Aliens.

An act to authorize aliens to purchase and hold real estate in this state.

1. It shall and may be lawful for any alien, not being the subject of any state or power which shall be at the time of such purchase at war with the United States, to purchase lands, tenements, and hereditaments within this state, and to have and to hold the same to him or her and his or her heirs and assigns for ever, as fully, to all intents and purposes, as any natural-born citizen of the United States may or can do; (a) Provided always, That nothing in this act shall be so construed as to entitle any alien to be entitled to any office of trust or profit in this state, or to vote at any town meeting, or election of members of the senate and general assembly, or other officers, within this state, or for representatives in congress or electors of the president and vice president of the United States.

2. All purchases of lands, tenements, and hereditaments within this state, which may have been made by aliens before the passing of this act, shall be deemed and held as good and effectual, to all intents and purposes, as if the same had been made after the passing thereof.

3. Any alien or aliens, not being the subject of any state or power at war with the United States, to whom any lands in this state may have descended from any ancestor, either alien or not, since the twenty-second of January, eighteen hundred and seventeen, or would have descended, may or would hereafter descend, in case such person or persons claiming by descent were natural-born citizens of the United States, (c) or to whom any lands may have been, or may hereafter be devised, shall and may have and hold the same to him, her, or them, and his, her, or their heirs and assigns for ever, as fully, to all intents and purposes, as any natural-born citizen of the United States might, may, or can do.

An act empowering certain creditors to secure their debts by mortgage, and for other purposes therein mentioned.

Whereas it has been doubted whether an alien friend can secure debts due to himself from subjects of the state of New Jersey, by deed of mortgage of lands and tenements within this state, given and executed, or to be given and executed by any of the citizens or subjects of this state to such alien friend; and as the removing such doubts, and providing security for foreigners, the better to enable them to recover their debts at the day assigned for payment, will greatly conduce to promote and encourage trade, and increase the credit of the citizens of this state, therefore—

4. Sec. 1. The right, title, and claim of any alien friend or friends, his or their heirs, executors, administrators, or assigns, under any deed of mortgage of any lands, tenements, or real estate, lying and being within the state of New Jersey, granted or made to such alien or aliens, at any time before or after publication hereof, shall not be defeated merely upon pretense of alienism in the grantee or mortgagee, grantees or mortgagees; but that such right, title, and grant, by mortgage, shall be adjudged to be


(b) An alien has no right to vote at an election held in a school district, to alter the district. State v. Decker, 1 Delt. 377.

(c) The children, born in this country, of an alien, who purchased while he was an alien enemy, before January 24th, 1817, and continued to hold after that period and after he became an alien friend, may inherit his estate. Yeo v. Merrorean, 4 Hes. 207. But see Delg. Capone v. McKee, 4 Zeb. 566.
good in the mortgagee or mortgagees, his and their heirs, executors, administrators, and assigns, the plea or pretense of alienism in such case notwithstanding.

5. Sec. 2. All and every person or persons, his or their executors, administrators, or assigns, being alien friends or friends, shall and may hereafter lawfully commence and prosecute any action or actions, suit or suits, in any court or courts of law or equity in this state, upon any deed or deeds of mortgage of any lands, tenements, or real estate, lying and being within this state, as fully, freely, and effectually, to all intents and purposes, as if such mortgagee or mortgagees, his or their executors, administrators, or assigns, had been naturalized or natural-born subjects.

An act respecting aliens. Passed November 27, 1822.

6. That from and after the passing of this act, all aliens in this state, who have been in the United States for a less term than five years, be and they are hereby exempted from the performance of common militia duty.(a)

An act relative to alien passengers arriving in this state. Passed February 19, 1836.

7. Sec. 1. From and after the first day of April next, the corporate authorities of any city or township in this state shall be, and are hereby authorized to impose and collect from the master, owner or owners, agent or consignee of any and every ship or vessel, arriving from any country out of the United States, at any such city or township, with alien passengers, a sum not less than one dollar, and not exceeding ten dollars, for each and every alien passenger, brought in said ship or vessel as aforesaid; provided, where the boundaries of any city or town are coextensive with the boundaries of any township, that then and in that case the powers conferred by this act shall vest in and be exclusively exercised by the corporate authorities of such city; and provided also, where the boundaries of any city are included within, and not coextensive with, the boundaries of any township, and any such ships or vessels should arrive at any such city, then, and in that case, the powers conferred by this act shall vest in and be exercised exclusively by the corporate authorities of such city.

8. Sec. 2. It shall be the duty of the master or commander of every ship or vessel so arriving, within twenty-four hours thereafter, and before any passenger or passengers are permitted to land from on board said ship or vessel, to furnish to the president, mayor, or chief officer of any such city, or the clerk of any such township, or such person as the corporate authorities of any such city or township may respectively designate, a full and correct list of all the passengers arriving in his vessel, with the name, age, occupation, and place of birth of each and every passenger, under the penalty of five hundred dollars.

9. Sec. 3. No passenger shall be permitted to land from on board any ship or vessel arriving as aforesaid, without permission from the corporate authority of any such city or township, under the penalty of fifty dollars for each and every passenger so landed.

10. Sec. 4. In case any alien passenger arriving as aforesaid, and land by authority and permission of the corporate authority of any such city or township, is or shall become sick, infirm, or otherwise incapable of providing for his or her own maintenance, then it shall be the duty of such city or township to provide for the maintenance and support of the said sick or infirm passenger, so long as he or she shall remain incapable of providing for his or her own maintenance.(b)

11. Sec. 5. The aforesaid penalties shall and may be sued for and recovered, with full costs of suit, by action of debt, in any court having cognizance thereof, in the corporate name of any such city or township in this state, where the penalty or forfeiture may have accrued; and that the defendant or defendants, in every such suit, may be held to special bail; and that it shall and may be lawful for the corporate authority of

(a) An alien having his domicile in this state, is not exempt from taxation for military purposes. State, Becket v. Collector of Brodhead, 2 Pr. 192.

(b) The overseer of the poor, if he permits such passengers to land, is bound to provide for them, and may bind the township without a special order of a justice of the peace. Perth Amboy adn Smith, 4 Har. 92.
any such city or township to compound for said penalties, or either of
them, either before or after suing for the same, upon such terms as they
may think proper.

12. Sec. 6. Nothing contained in this act shall be construed to impair,
or in any wise counteract, the full force and execution of the powers
already vested in the corporate authorities of any such city or township,
by their charters or acts of incorporation, or any supplements thereto.

Amendments.

An act respecting amendments and jeofails.

Passed November 21, 1794.

1. By the misprision of a clerk, no process shall be annulled or discontin-
tued by mistake in writing a syllable or a letter, too much or too
little; but as soon as such misprision is perceived, by challenge of the
party, or in other manner, it shall be instantly amended in due form,
without giving advantage to the party challenging the same; and the
court, before whom such plea or record is made, or shall be depending, as
well by adjournment as by way of error, shall have full power, both after
and before judgment given therein, to amend such record or process, as
long as the same is before them.

2. For error assigned, or to be assigned, in any record, process, warrant
of attorney, writ original or judicial, panel, or return, because there are
any rasures or interlinearations, or any addition, subtraction, or diminution
of words, letters, or titles, or parcel of letters, in any such record, process,
warrant of attorney, writ, panel, or return, no judgment or record shall
be reversed or annulled.

3. The court in which any record, process, declaration, count, plea,
warrant of attorney, writ, panel, or return, is or may be, shall, while the
same remains before them, have power to examine such record, process,
declaration, count, plea, warrant of attorney, writ, panel, or return, by
them and their clerks, and to rectify and amend, in affirmation of the
judgment of such record or process, whatever to them, in their discretion,
shall seem to be the misprision of the clerk, in such record, process,
declaration, count, plea, warrant of attorney, writ, panel, or return; so that, by
such misprision of the clerk, no judgment shall be reversed or annulled.

4. If any record, process, declaration, count, plea, warrant of attorney,
writ, panel, or return, be certified defective, otherwise than according to
the writing which thereof remains in the office, court, or place from
whence the same is certified, the parties, in affirmation of the judgment of
such record or process, may allege that the same writing is variant from
the said certificate, and that being found and certified, the said variance
shall be, by the said court, rectified and amended according to the first
writing.

(a) In an action on a bond with special condition and
verdict not entered for the penalty, judgment was sus-
pended until amendment could be made. Webb v. Phil. 1 South, 707. (b) So in debt on bail bond. Hunt v. Allen, 2
Coh. 203. A non-suit granted at the circuit for a variance
caused by mistake in copying the record, will be set aside
Webb v. Phil. 1 South, 707. (b). In taking up the record the clerk
omitted the notice and returned to a plea of the general issue.
A motion to amend was denied, because such notice forms
no part of the record. Stearns v. Schenck, 3 N.Y. 450. See
Stot v. Atkins, 3 Dutch, 617. (b)

(b) After joint error in record, neither party can allege dimen-
tion, yet the court may award a certiorari to supply any
defect in the body of the record, or in its out branches.
Hillard v. Rampage, 3 Gr. 138. So a ca. au. and R.F. may
be read after their return. Allen v. Craig, 2 Gr. 112. A court
of error will upon motion amend the record sent up, in
matters of form or clerical mistakes, but not in mat-
ters of substance. But it will permit the court below to
amend the record in matters of substance, and will for that
purpose, upon motion made, allow the court below to certify as to the matter alleged, even after argu-
ment. Apper v. Hiller, 2 Rob. 363. Where the sessions for a
defect in their return to a certiorari, made another re-
turn, a rule was taken to amend such second return for
ambiguity. Steele v. Hunt, 1 Rob. 363. See Shippard v. Miller,
Carr 62. The supreme court cannot compel the sessions to
state the case, nor receive affidavits to prove that they have
acted improperly. Newton v. Gloucester, 1 Rob. 610. The
exemption of an indictment may be so amended. Nicholls v.