) Such disability is *personal*, and can only be set up by

the parties or those claiming under them, *Den, Watson v. Kelly*, 1 *Harr.* 517. *Den, West v. Pine*, 4 *Wash. C. C.* 694. If the statute once begins to run, it runs over all subsequent disabilities, *Den, Clark v. Richards*, 3 *Gr.* 347. *DeKay v. Darrah*, 2 *Gr.* 288. *Den, Roberts v. Moore*, 3 *Wall, Jr.* 292. See *Lloyd v. Conover*, 1 *Dutch.* 48.

(c) Ejectment will not lie against a possessor of lands for twenty years, *Den v. Wright*, 2 *Hal.* 175. *Supra*, § 16 (a). Easements are acquired, *Carlisle v. Cooper*, 4 *C. E. Gr.* 256.

(d) *Bates v. Conrow*, 3 *Stock.* 137. A mortgage is presumed satisfied if nothing has been paid thereon for twenty years, or the mortgagee has not entered into possession, *Evans v. Huffman*, 1 *Hal. Ch.* 354. *Barned v. Barned*, 6 *C. E. Gr.* 245. See *Wanmaker v. Van Buskirk*, *Sax.* 685.

(e) Does not apply to a non-suit, *Twins v. Schooley*, 3 *Harr.* 270.

made, the benefit and suit whereof is or shall be limited or given to the party aggrieved, shall be brought or exhibited within the space of two years next after the offence committed or to be committed, or cause of action accrued, and not after; *provided always*, that where any action or information is or shall be limited by any statute to be brought or exhibited within a shorter time than is limited by this section, then the said action or information shall be brought or exhibited within such shorter time so limited by such statute.^(a)

Where forfeiture to county or township.
Ib. § 17.

22. That all actions or informations which shall be brought or exhibited for any forfeiture upon any penal statute, made or to be made, whereby the said forfeiture is or shall be limited to any county, township, or town corporate, or to any officer of such county, township, or town corporate, or to any person or persons for the use of such county, township, or town corporate, or to the use of the poor of such township or town corporate, either in whole or together with any other person or persons who may lawfully sue for the same, shall be brought or exhibited within one year next after the offence committed or to be committed, and not after; *provided always*, that where any action or information is or shall be limited by any statute to be brought or exhibited within a shorter time than is limited by this section, then the said action or information shall be brought or exhibited within such shorter time so limited by such statute.

II. Limitation of suits respecting titles to land.

An act for the limitation of suits respecting titles to land.

Passed June 5, 1787,

Rev. 80.

R. S. 652.

Sixty years possession good title.

WHEREAS the laws, now in force, for the limitation of suits respecting real estates, are found insufficient to answer the good purposes of quieting claims and securing titles—therefore,

23. SEC. 1. That sixty years' actual possession of any lands, tenements, or other real estate, uninterruptedly continued by occupancy, descent, conveyance or otherwise, in whatever way or manner such possession might have commenced, or have been continued, shall vest a full and complete right and title in every actual possessor or occupier of such lands, tenements, or other real estate, and shall be a good and sufficient bar to all claims that may be made, or actions commenced by any person or persons whatever, for the recovery of any such lands, tenements, or other real estate.^(b)

In what cases thirty years a bar.

24. SEC. 2. That thirty years' actual possession of any lands, tenements, or other real estate, uninterruptedly continued as aforesaid, wherever such possession commenced, or is founded upon a proprietary right duly laid thereon, and recorded in the surveyor general's office of the division in which such location was made, or in the secretary's office, agreeably to law, or wherever such possession was obtained by a fair *bona fide* purchase of such lands, tenements, or other real estate, of any person or persons whatever, in possession, and supposed to have a legal right and title thereto, or of the agent or agents of such person or persons, shall be a good and sufficient bar to all prior locations, rights, titles, conveyances, or claims whatever, not followed by actual possession as aforesaid, and shall vest an absolute right and title in the actual possessor and occupier of all such lands, tenements, or other real estate; *provided always*, that if any person or persons, having a right or title to lands, tenements, or other real estate, shall, at the time of the said right or title first descended or accrued, be within the age of twenty-one years, *feme covert*, *non compos*, imprisoned, or without the United States of America, then such person or persons, and his and their heir and heirs, may, notwithstanding the aforesaid times are expired, be entitled to his or their action for the same, so as such person or persons, or his or their heirs, commence or sue forth his or their action within five years after his or their full age, discovery, coming of sound mind, enlargement out of prison, or coming within any

Proviso.

^(a) *Boswell v. Robinson*, 4 Vr. 273.

^(b) *Wright v. Scott*, 4 Wash. C. C. 16.

of the United States, and at no time after; *and provided also*, that any citizen or citizens of this or any other of the United States, and his or their heirs, having right or title to any lands, tenements, or other real estate within this state, may, notwithstanding the aforesaid times are expired, commence his or their action for such lands, tenements, or other real estate, at any time within five years next after the passing of this act, and not afterwards.

Proviso.

25. SEC. 3. That any survey, made of any lands, within either the eastern or western division of the proprietors of the state of New Jersey, and inspected and approved of by the general proprietors, or council of proprietors of such division, and by their order or direction entered upon record in the secretary's office of this state, or in the surveyor general's office in such division, shall, from and after such record is made, preclude and for ever bar such proprietors and their successors from any demand thereon, any plea of deficiency of right or otherwise notwithstanding. (a)

Surveys inspected, etc., bar against proprietors.

26. SEC. 4. That if any person or persons, for the purpose of establishing the boundaries of lands between them, shall, by certificate under their hands and seals, executed in the presence of two or more subscribing witnesses, certify unto the clerk of the county or counties, wherein such line or partition shall lay, any lines, corners, and boundaries, as shall by them be allowed and acknowledged to be the true bounds betwixt their lands; and the said certificate, filed in said clerk's office, and recorded by said clerk in a book to be by him provided for that purpose, shall be as fully conclusive and binding to the parties so certifying, and their heirs and successors, as could have been done by deeds of quitclaim or in any other manner whatsoever.

Boundaries of lands between persons, how ascertained.

Supplement.

Rev. 104.

Passed November 28, 1789.

R. S. 653.

WHEREAS, there may be divers ancient surveys of land fairly made, which by the neglect of officers, or through some casualty, have not been put on record, and others, the records whereof have been destroyed by fire or lost; by reason whereof, and the natural decay of marked lines and corners, the ancient metes and bounds cannot be clearly ascertained but by testimony and reputation; and whereas it hath been found, on running the lines of divers such surveys, that they hold more, or extend farther than their strict length of chain, large measures having been formerly allowed, even by the proprietors, as an encouragement to location, of which avaricious persons do, or may take advantage against the owners and possessors of such lands, by confining their surveys to the net length of chain, thereby making vacancies of valuable improved parts, some whereon buildings are erected and made, and on causing surveys to be made of such overplus, have procured and may procure the same to pass the council of proprietors without legal notice, or due preference given to the possessors, who may have innocently supposed their title was indefeasible, or otherwise would have willingly resurveyed, covered, and secured the same; for remedy whereof in future,

Preamble.

27. SEC. 1. That no such newly made partial survey, now lying within the council of proprietors, or which may hereafter be returned to them, or made on any lands improved or unimproved within what has been usually taken and deemed to be the ancient reputed boundary of such lands, shall be recorded or be of any avail to the person so surveying, unless it shall be made to appear, by the testimony of at least two good and sufficient witnesses, that the possessor or possessors, holding such lands by survey, deed, or otherwise, had been duly notified, for the space of six months previous to the making of such survey, of the intention of doing thereof, and had refused or neglected to resurvey and cover such overplus lands. (b)

What surveys of no avail without previous notice to the possessor.

28. SEC. 2. That if the council of proprietors shall refuse or neglect to give the preference to any prior survey, legally made, or to the possessor or possessors of any tract of land, enabling such possessor or possessors to cover with rights, and secure such overplus lands, which may be found

Prior surveys to have preference, etc.

(a) *Arnold v. Mundy*, 1 Hal. 68. *Estell v. Bricksburg Land Co.*, 6 Vr. 235. *Den, Gardner v. Sharp*, 4 Wash. C. C. 609. (b) *Lippincott v. Souders*, 3 Hal. 161. *Den, McMurtrie v. McMurtrie*, 3 Gr. 277.

within their ancient bounds, on such possessor or possessors making a resurvey of his or their lands within six months after such legal notice as aforesaid, that it shall and may be lawful for such possessor or possessors, or any other person legally authorized on his, her, or their behalf, to cause a resurvey to be made, agreeably to the ancient reputed lines and boundaries, either by a deputy surveyor, or some other person understanding the art of surveying, and appropriate so many rights thereon as will be sufficient to include the overplus, which surveyor or person so surveying, being duly qualified before a justice of the peace of the county wherein the land may lie, that the survey, so by him made, is just according to the best of his knowledge, the same may be produced to the clerk of the county, who is hereby required, on the receipt thereof, to record the same in the book directed to be kept in the respective counties, by the act entitled "An act for the limitation of suits at law respecting titles to land," passed at Burlington the fifth day of June, seventeen hundred and eighty-seven, which survey so made and recorded, shall give such owner and possessor an absolute title in fee. (See SURVEYS).

To what cases this act shall not extend.

29. SEC. 3. That nothing in this act contained shall be construed or taken to authorize any person or persons to make any survey within the certain or reputed bounds of any survey, or resurvey made and entered on record agreeably to the said recited act, any large or overplus measure therein contained, notice as aforesaid given, deficiency of rights or other plea to the contrary notwithstanding.

Liquor.

1 Penalty for manufacturing, importing and vending adulterated liquors.

2. Penalty for making or vending adulterated malt liquors.

An act making it a criminal offence to manufacture or sell, or import already manufactured for sale, any adulterated or spurious liquors in the state of New Jersey.

P. L. 1871, p. 105.

Approved April 6, 1871.

Penalty for manufacturing, importing and vending adulterated liquors.

1. That if any person or persons shall manufacture or import already manufactured, or barter or sell, or keep in his possession for barter or sale, any rum, brandy, wine or spirits of any kind, or any other liquid of which distilled spirits shall form a component part, to be used as a beverage, that shall be adulterated or manufactured with spurious or poisonous ingredients of any description, the person or persons so offending shall be adjudged guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one thousand dollars, or imprisonment at hard labor for any term not exceeding two years, or both, at the discretion of the court.

Penalty for making or vending adulterated malt liquors.

2. That if any person or persons shall adulterate, mix, compound or poison any malt liquors, with intent to barter or sell the same, or to mix, compound or poison any malt, or vinous or spirituous liquors, the one with the other, or in any way whatever, or give, barter, or sell the same, with intent to make greater profit, or with intent to produce intoxication or stupefaction, every person or persons so offending shall be adjudged guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding five hundred dollars, or imprisonment at hard labor for any term not exceeding one year, or both, at the discretion of the court.