

ADDENDA.

Collusive Judgments.

1. Reversioner may defend suit.
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, etc., of dower void.
8. What, if made with subsequent husband.
9. Of recovery with assent of heir, etc.
10. Alienation by tenant by the curtesy.
11. When nonage not to delay suit.
12. Writ of error, restitution, etc.

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

Rev. 346.

R. S. 631.

Passed March 2, 1798.

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 may defend against tenant for life or years.

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.

Reversioner not to be prejudiced by certain acts of tenant.

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.

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

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 found that such entry was by judgment upon default of her husband, then, if required, he shall answer thereto, and in such answer show his right to the said land in the same manner as in the writ which he first took out against the husband and wife, and if he verify such right, then she shall gain nothing by her writ, otherwise she shall recover.

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

5. That if in any suit against the husband and wife, for lands of the wife, the husband absent himself, or will not defend his wife's right, or against the wife's consent will render the said lands, then the wife may come at any time before judgment, and defend her right, without her husband.

Feme covert may defend her right without her husband.

Conveyance by a husband alone, of his wife's lands, not to prejudice her or her heirs.

6. That no feoffment, fine or other act or acts, which shall be made, suffered or done by the husband only, of any lands, tenements or hereditaments, being the inheritance or freehold of his wife, during the coverture between them, shall work any discontinuance thereof, or prejudice or affect the said wife or her heirs, or such as shall, by her death, have right, title or interest to the same; but the said wife, or her heirs, or such other person, to whom such right shall appertain after her decease, may, after the death of the said husband, lawfully enter into such lands, tenements and hereditaments, and hold and enjoy the same according to his, her or their rights and titles therein, any such feoffment, fine or other act or acts to the contrary notwithstanding.

Alienations by a woman, when sole, of her dower or estate for life in lands of her husband, and recoveries of the same by covin, to be void.

7. That if any woman, who hath or shall have an estate in dower, or for term of life, jointly with her husband, or only to herself, or to her use, in lands, tenements or hereditaments, of the inheritance or purchase of her husband, or given to the husband and wife for term of life, by any ancestor of the husband, or by any other person, seized to the use of the husband or of his ancestors, shall, when sole, discontinue, or alien the same, with or without warranty, or shall suffer any recovery thereof by covin against her, them, or any of them, or any other seized to their use, or to the use of any of them as aforesaid, then all such discontinuances, alienations and recoveries shall be utterly void and of no effect; and it shall be lawful for the person to whom, after the decease of such woman, the interest, title or inheritance of the said lands, tenements or hereditaments, do or shall belong, immediately after such discontinuance, alienation or recovery, to enter upon, possess and enjoy the said lands, tenements or hereditaments, according to such title and interest, as the said person should have had in the same, if such woman had been dead, and no discontinuance, alienation or recovery had been made or suffered.

If a woman with any subsequent husband make such alienation or recovery, then the person to whom the inheritance belongs may immediately enter.

8. That if any woman, who hath or shall have an estate in dower, or for term of life jointly with her husband, or only to herself, or to her use, in lands, tenements or hereditaments, of the inheritance or purchase of her husband, or given to the husband and wife for life, by any ancestor of the husband, or by any other person, seized to the use of the husband or of his ancestors, shall, with any after taken husband, make or suffer any such discontinuance, alienation or recovery, as is mentioned in the preceding section, then it shall be lawful for the person to whom, after the decease of the said woman, the said lands, tenements or hereditaments do or shall belong, to enter immediately after such discontinuance, alienation or recovery, into the said lands, tenements or hereditaments, and them to possess and enjoy during the life of such husband, according to such title and interest as the said person should have had in the same, if such woman had been dead, and no discontinuance, alienation or recovery had been made or suffered; but in such case the said woman may, if she survive such after taken husband, enter into, possess and enjoy the said lands, tenements or hereditaments, according to her first estate in the same.

But the woman, if she survive, may re-enter.

This act not to extend to any recovery with the assent of the heir or reversioner.

9. *Provided always*, that this act shall not extend to any recovery or discontinuance, which shall be suffered or made with the heirs next inheritable to the said woman, or where the person or persons, who next after her death should have an estate of inheritance in the said lands, tenements or hereditaments, shall assent or agree to the said recovery, if such assent or agreement be of record; *and provided also*, that it shall be lawful for every such woman, being sole or married, after the death of her first husband, to give, sell or make discontinuance of such lands, tenements or hereditaments, for term of her life only, after the course of the common law.

Conveyances made by such woman for the term of her life, good.

Alienation by tenant by the curtesy not to bar the issue of the inheritance of their mother.

10. That if a man shall alien any lands or tenements, which he may hold by the curtesy, neither his children nor the issue of his children, shall be barred, by his deed, from recovering the same of the seizin of their mother, although in such deed of their father there be a clause, that he and his heirs are bound to warranty; and in like manner, the heirs of the wife shall not, after the death of their father and mother, be barred, by the deed of their father, from recovering the inheritance of their mother, which he aliened in her lifetime.

11. That the suit of the woman, or his heirs, after the death of her husband, for lands or tenements aliened by the husband, shall not be delayed by the nonage of the heir or heirs, who ought to warrant.

In such case nonage not to delay suits brought by the woman or her heirs.

12. That if tenant for term of life, or in dower, or by the curtesy, be impleaded, and judgment given against him or her for the lands or tenements, then the person or persons, to whom the reversion or remainder of the same belongs, at the time of such judgment, his, her or their heirs or successors, may have writ of error, if error be found in the record of such judgment, as well in the lifetime of the said tenant, as after his or her death; and if such judgment be reversed, the tenant, if living, shall be restored to his or her possession of the said lands or tenements, and the party prosecuting such writ of error to the arrearages of rent for the same; and if such tenant be dead at the time of the judgment given on such writ of error, then restitution of the said lands or tenements shall be made to the party prosecuting the said writ, together with the arrearages of rent; *provided always*, that if the party prosecuting the said writ of error allege, that the judgment first obtained against such tenant was by covin or assent, then restitution shall be made to the party prosecuting the said writ, with arrearages, although the said tenant be living; but in such case, the said tenant may have a *scire facias* against the party plaintiff in error, if he will deny and traverse the covin or assent aforesaid, and not otherwise.

The reversioner or remainderman may have writ of error on judgment against tenant for life in dower or by curtesy.

But if the first judgment was by covin, restitution shall be made to the plaintiff in error.

Officers.

An act to provide compensation to the state directors of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies.

Approved March 4, 1847.

1. That the directors, on the part of the state, of the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies, shall each be entitled to receive three dollars per day for each day they may be so employed in the discharge of their duties.

P. L. 1847, p. 174.
Compensation of state directors.

