

Demand and refusal when necessary that plaintiff may recover damages and costs.

R. S. 116, § 17.

Costs assessed on replevin bonds. Id. § 18.

If sheriff, &c., absconds, &c., bond assigned by his successor.

P. L. 1849, p. 311. Amended.

Writs of second deliverance abolished.

Repealer.

28. In cases where the property has been delivered to the plaintiff by the officer, if the defendant does not appear and make defence, but suffers judgment to be entered by default, there shall be no judgment for damages or costs, except in case of a demand being made in writing before the commencement of the action, and the refusal of the defendant to deliver the property in pursuance thereof; and in such case the plaintiff shall be at liberty to suggest the facts upon the record, and instead of taking judgment by default, may enter a discontinuance of the action without costs.

29. In actions upon replevin bonds, the costs taxed in the original action shall be included as part of the damages to be assessed therein.

30. When any sheriff or coroner shall have taken any bond by virtue of this act, and such sheriff or coroner shall die, abscond or remove out of this state before assigning such bond, it shall be lawful for any successor in office of such sheriff or coroner, by order of the court in which the action was brought, to assign such bond in writing, under his hand and seal, to the party entitled to the same, or to his lawful representatives, who are hereby authorized, if the said bond shall become forfeited, to bring an action and recover thereon in his or their own names.

31. Writs of second deliverance be and they are hereby abolished.

32. The sixth section of the act entitled "An act for the better regulation of actions of replevin," approved April fifteenth, one thousand eight hundred and forty-six, and all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

## Reports.

1. Law and chancery reports to be printed in numbers.
2. To be printed at expense of reporter.
3. Size of volume.
4. Copies delivered to treasurer to be bound by state.
5. Time within which opinions shall be filed.
6. Reports how designated.
7. Manner of binding and lettering.
8. Each volume to contain a list of previous reports.
9. Annual salary of reporters.
10. Distribution of copies by state treasurer.
11. Repealer.
12. Treasurer to purchase copies of law reports that may be reprinted.
13. Payment for such reports.
14. Treasurer to purchase copies of equity reports that may be reprinted.
15. Payment for same.

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

P. L. 1877, p. 34.

Approved February 28, 1877.

Law and chancery reports to be printed in numbers.

1. That it shall be the duty of the law and chancery reporters of this state to cause the reports of the judicial opinions of their respective courts to be printed in numbers, one for each term of their respective courts, without waiting until sufficient opinions shall have accumulated to make a volume of six hundred pages; that the chancery reporter shall cause the printer to commence to print each number of his reports within thirty days after the delivery of the opinions at each regular term of the court of chancery, and shall continue the same with all convenient speed until all opinions of said term are printed, and shall add at the end of such number all opinions on appeals from chancery delivered at the next ensuing term of the court of errors and appeals; and the law reporter shall cause the printer to commence to print each number of his report within thirty days after the delivery of the opinions at each regular term of the supreme court, and shall continue the same with all convenient speed until all the opinions of such term are printed, and shall add at the end of such number all opinions on writs of error delivered at the next ensuing term of the court of errors and appeals.

Time within which reports shall be printed.

To be printed at the expense of the reporters.

2. That said reports shall be printed by said law and chancery reporters, respectively, at their own expense, upon good paper to be approved by the secretary of state; and whenever a number of said reports shall be printed, the said reporters shall, each, deliver to the state treasurer

three hundred copies thereof, for which the treasurer shall pay each reporter per number, such sum as shall be fixed by the chancellor and chief justice of the supreme court.

3. That not less than three numbers of said reports shall be necessary to make a volume of reports; *provided*, that each volume shall contain six hundred pages. Size of volume.  
Proviso.

4. That it shall be the duty of the treasurer to cause the said numbers, when sufficient to make a volume, which shall be delivered to him by said reporters, respectively, to be bound at the expense of the state, in good and substantial law binding in the manner prescribed by this act. Copies delivered to treasurer to be bound at expense of the state.

5. That it shall be the duty of the chancellor, the judges of the supreme court and of the court of errors and appeals, to file all opinions delivered by them in the office of the clerks of their respective courts, within twenty days after the delivery of such opinions, and the said clerks shall within twenty days after such opinions are filed make and deliver to the reporters of said courts, fair and legible copies thereof, for which they shall be paid by the state treasurer the sum of eight cents per folio, upon their respective accounts being audited by the comptroller. Time within which opinions shall be filed.  
  
Copies to be made for the reporters.

6. That the reports of cases required by law to be published by the law reporter shall be designated by the name of "New Jersey Law Reports," the first volume of which shall be called and numbered as volume one, and subsequent volumes thence consecutively in order; and the reports of cases required by law to be published by the chancery reporter, shall be designated by the name of "New Jersey Equity Reports," the first volume of which shall be called and numbered as volume one, and subsequent volumes shall be numbered thence consecutively in order. Reports how designated.

7. That in binding said reports, the backs shall be divided into five spaces, in such manner as to make the volumes uniform in size and appearance, as near as may be; that the second space from the top shall be covered with morocco colored red, and thereon shall be printed in gilt letters the names aforesaid, respectively; that on the next lower space shall be stamped or imprinted in black, the number of the volume in figures; and that the next shall be covered with morocco colored black, and thereon shall be printed in gilt letters, the name of the respective reporter, and also the figures indicating the number of each volume of his reports. Manner of binding and lettering

8. That on a fly leaf of each volume of law and equity reports hereafter to be published, shall be printed a list of all the previous reports published in this state, designating which are equity and which are law reports. Each volume to contain a list of previous reports.

9. That the law and chancery reporters shall each be entitled to receive an annual salary at the rate of five hundred dollars, to be paid in the manner now provided by law. Annual salary.

10. That the state treasurer shall, on the receipt of said reports, after retaining one copy for himself, cause the residue to be distributed under the direction of the governor, as follows: to the governor of this state, two copies; to each member of the legislature, one copy; to the state librarian, to be deposited in the state library, twenty copies; to the department of state of the United States, for the congressional library, four copies; to the governor of each state and territory in the United States, one copy; to each senator and representative in congress from this state, one copy; to the chancellor of this state and each judge of the supreme court and court of errors and appeals, one copy; to the secretary of state, clerk of the supreme court, clerk in chancery, and attorney-general, for their respective offices, each one copy; to each county clerk and surrogate in this state, for their respective offices, one copy; to the New Jersey lunatic asylum and state prison, each one copy; to the librarian of the New Jersey historical society, for the use of said society, one copy; to the librarian of each incorporated college, the Burlington library, and the Newark library association, for the use of their respective libraries, each one copy; to each incorporated library association in this state which has a law library at the county seat of the county in which the same is located, one copy; the remainder to be reserved, subject to the order of the legislature. Distribution of copies by the state treasurer.

Repealer. . . 11. That all acts relative to the publication of the chancery and law reports and to the compensation and duties of the law and chancery reporters, and all other acts inconsistent with the provisions of this act, be and the same are hereby repealed.

**An act relative to the law reports of New Jersey.**

P. L. 1872, p. 70.

Approved April 4, 1872.

Treasurer to purchase copies of law reports that may be reprinted. 12. SEC. 1. That whenever any of the law reports of this state shall be reprinted, it shall be lawful for the state treasurer to purchase two hundred copies of such reports at the same price, and to be distributed in the same manner as the law and chancery reports are now purchased, paid for and distributed.

Proviso. [Proviso repealed by act of March 27, 1874, (P. L. 1874, p. 134)].

Payment for such reports. 13. SEC. 2. That the state treasurer shall pay for such reports, on the delivery thereof, out of any moneys in the treasury of this state not otherwise appropriated, and that this act shall take effect immediately.

**An act relative to the equity reports of New Jersey.**

P. L. 1873, p. 11.

Approved January 29, 1873.

Treasurer to purchase copies of equity reports that may be reprinted. 14. SEC. 1. That whenever any of the equity reports of this state shall be reprinted, it shall be lawful for the state treasurer to purchase two hundred copies of such reports in the same form, at the same price, and to be distributed in the same manner as the law and equity reports are now purchased, paid for and distributed; *provided*, that such reports shall be published under the direction and supervision of such person as the chancellor may appoint.

Payment for such reports. 15. SEC. 2. That the state treasurer shall pay for such reports on the delivery thereof to him out of any moneys in the treasury of this state not otherwise appropriated, and that this act shall take effect immediately.

**Riots.**

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| 1. Proclamation to be made among rioters commanding them to disperse. | 6. How collected.                            |
| 2. Rioters to be apprehended.   | 7. When no recovery.                         |
| 3. Opposing the making proclamation punished.                         | 8. Actions against rioters also.             |
| 4. Riotously continuing together an hour after proclamation punished. | 9. Limitation of actions.                    |
| 5. Compensation for damages by riots.                                 | 10. City or county may agree with claimant.  |
|   | 11. City or county may recover from rioters. |

R. S. 597.

**An act to prevent routs, riots and tumultuous assemblies.**

P. L. 1864, p. 237.

Revision—Approved March 27, 1874.

Proclamation to be made among rioters, commanding them to disperse. 1. That from and after the publication of this act, if any persons, to the number of twelve or more, being armed with clubs, guns, swords, or other weapons, or if any number of persons, consisting of thirty or more, shall be unlawfully, routously, riotously, or tumultuously assembled, any justice of the peace, sheriff, under-sheriff, or constable of the county, where such assembly shall be, shall, among the rioters, or as near to them as he can safely come, command silence, while proclamation is making, and shall, openly and with a loud voice, make, or cause to be made, proclamation in these or the like words:

R. S. 597, § 1. State of New Jersey. By virtue of an act of this state, entitled "An act to prevent routs, riots and tumultuous assemblies," I am directed to charge and command all persons, being here assembled, immediately to disperse themselves and peaceably to depart to their habitations, or to their lawful business, upon the pains and penalties contained in the said act. God save the state.

Form of proclamation. And all justices of the peace, sheriffs, under-sheriffs, and constables, within the limits of their respective jurisdictions, are hereby authorized,

Justices, etc., to make proclamation.