

Persons claiming same to make claim under oath.

5. SEC. 3. That any person or persons claiming to be the owner or owners of any drift lumber or boards found in any of the rivers aforesaid, or his or their agent, shall, at the time of making claim thereto, if thereunto required by the person having taken up and secured the same, verify said claim by his oath or affirmation, to be taken before any officer of this state, now qualified by law to administer oaths and affirmations; and any person making a false claim to such lumber or boards under his oath or affirmation, shall be deemed guilty of the crime of perjury, and, on conviction thereof, shall be subject to all the forfeitures and punishment with which such crime is punishable in this state.

[Sec. 4 repealed. See CRIMES, Sec. 107.]

Persons presenting claim and paying compensation to have possession of lumber.

6. SEC. 5. That any person or persons, his, her or their agent, upon presenting to the person having taken up any drift lumber or boards, as aforesaid, a written claim thereto, verified by oath or affirmation in manner aforesaid, and paying the compensation for having saved the same, provided by the first section of this act, together with the expenses of having advertised the same, shall be entitled to the immediate possession thereof, and, as against the person or persons having taken up such lumber or boards, such claim, verified as aforesaid, shall be, in all courts of this state, conclusive evidence of title; *provided*, that nothing in this section contained shall be so construed as in any wise to affect the title to the said lumber or boards, as between such claimant and any other claimant of the same.

Supplement.

Approved March 20, 1857.

P. L. 1857, p. 365.

Provision of act extended to all rails, posts, boats, &c., adrift.

7. SEC. 1. That the provisions of the act to which this is a supplement, shall be extended to all rails, posts and other valuable lumber, boats, scows, skiffs, barges or other craft which may be found adrift, or lodged on the land of any person or persons; *provided*, that the compensation for securing any boats, skiffs, scows, barges or other craft, shall be one dollar for each boat, scow, skiff, barge or other craft.

Titles.

1. Bill in chancery may be maintained to settle title to lands.
2. Ticket issued with subpoena to state object of suit.
3. No decree for costs against defendant suffering decree *pro confesso* against him.
4. Answer of defendant claiming any estate, what to specify.
5. On application of either party, an issue at law may be directed.
6. Final decree to settle rights of all parties.
7. Issue concerning title to lands may be tried in county other than that in which lands are situate.
8. Claimants of lands may bring suit in chancery to prove their title.
9. Proceedings by attorney-general to quiet title to lands under waters of this state.

An act to compel the determination of claims to real estate in certain cases, and to quiet the title to the same.

P. L. 1870, p. 20.

Bill in chancery may be maintained to settle title to lands.

Approved March 2, 1870.

1. That when any person is in peaceable possession of lands in this state, claiming to own the same, and his title thereto or to any part thereof is denied or disputed, or any other person claims, or is claimed to own the same or any part thereof, or any interest therein, or to hold any lien or incumbrance thereon, and no suit shall be pending to enforce or test the validity of such title, claim or incumbrance, it shall be lawful for such person so in possession to bring and maintain a suit in chancery to settle the title of said lands, and to clear up all doubts and disputes concerning the same; the bill of complaint in such suit shall describe the lands with certainty, and shall name the person who claims, or is claimed or reputed to have such title or interest in, or incumbrance on said lands, and shall

call upon such person to set forth and specify his title, claim or incumbrance, and how and by what instrument the same is derived or created. (a)

2. That with the subpoena in such suit, there shall be issued a ticket to each defendant, describing the lands with precision, stating the object of the suit, and that if the defendant claims any title or interest to, or incumbrance upon said lands, he is required to answer said bill, but not otherwise.

Ticket issued with subpoena to state object of suit.

3. That no decree for costs shall be had in such suit against any defendant who suffers a decree pro confesso against him, or who shall answer disclaiming all title to, interest in, or incumbrance on said lands; but this court shall, in such cases, without further proof, decree that such defendant has no estate or interest in, or incumbrance on said lands, or any part thereof; and any defendant who shall by answer, duly verified by oath, deny that he claims or ever has claimed, or pretended to have any estate, interest or incumbrance, in or upon said lands, or any part thereof, shall be entitled to his costs in said suit.

No decree for costs to be had against defendant suffering decree pro confesso against him.

4. That if any defendant shall answer claiming any estate, or interest in, or incumbrance on said lands or any part thereof, he shall in such answer specify and set forth the estate, interest or incumbrance so claimed, and if not claimed in or upon the whole of said lands, he shall specify and describe the part in or upon which the same is claimed, and shall set out the manner in which, and the sources through which such title or incumbrance is claimed to be derived.

Answer of defendant claiming any estate, what to specify.

5. That upon application of either party, an issue at law shall be directed to try the validity of such claim, or to settle the facts, or any specified portion of the facts upon which the same depends, and the court of chancery shall be bound by the result of such issue, but may, for sufficient reasons, order a new trial thereof, according to the practice in such cases; and when such issue is not requested, or as to the facts for which the same is not requested, the court of chancery shall proceed to inquire into and determine such claims, interest and estate, according to the course and practice of that court; and shall, upon the finding of such issue, or upon such inquiry and determination, finally settle and adjudge whether the defendant has any estate, interest or right in, or incumbrance upon said lands, or any part thereof, and what such interest, estate, right or incumbrance is, and in or upon what part of said lands the same exists.

On application of either party an issue at law may be directed.

6. That the final determination and decree in such suit, shall fix and settle the rights of the parties in said lands, and the same shall be binding and conclusive on all parties to the suit; but if any defendant to such suit, shall, either at the time of the decree pro confesso against him, or at the final decree, be an infant or non compos mentis, such party, his heirs or assigns, at any time within two years after the termination of such disability, may appear in said suit, and apply for a rehearing, and thereupon such decree shall be opened as against such party, and the cause may proceed as if no decree had been made in the same against him.

Final decree to settle rights of all parties.

Supplement.

Approved March 23, 1863.

P. L. 1863, p. 219.

7. SEC. 1. That when an issue at law has been or shall be directed in any cause arising under the act to which this is a supplement, as provided in the fifth section thereof, it shall be lawful for such issue to be tried in a county other than that in which the lands in dispute are situate, whenever it is so ordered by the order directing such issue, or by any other order made by the chancellor in such cause.

Issue concerning title to lands may be tried in county other than that in which lands are situate.

(a) The following cases relate to proceedings under this act: *Powell v. Mayo*, 9 C. E. Gr. 178, 11 C. E. Gr. 120. *Havens v. Thompson*, 8 C. E. Gr. 321, 325. *Holmes v. Chester*, 11 C. E. Gr. 79. *Jersey City v. Lemback*, 4 Stew. 255. *Southmayd v. City of Elizabeth*, 2 Stew. 208, 650. *Sutphin v. City of Trenton*, 4 Stew. 468. *McClave v. City of Newark*, 4 Stew. 472. *Cleveland v. Essex Public Road Board*, 4 Stew. 474. *Smith v. City of Newark*, 5 Stew. 1, 6 Stew. 545. *Ludington v. City of Elizabeth*, 5 Stew. 158. *Bel-lous v. Wilson*, 5 Stew. 481. *Kana v. Balton*, 9 Stew. 21. *Field v.*

West Orange, 12 Stew. 60. *Watson v. Jeffrey*, 12 Stew. 62. *Nixon v. Walter*, 14 Stew. 103. *Monighaff v. Sayre*, 14 Stew. 113. *Sheppard v. Nixon*, 16 Stew. 627. *Swayze v. Hackestown National Bank*, 17 Stew. 9. *New Jersey Zinc and Iron Co. v. Morris Canal and Banking Co.*, 17 Stew. 398. *Beale v. Blake*, 18 Stew. 668. *Scott v. Yard*, 1 Dick. 79. *Brick v. Burr*, 2 Dick. 189. *Whitlock v. Greacen*, 3 Dick. 359. *Yard v. Ocean Beach Association*, 4 Dick. 306. *Albro v. Dayton*, 5 Dick. 574.

Supplement.

P. L. 1891, p. 323.

Claimants of
lands may bring
suit in chancery
to prove their title.

Approved April 4, 1891.

8. SEC. 1. That when any person or corporation shall have heretofore been or shall hereafter be in peaceable possession of lands in this state, claiming to own the same, and shall have heretofore caused or shall hereafter cause a map to be made and filed according to law, dividing the said lands into lots and laying out and dedicating streets upon said lands, and shall have heretofore sold and conveyed or shall hereafter sell and convey said lots, or any of them, then and in such case, and to avoid a multiplicity of suits, it shall be lawful for such grantor as aforesaid, in his or its own name, to bring and maintain the suit in chancery authorized and prescribed in the act to which this is a supplement, notwithstanding such conveyance or conveyances; and no suit in chancery which has heretofore been brought or shall hereafter be brought by any such grantor as aforesaid shall be dismissed for the cause that the complainant in such suit had aliened the said lots of land, or any of them, before bringing such suit; but, for the purposes of such suit, the title and possession of the grantees of the said lots shall be deemed and taken to be the title and possession of the complainant in such suit.

Joint resolution in relation to sale of lands by the East Jersey proprietors.

P. L. 1881, p. 310.

Proceedings by
attorney-general
to quiet title to
lands under
waters of this
state.

Approved March 17, 1881.

9. SEC. 1. That in order to ascertain and quiet the title and rights of all parties and persons who have purchased, leased or acquired any lands under the waters or rivers of this state, by virtue of the authority of any of the enactments of the legislature of this state, and to ascertain and secure to such persons or parties the enjoyment of the same and the products thereof, against any alleged claim or attempted sale thereof by the board of proprietors, or their representatives, agents or agent, either heretofore or hereafter, and in order to restrain and prohibit all and every person or persons or association or board of proprietors from interfering with the right and property of the state of New Jersey, and of any person or persons enjoying possession of any part of the same, by authority of any of the acts of the legislature of this state, in said waters, and in said lands under or adjacent to said waters, and the products thereof, and from doing or to do any act which will in any way cast any cloud on the title of the state or of any of such other persons or parties having, or lawfully or equitably claiming any right or title or property therein, by lease, deed or contract of any kind from the state; the attorney-general of this state is hereby authorized and required, in the name of the state of New Jersey, and at the expense of the state, speedily to institute and prosecute, in the proper court or courts, such proceedings as he may deem necessary and proper to accomplish the objects and purposes above set forth, against the board of proprietors, their representatives or agents or any of them, who have attempted or may attempt to enforce any such sale or conveyance of, in or to any of said lands, or the products thereof, and as will determine and secure to the state of New Jersey, and to the proper respective parties rightfully and lawfully claiming by deed, lease or contract under, by, through or with the state of New Jersey, title or property in said waters and the lands and products aforesaid, or any part of the same, the full and perfect title and enjoyment and use of the same.