

In Chancery of New Jersey.

BETWEEN

RICHARD P. THOMPSON, Esquire, Attorney General of New Jersey, at the relation of "The Board of Chosen Freeholders of the County of Bergen," "The inhabitants of the Township of Saddle River, in the County of Bergen," John G. Van Ryper and George Van Ryper and "The Board of Chosen Freeholders of the County of Bergen," the inhabitants of the Township of Saddle River, in the County of Bergen, George Van Ryper and John G. Van Ryper, *Complainants*,

*Bill and
Information.*

AND

THE PRESIDENT AND COUNCIL OF THE CITY OF PATERSON, *Defendants*,

To the Honorable BENJAMIN WILLIAMSON, Chancellor of the State of New Jersey :

Informing, sheweth unto your honor, Richard P. Thompson, Esquire, Attorney General of the State of New Jersey, in behalf of the said State, and by and at the relation of "The Board of Chosen Freeholders of the County of Bergen," "The inhabitants of the Township of Saddle River, in the County of Bergen," John G. Van Ryper and George Van Ryper, in behalf of themselves and others, owners of lands and houses and other real estate in the Township of Saddle River, in the County of Bergen, and also of other residents of the said County of Bergen; And, also, humbly complaining, shew unto your honor your orators "The Board of 10 Chosen Freeholders of the County of Bergen," "The inhabitants of the Township of Saddle River in the County of Bergen, John G. Van Ryper, and George Van Ryper, in behalf of themselves and others, as aforesaid, that by an act of the Legislature of the State of New Jersey, entitled "An Act to incorporate the city of Paterson," approved the nineteenth day of March, in the year of our Lord, one thousand eight hundred and fifty-one, the inhabitants of all that part of the County of Passaic embraced within the limits of the township of Paterson were made and constituted a body politic and corporate in fact and in name by the name of "The 20

President and Council of the City of Paterson," and it was by the said Act, amongst other things, enacted that it should be lawful for the said Council to lease or cause to be erected conjointly with any other township or townships in the County of Passaic, or alone, if such joint action could not be secured, a workhouse or houses, in which to employ profitably all paupers and vagrants, and that the said Council should, by the assent of such township or townships, in the case of joint action, or by ordinance locate, build, and maintain, said house or houses from the proceeds of the labor
 10 so organized, and from such other sum as may be required and raised by tax for their erection and maintenance, and should appoint, from time to time, an overseer of such workhouse and prescribe his duties and compensations.

And that by another Act of the said Legislature, entitled 'a supplement to the Act entitled "An Act to incorporate the city of Paterson,"' approved the twenty-fifth day of March, in the year of our Lord, one thousand eight hundred and fifty-two, it was, amongst other things, enacted that the said, "The President and Council of the city of Paterson," be by the said Act authorized to purchase a
 20 farm or tract of land, not exceeding fifty acres in amount, and thereon to erect, if necessary, a building or buildings, and there to keep, maintain and employ all and every poor person and persons of said city of Paterson needing relief, and to take the benefit of the work, labor and services of every such poor person who shall be there kept and maintained. And, amongst other things, it was by the said last mentioned Act further declared and enacted, that the said, "The President and Council of the city of Paterson," be and they were thereby authorized to make all ordinances and by-laws necessary for the establishment, maintenance and regulation of
 30 such poor-house and farm, and for the government and management of the poor of said city kept and maintained in such poor-house, and for the granting relief to the poor of said city, and also to appoint such officers, and hire such servants, and to make such regulations respecting the same as they should deem necessary or convenient.

And the Attorney-General, at the relation aforesaid, and your orators further show unto your honor, that by the said Act of incorporation the said city of Paterson embraces in territory and has jurisdiction over so much of the said County of Passaic as was com-
 40 prised within the limits of the said township of Paterson at the time of the passage of the Act of incorporation first mentioned—and no other territory—that the territory comprised within the incorporated limits of said city, not only includes the town of Paterson, so called, but also a large district of country sparsely settled, including a large agricultural district and large and convenient farms, well situated for the purpose of a farm for said city, whereon they might erect a poor-house or poor and work-house for the keeping and employing the poor and vagrants of the said city.

And the Attorney-General, at the relation aforesaid, and your
 50 orators further show, that after the passage of the said Act of incor-

poration, and after the said Act went into effect by the assent of a majority of the electors of the said township of Paterson who voted thereon, as by the said Act directed, the said the President and Council of the city of Paterson were organized by the election and appointment of their officers authorized by said Act, and that Samuel Pope, Nathaniel Townsend, Andrew Durham, James Nightengale, John J. Brown, and John Schoonmaker, are the present district or ward committeemen of the said corporation, and Charles Danforth is the President thereof.

And the Attorney General, at the relation aforesaid, and 10 your orators further show unto your honor, that the said "The President and Council of the city of Paterson" not regarding the rights of the said relators and complainants and the other owners of real estate and residents of said township of Saddle River and said County of Bergen, or the laws of the State of New Jersey, but seeking to promote their own interests and convenience, at the expense of the relators and complainants and others aforesaid have lately purchased and procured, or caused to be purchased and procured for their use, a certain farm and lot of land with buildings and improvements thereon, 20 situate, lying and being on the east bank of the Passaic river, in the township of Saddle river, in the County of Bergen, bounded on the north by the public road, leading from the Passaic bridge to Red Mills; on the east, by lands of Jacob Henning; on the south, by lands of the heirs of Garret G. Garrison, deceased, and of James Henning; and, on the west, by the Slatterdam-road, so called, and lands of the said James Henning, the same being in a thickly settled and pleasant part of the said township of Saddle river, well adapted for private residences, and adjoining the farm of the said George Van Ryper, and near the farm and dwelling-30 house occupied by the said John G. Van Ryper, for the purpose of keeping thereon and therein the paupers of the said city of Paterson that now are, or may hereafter become, chargeable by law upon the said corporation of the said city of Paterson, and others, vagrants, idle and dissolute persons, and have put the said farm and buildings under the charge and control of an agent or servant, or agents and servants, chosen and appointed by the said corporation of the said city of Paterson, and under the pay and control thereof, that the said, the President and Council of the city of Paterson have removed, or caused to be removed, 40 from the said city of Paterson a large number of the paupers of the said city to the house and farm purchased as aforesaid, in the said township of Saddle river, in the County of Bergen, and have since kept, and still do keep, them in and about the said house and farm, under the care and control of the said servants and agents of the said corporation; that among the said paupers so removed and kept in and about the said house and farm there are many lunatics and insane persons who are noisy and turbulent and of dangerous dispositions; that the said farm and house lies adjoining on two public highways, in the said township of Saddle 50

River, which are frequently travelled by the inhabitants of the said township of Saddle River and other townships, in the County of Bergen, and other inhabitants and citizens of this State.

That the said lunatics and insane persons and other paupers kept upon the said farm and in the said house are suffered to run at large, without care and control of the said agents and servants, over the lands of the said George Van Ryper, and lands occupied by the said John G. Van Ryper, and of other inhabitants of the said township of Saddle River adjacent to said farm, and upon
10 and along the said public highways to the terror, damage and common nuisance of the said inhabitants of the township of Saddle River, so owning lands adjoining or adjacent to said farm, and all other inhabitants of said township and of the said County of Bergen, living near said farm, or that travel or pass along the said public highways.

And the Attorney-General, at the relation aforesaid, and your orators further shew, that the said George Van Ryper and John G. Van Ryper own and occupy lands in the said township of Saddle River, and that the farm now in the use and occupation
20 of the said John G. Van Ryper lies near to the said farm of the said, "The President and Council of the city of Paterson," and is separated therefrom by the said public road, leading from the Passaic-bridge to Red Mills as aforesaid—That the said, "The President and Council of the city of Paterson," lately commenced, and are now engaged in building upon a part of their said farm in the said township of Saddle River, and near to the highways before mentioned, and the dwellings of inhabitants of said township, and on the opposite side of the street to the residence of the said John G. Van Ryper, a large house or building to be used
30 by the said corporation of the city of Paterson for the purpose of a poor-house, or poor and work-house, in which they intend to keep the paupers now on said farm, and that shall become chargeable upon the said city hereafter, and the idle and disolute persons and vagrants who now are and hereafter shall be found in the said city of Paterson.

And the Attorney-General, at the relation aforesaid, and your orators further shew unto your honor that the said, "The President and Council of the city of Paterson," not regarding the intent and meaning of their said Act of incorporation, and the
40 said supplement thereto, or the rights and interests of the said, "The Board of Chosen Freeholders of the County of Bergen" to the general supervision, control and government of the internal affairs and business of the said County of Bergen, or the rights of "The inhabitants of the township of Saddle River, in the County of Bergen," to the exercise of sole and exclusive control and jurisdiction within the territory of said township, in the business and affairs of said township, or the rights of the said George Van Ryper, John G. Van Ryper, and other owners of lands and real estate in the said township of Saddle River, and
50 others there inhabiting, passing and repassing, to the quiet and

peaceable enjoyment of their said property, freed and protected from all nuisances and pestiferous, annoying, and obnoxious buildings and erections, near to their said houses and lands, on the highway of said County, and disregarding the rights of the people of the said County of Bergen, at all times to travel and be upon the said highways freely, without any hindrance, annoyance, or molestation from any person or persons, but seeking to promote their own interest and convenience at the expense of the good citizens of the said County of Bergen, and to the immediate and especial damage of the said "The inhabitants of the town-10 ship of Saddle River, in the County of Bergen," and the said John G. Van Ryper and George Van Ryper, and others like them, owning lands and real estate near to the said farm of the said "The President and Council of the city of Paterson," have determined and agreed to complete and finish the said house so commenced on their said farm and near to the said highways, and that the said house, as the Attorney-General, at the relation aforesaid informs and your orators shew, when so completed and finished, is intended to be used and employed as a poor-house, or poor and work-house by the said corporation of the city of 20 Paterson, and that the said "The President and Council of the city of Paterson," intend and have determined to remove or cause to be removed all the paupers, whether sane or insane, and with whatever diseases they or any of them may be infected now chargeable, or hereafter to become chargeable, on the said city of Paterson, and all vagrants, idle and dissolute persons now found, or hereafter to be found, in the said city of Paterson, from and beyond the territorial limits of the said city of Paterson to the said house and farm lying within the corporate limits and jurisdiction of the said "The inhabitants of the township 30 of Saddle River in the County of Bergen," and when so removed, to put them to work and labor, and confine them for punishment there as vagrants, and to exercise authority, control, discipline and government over the said poor-house, or poor and work-house, and the said paupers and vagrants so confined and kept there, and to pass by-laws and rules in the said city of Paterson for that purpose.

And the Attorney-General, at the relation aforesaid, and your orators further shew that the keeping the said poor-house, or poor and work-house, in the manner aforesaid, and congregating and 40 keeping at all times, in and about the said houses and farm, the sick, diseased, lame, decrepit and insane paupers of the said city of Paterson; and the vagrants idle and dissolute persons aforesaid will greatly vex, harass, and annoy your orators, George Van Ryper and John G. Van Ryper and others, inhabitants of the said township of Saddle River, residing in the vicinity of the said poor-house, or poor and work-house, and disturb them in the peaceable, quiet and comfortable enjoyment of their said property, lying near the said poor and work-house or poor-house, which, from time immemorial, they and others, their predecessors, have had, and 50

which they of right ought now to have, and will greatly reduce the value of their said property and real estate, and interfere with and totally prevent an advantageous sale of the same; that all persons travelling, or being upon the said highways, will unavoidably be subjected to annoyance and danger from the said insane paupers being along and upon the said highways; and they further shew, that the said, "The President and Council of the city of Paterson," now hold and will continue in manner aforesaid, to have and hold real and personal property of considerable value
 10 in the said township of Saddle River, under the protection of the said township, and of the County of Bergen, and of the lawful corporate authorities thereof, without paying any taxes for the same, or any part thereof, for the necessary expenses of the said township or the said County.

And the Attorney-General, at the relation aforesaid, and your orators further shew, that the poor of the respective townships in the County of Bergen, except those of the township of Hackensack, are kept and maintained by the said "The Board of Chosen Freeholders of the County of Bergen," in a County
 20 poor-house, built by the said last-mentioned corporation, in the township of New Barbadoes in said County, under the management and control of the said corporation, and the expenses of the said County poor-house are paid by a yearly tax assessed and collected in the said townships, the poor of which are kept in said County poor-house in the manner required by law upon the order of the said "The Board of Chosen Freeholders of the County of Bergen," for that purpose made and directed to the several assessors of those townships; that all persons chargeable in the said townships as paupers are removed to the said
 30 County poor-house aforesaid, to be maintained in the manner aforesaid; that the poor of the said township of Saddle River, chargeable thereon, are kept and maintained in the said County poor-house, and the taxable inhabitants and property of the said township of Saddle River are charged with a part of the burden of expense incident to maintenance of the said County poor-house establishment.

And the Attorney-General, at the relation aforesaid, and your orators further shew, that by reason of the removal of the said paupers and vagrants of the said city of Paterson, so made and
 40 intended to be made, as aforesaid, by the said "The President and Council of the city of Paterson," into the said farm and tenements, so as aforesaid, purchased and by them being erected in the said township of Saddle River, the several townships in the said County of Bergen, and especially the said township of Saddle River, are liable and will be subjected to great trouble and expense in the removal of paupers from the said townships to the said city of Paterson, who may be discharged out of the said poor-house, or poor and work-house—and set at large in the said township of Saddle River—and who thereafter shall
 50 become in need of public charity and maintenance; that the

said paupers and vagrants kept in the said poor-house, or poor and work-house, and hereafter to be brought there, who are and shall be without any legal settlement in any township in this State, will become chargeable upon the said township of Saddle River, by virtue of their residence in said township for and during the period prescribed by law as sufficient to make townships liable for the maintenance of paupers not having such legal settlement; that the children of such persons not having legal settlement, as aforesaid, whether bastards or legitimate, born in the said poor-house, or poor and work-house, will become and be settled 10 indeed a charge upon the said township of Saddle River, and the said township unjustly will be obliged and compelled to maintain such children. And the Attorney-General, at the relation aforesaid, and your orators charge that such paupers and children ought of right to be maintained by said city of Paterson.

And the Attorney-General, at the relation aforesaid, and your orators further shew, that the said "The Board of Chosen Freeholders of the County of Bergen," are liable to and unavoidably will have many of the said paupers without settlement, as aforesaid, and the children of such paupers, born as aforesaid, removed to 20 the said County poor-house, to be maintained and cared for there by the said last mentioned corporation, at the expense and charge of the said County of Bergen; that paupers and vagrants discharged out of said poor-house, or poor and work-house, will be liable and likely to wander about said County of Bergen, and some may become domiciled therein, and when unable to maintain themselves will, in many instances, from merely being in said County, become and be chargeable to the township of said County, and the burthens of the townships in said County will be thereby unlawfully and unjustly increased. And they further 30 shew, that the residence of such of said paupers and vagrants as may remain in such poor-house, or poor and work-house, for the period of six months continuously, they not having any other lawful settlement or residence, will be fixed in said township of Saddle River, to the annoyance and damage of said township and said County.

And the Attorney-General, at the relation aforesaid, and your orators further shew unto your honor, that the purchase of said farm and premises and the building of the said house in the said township of Saddle River are not at all necessary for the purpose of keeping, 40 maintaining and employing the paupers and vagrants of the said city of Paterson; that the same may be conveniently done by the said "The President and Council of the city of Paterson," in a building or buildings within the territorial limits and jurisdiction of the said city of Paterson, without causing any injury to the relators aforesaid, or others, on whose behalf this information is made as aforesaid, or to your orators. And the said Attorney-General, on behalf of the State insist, and your orators respectfully insist and submit, that the said "The President and Council of the city of Paterson," their agents, workmen and servants have no right or authority to 50

purchase, build, or hold the property and real estate aforesaid for the purpose of maintaining and employing therein the poor and vagrants of said city, in the said township of Saddle River, or to remove to the said house and premises the poor and vagrants of the said city in the manner aforesaid, or to remove them to any other house, or houses, in the said township of Saddle River, or any other township in the County of Bergen aforesaid, or to place the said paupers and vagrants where they will interfere with the peaceable, safe and lawful use and enjoyment of the
 10 highways aforesaid by the citizens of this State, or to erect, or to have any manner of poor-house, or poor and work-house, in the said township, whereby the lawful use and enjoyment of real property in said township, or any part thereof, by the owners thereof, can or may in anywise be obstructed, or the said property injured and lessened in value; and, on the contrary, all such buildings and erections are contrary to law and against the manifest rights of the relators aforesaid and your orators.

And the Attorney-General and your orators further insist
 20 and submit, that the said corporation of the city of Paterson have no right to erect and keep a poor-house, or poor and work-house, in the said township of Saddle River, or in any other township in the said County of Bergen, and remove thereto the paupers or vagrants of the said city, whereby the said paupers, or vagrants, or their children, born in any or either of the said townships thereafter, may become chargeable upon the said townships, or either of them, and subject the County of Bergen to the charge and expense of maintaining them in the said County poor-house, or keep a poor-house for the paupers of said city in any manner
 30 or place whereby the said township, or townships, and the said County of Bergen shall or may become liable to keep and maintain the said paupers and their children as aforesaid, and that to do the same is contrary to law.

And the Attorney-General, at the relation aforesaid, and your orators further shew and submit to your honor, that the corporate authority of the said "The President and Council of the city of Paterson," is limited to the territory within the limits of said city, and that they have no right, power or authority to pass
 40 by-laws, ordinances, rules, or regulations to be carried into effect beyond the said limits, and that neither they nor their officers, agents, or servants can lawfully enforce or carry into effect any by-law, ordinance, regulation, or rule made by them out of, or beyond, said corporate limits; and that the Legislature never contemplated that said corporation should establish their poor-house, or work-house, anywhere, except within their own territory, where they might lawfully exercise jurisdiction over the same; and that the erection by said corporation of a poor-house, or work-house, beyond such corporate limits is contrary to law.

But now so it is, may it please your honor, the said "The
 50 President and Council of the city of Paterson," and others

confederating with them, not regarding the provisions, intent and meaning of their Charter or Act of incorporation of the said city of Paterson, and the said supplement thereto, persist in keeping the paupers and vagrants of the said city of Paterson in the said house, in the township of Saddle River aforesaid, and in erecting the said building for a poor-house, or poor and work-house, as aforesaid, notwithstanding the same is out of the territory and jurisdiction of the said corporation of the city of Paterson, and within the territory and jurisdiction of the said township of Saddle River, and also, notwithstanding they have no lawful right to erect 10 and keep the said poor-house, or poor and work-house, and the said paupers and vagrants in said township of Saddle River, and contemning the authority of the State of New Jersey, and the well defined common rights of the citizens thereof, to the free and uninterrupted use of the said highways; and, reckless of the great damage and injury which your orators will be subjected to and sustain thereby, persist in erecting and keeping the said poor-house, or poor and work-house, so purchased as aforesaid, and in removing and keeping the paupers of the said city of Paterson, in the said township of Saddle River, and continue the work 20 of erecting the said poor house, or poor and work-house, for the purpose of keeping therein the said paupers and vagrants of the said city of Paterson, and pretend and give out that they have authority and are warranted by their Charter, or Act of incorporation, and the supplements thereto, in so doing: the contrary whereof the said Attorney-General, at the relation aforesaid, and your orators charge to be true—and the said “The President and Council of Paterson,” give out and insist, that they have a lawful right, not only to erect and complete said building for a poor-house, or a poor and work-house, but also to keep and maintain 30 their paupers there, and there to keep the vagrants of said city of Paterson, whereas the Attorney-General and your orators, for the reasons before mentioned, and for other reasons, charge and insist expressly to the contrary; and, that the said proceedings of said “The President and Council of the city of Paterson,” is unjust, oppressive and unlawful, all which actings and doings of the said “The President and Council of the city of Paterson,” tend to the manifest wrong, injury and oppression of the relators and your orators, and to the public wrong, injury and nuisance of your orators, and of all the inhabitants of said township of Saddle 40 River, and of said County of Bergen as aforesaid.

To the end, therefore, that the said “The President and Council of the city of Paterson,” may in such manner as is required by law and the practice of this Court, full, true and perfect answer make to all and singular the premises as full as if the same were herein again repeated, and they thereto particularly interrogated with all the attendant circumstances and incidental transactions, and that it may be decreed that the said “The President and Council of the city of Paterson,” have no lawful right, title, or authority to purchase or own, or hold or erect, 50 a building in said township of Saddle River, or elsewhere, in said

County of Bergen, for a poor-house or poor and work-house, or a place where or wherein to keep or maintain their paupers or vagrants, or to keep or maintain their paupers or vagrants in said township of Saddle River or elsewhere in said County of Bergen; and that said poor-house or poor and work-house is a public nuisance, and that the said "The President and Council of the city of Paterson," and their officers, agents and servants may be enjoined and restrained from further continuing the erection of the building aforesaid for the purpose before mentioned
 10 or for any such like purpose, and also from continuing to keep or keeping in said township of Saddle River, or elsewhere in said County of Bergen, any building as a poor or work-house wherein to keep or maintain the paupers or vagrants of said city of Paterson, and also from continuing to keep in the said building of the said "The President and Council of the city of Paterson," now on their said farm, in the said township of Saddle River, the paupers or vagrants heretofore sent to said building or farm by said "The President and Council of the city of Paterson," or by any officer, servant or agent of said corporation, or otherwise,
 20 howsoever from said city of Paterson, and also from hereafter sending to or causing or permitting to be sent to the said farm of the said "The President and Council of the city of Paterson," in said township of Saddle River, or to any building or buildings therein, any pauper or paupers, vagrant or vagrants whatsoever, to be there kept or maintained; and also from keeping or maintaining upon said farm, or in any building or buildings on the same any pauper or paupers, vagrant or vagrants whatsoever, and that your honor may grant such further or other relief as the nature of the case may require and shall be agreeable to law and equity.
 30 May it please your honor, the premises considered, to grant to the said Attorney-General and your orators a writ of injunction, issuing out of and under the seal of this honorable court to be directed to the said "The President and Council of the city of Paterson," and their confederates when discovered, their agents, engineers, workmen and servants, restraining and enjoining them as aforesaid, and also a writ of subpoena, issuing out of and under the seal of this honorable court, to be directed to the said "The President and Council of the city of Paterson," and their confederates when discovered, commanding them on a certain day and
 40 under a certain penalty therein to be inserted in such manner as is required by law and the practice of this Court, to be and appear before your honor in this honorable court then and there to answer all and singular the premises, and to stand to and to abide by such order and decree therein as to your honor shall seem meet and shall be agreeable to equity and good conscience.

RICHARD P. THOMPSON,
Attorney-General of New Jersey.

M. M. KNAPP,
Solicitor of complainants and relators.

ASA WHITEHEAD,
Of counsel with complainants and relators.

State of New Jersey, Bergen County, to wit.

John Huyler, being duly sworn, on his oath saith that he is the director of "The Board of Chosen Freeholders of the County of Bergen," that he has heard the foregoing bill of complaint read and is acquainted with the facts and circumstances contained therein, and that the facts therein mentioned with respect to the establishment of a poor house or poor and work-house and the purchase of a farm by "The President and Council of the city of Paterson," within the boundaries of the township of Saddle River, in the County of Bergen, and respecting the manner in which the 10
respective townships in the County of Bergen support their poor, are true, and this deponent further saith that he verily believes that all the facts, matters, and things in said bill set forth are true.

Sworn and subscribed at New Barbadoes in } said County, this 22nd day of January, } A.D., 1853, before me, } R. R. PAULISON, <i>Master in Chancery.</i> }	JOHN HUYLER.
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State of New Jersey, Bergen County, to wit.

John G. Van Ryper, one of the complainants in the foregoing bill of complaint named, being duly sworn, on his oath saith,— That he resides in the township of Saddle River, in the County of Bergen, and on the opposite of the street or the highway to the poor-house or poor and work-house of the said "The President and Council of the city of Paterson," that he has heard the foregoing bill of complaint read, that the facts therein mentioned 20
with respect to the purchase of the farm therein described by the said "President and Council of the city of Paterson" and removal of their paupers, there are true, and deponent further saith, it is true that the said, the corporation, kept the paupers in the said house on the said farm; that among the said paupers there are and have been sick, diseased and insane persons, and that deponent has frequently seen such insane persons upon and along the said highways lying near said farm without any person to control them; that members of his own family have been frightened by the said insane coming upon his premises and into his house; that it is true 30
that said corporation are erecting a building on said farm for the purpose of keeping the paupers and vagrants of said city of Paterson therein; that the deponent verily believes there are between twenty and thirty persons now kept in the said poor-house establishment, and that the building now being erected is intended as a poor and work-house for the employment and keeping of the paupers and vagrants of the city of Paterson; and deponent further says that the facts respecting the enjoyment of property lying near said poor farm, and the value thereof as set forth in the foregoing bill are true. The deponent has determined 40

to remove from his said farm if the said poor-house is continued there, by reason of the annoyance he and his family are thereby subjected to.

And that all the facts in the said bill set forth are true.

Sworn and subscribed at New Barba- }
 does in said County, this 22d day } JOHN G. VAN RYPER.
 of January, 1853, before me, }
 R. R. PAULSON, *Master in Chancery.* }

The foregoing Information and Bill being presented to the Chancellor on the fifth day of February, A.D., 1853, he made an Order, directing the same to be filed, and that the motion for an injunction and other relief prayed for be made at the City Hotel in Newark, on the twenty-first of said month.

At that time further time was given to the defendants to prepare and file their Answer, and they therefore filed the following Answer and affidavits:—

IN CHANCERY OF NEW JERSEY.

BETWEEN

RICHARD P. THOMPSON, Esquire, Attorney-General of New Jersey, at the relation of the Board of Chosen Freeholders of the County of Bergen, et al. } *On Bill and Information.*
 relators et al. *Complainants.* } *Answer.*
 AND
 THE PRESIDENT AND COUNCIL OF THE }
 CITY OF PATERSON, *Defendants.* }

The answer of "The President and Council of the city of Paterson" to the Information of Richard P. Thompson, Esquire, Attorney-General of the State of New Jersey, at the relation of "The Board of Chosen Freeholders of the County of Bergen," the inhabitants of the township of Saddle River, in the County of Bergen, John G. Van Ryper, and George Van Ryper, and to the bill of complaint of "The Board of Chosen Freeholders of the County of Bergen," "The Inhabitants of the Township of Saddle River in the County of Bergen," George Van Ryper and John G. Van Ryper, complainants.

These defendants, now and at all times hereafter saving and reserving to themselves all manner of benefit and advantage of exception to the many errors and insufficiencies in the said Information and bill of complaint contained for answer thereunto or unto so much and such parts thereof as these defendants are advised are material for them to make answer unto, answer and say:—

That they admit that by an Act of the Legislature of the State

of New Jersey, entitled "An Act to incorporate the city of Paterson," approved the nineteenth day of March, in the year of our Lord, one thousand eight hundred and fifty-one, the inhabitants of all that part of the County of Passaic embraced within the limits of the township of Paterson were made and constituted a body politic, in fact and in name, by the name of "The President and Council of the city of Paterson," and that it was among other things enacted by said Act that it should be lawful for the said Council to lease or cause to be erected conjointly with any other township or townships in the County of Passaic, or alone, if¹⁰ such joint action could not be secured, a workhouse or houses in which to employ profitably all paupers and vagrants, and that the said Council should by the assent of such township or townships in the case of joint action or by ordinance locate, build, and maintain said house or houses from the proceeds of the labor so organized and from such other sum as may be required and raised by tax for their erection and maintenance, and should appoint from time to time an overseer of such workhouse and prescribe his duties and compensation; and they pray that the said Act of incorporation and the supplement thereto hereinafter mentioned²⁰ may be deemed and taken to be part of this their answer.

And these defendants further answering, say they admit that by another Act of the said Legislature, entitled "A Supplement to the Act, entitled 'An Act to incorporate the city of Paterson,'" approved the twenty-fifth day of March, in the year of our Lord, one thousand eight hundred and fifty-two, it was amongst other things enacted that the said "The President and Council of the city of Paterson," be by the said Act authorized to purchase a farm or tract of land not exceeding fifty acres in amount, and thereon to erect, if necessary, a building or buildings, and there to³⁰ keep, maintain and employ all and every poor person and persons of said city of Paterson needing relief, and to take the benefit of the work, labor and services of every such poor person who shall be there kept and maintained, and that the said President and Council were thereby authorized to make all ordinances and by-laws necessary for the establishment, maintenance and regulation of such poor-house and farm and for the government and management of the poor of said city kept and maintained in such poor-house and for the granting relief to the poor of said city, and also to appoint such officers and hire such servants and to make such⁴⁰ regulations respecting the same as they should deem necessary or convenient.

And these defendants further answering, say they admit that by the said Act of incorporation the said city of Paterson embraces in territory and has jurisdiction over so much of the said County of Passaic as was comprised within the limits of the said township of Paterson at the time of the passage of the Act of incorporation first mentioned, and that the territory comprised within the incorporated limits of said city not only includes the town of Paterson so called, but also a portion of agricultural district more thickly⁵⁰

settled than agricultural districts usually are, and much more so than the agricultural districts of the County of Bergen, and that the said agricultural district includes large and convenient farms, some of which are well situated for purpose of a farm for said city, whereon to erect a poor-house or poor and workhouse for the keeping and employing the poor and vagrants of said city.

And these defendants further answering, say that the township of Saddle River, in the County of Bergen, is from two to three 10 times as large in territory as the said city of Paterson; that the population of the said township, as given by the last census, was eight hundred and forty, while that of the said city was eleven thousand three hundred and forty-one; and that by the same census the population of the whole County of Bergen, containing many times as much territory as the said city, was fourteen thousand, seven hundred and eight.

And these defendants further answering, say that the inhabitants of the township of Paterson before the said Act of incorporation was passed, and the said President and Council 20 since that time have ascertained that great and unnecessary expense must be incurred and the officers of said city subjected to imposition under the ordinary system of relieving the poor of said city; that the poor list has been increased by the ease with which relief could be obtained, and again much diminished when applicants for relief know that it can be obtained only at the poor-house; that in the opinion of these defendants it is absolutely necessary for the economical and proper relief of the poor of said city that they be removed from easy access by friends and others, and that they be kept away from such access by and at the expense 30 of said city.

And these defendants further answering, say that they endeavored to find within the limits of said city a place which, in their judgment, would be proper and suitable for the erection and establishment of a poor-house for said city; that proximity to a large supply of water was necessary to the cleanliness, health and comfort of the said poor; that by the supplement to the Charter of said city the expense of purchasing the land and erecting the necessary buildings and the establishment of the poor-house for the 40 poor of said city, was limited to the sum of ten thousand dollars, and that they failed to find within the limits of said city any farm which they could purchase, which, in their judgment, under the conditions of the said supplement, would be proper and suitable for the purpose of a poor-house as aforesaid.

And these defendants further answering, say they admit that after the passage of the said Act of incorporation, and after the same went into effect by assent of a majority of the electors of said township of Paterson who voted thereon, as by the said Act directed, "The President and Council of the city of Paterson" were organized by the election and appointment of their officers, 50 authorized by said Act, and that Samuel Pope, Nathaniel Towns-

end, Andrew Derrom, James Nightengale, John J. Brown, and John Schoonmaker, are the present district or ward committeemen of the said corporation, and Charles Danforth is the President thereof.

And these defendants further answering, say they admit that they have lately purchased and procured for their use a certain farm and lot of land with some old buildings thereon, situated, lying and being on the east side of the Passaic river, in the township of Saddle River, in the County of Bergen, bounded on the north by the public road, leading from the Passaic bridge to Red 10 Mills; on the east, by lands of Jacob Herring; on the south, by lands of the heirs of Garret G. Garrison, deceased, and of James Herring, and on the west by the Passaic river, and lands of the said James Herring, for the purpose of keeping thereon the paupers of the said city of Paterson that now are, or hereafter may become, chargeable by law upon the said corporation of the said city of Paterson; that they have put the said farm and buildings under the charge and control of an agent chosen and appointed by the said corporation of said city and under the pay and control thereof; that the said President and Council have caused to be removed or 20 taken from said city to the house and farm purchased as aforesaid in said township of Saddle River, and have since kept and still do keep them in and about the said house and farm, under the care and control of said agent of said corporation, and that the said farm and house lie adjoining on two public highways in said township of Saddle River, which are frequently travelled by the inhabitants of said township of Saddle River and other townships in the County of Bergen, and other inhabitants and citizens of this State.

And these defendants further answering, say that the said farm so by them purchased as aforesaid is bounded on the west side by 30 the Passaic river, which divides the said city from the said township of Saddle River; that the house now on said farm and used by defendants as aforesaid was for many years used and occupied as a public inn or tavern, that the same is now only used temporarily for the purpose of keeping therein said poor; that the said farm is bounded on the north by a highway leading from the city of Paterson unto and through a portion of Saddle River township; that a highway called the River-road runs through the same between the said house and said river, and to the west of said house; that they paid the sum of twenty-six hundred dollars for the said farm; that 40 the highway leading from Paterson as aforesaid into the said township of Saddle River separates the said farm of defendants from the farm owned by George Van Ryper and occupied by John G. Van Ryper, two of the said relators and complainants.

And these defendants further answering, say that they are now erecting and have nearly completed on said farm a handsome brick house, thirty-five feet deep and fifty feet front and three stories in height, facing the west; that they have appropriated eight thousand dollars for the purchase of said farm and the erection and furnishing of said new house, and have expended about six thousand 50

dollars thereof for that purpose; that they intend to use the said new building for a poor-house for the poor of said city, and to employ such of them as can do light and easy work in cultivating the said farm; that they never did intend, propose or desire, and do not now propose, intend or desire to remove, take or send from said city to said farm or new house, nor have they ever removed, taken or sent there any vagrants, idle or dissolute persons; that they have not sent, taken or removed there, nor do they intend, desire or propose to send there any lunatics or insane persons or persons who are noisy, turbulent or of dangerous dispositions.

And these defendants further answering, say that no ordinances have been passed by said defendants regulating the management, care or keeping of the poor of said city who have been taken to said farm and old house; that a number of such poor have been kept there under temporary and imperfect management by an agent of defendants who is under the direction of a committee of said Council called the Committee on the poor; that the said poor kept on said farm are not suffered to run at large without the care and control of the said agent of defendants over the lands of George Van Ryper, used and occupied by said John G. Van Ryper, nor over the lands of other inhabitants of said township of Saddle River, adjacent to said farm, nor upon and along the highways of said township, except when engaged in some lawful work or errand; that they are forbidden to go or be upon neighboring lands, and are not allowed to be or run or lie upon the highways in said township without the care and control of the keeper, the said agent.

And these defendants further answering, say that the said new house, now in process of erection by them on said farm, in which they intend to keep the poor of said city needing relief, and such only, will be about three hundred feet from the house of said John G. Van Ryper; that it will be about two hundred feet from the highway, which separates the said farm of defendants from the land owned by said George Van Ryper and occupied by the said John G. Van Ryper and runs between the said two houses; that it will be about three hundred feet from the River-road; that the said George Van Ryper lives about two miles from the said farm of defendants; that the nearest dwelling-house east of said new building is about three-fourths of a mile distant; that the nearest dwelling-house north, after passing the house of said John G. Van Ryper, is about one-third of a mile distant; that the dwelling-houses above that point on the River-road do not number more than seven to the mile; that the nearest dwelling-house south from said new house is about one-sixth of a mile distant; that the next one south is about one-third of a mile distant, and that there are not more than eight dwelling-houses in the mile going south from said new house, and that in both directions, on the said River-road in the space of a mile each way the largest portion of the houses is

on that part of the mile most distant from said new building and farm of defendants.

And these defendants further answering, say that they intend to enclose the said new building and a considerable space of ground adjoining it with a high, tight and substantial fence, so that no person can enter or leave the said enclosed house and space of ground without the care, knowledge or consent of the keeper of the said poor; that they intend to establish by ordinance positive and strict rules and regulations for the said establishment, and for the conduct of the keeper of the said poor in the same, 10 and for the management, care, control and conduct of the said poor in said house and on said farm; that they have not sent or removed, and do not intend to send or remove there any persons other than the poor needing relief in said city; that they have not sent or removed and do not intend to send or keep there any idle, dissolute persons or vagrants; that they have not sent or kept, and do not intend to send or keep, there any person or persons who would render the said house and premises annoying, pestiferous, or obnoxious to any citizen of this State; that they have not sent or kept, nor do they intend to send or keep 20 there any person or persons whose presence, character, habits or conduct would render the said poor-house a public or private nuisance; that they do not intend to permit any of the said poor to be upon the highways of said township at improper or unseasonable hours, or in an improper manner; that they intend to keep the said poor from travelling at improper times and in an improper manner on said highways; to prevent them from wandering, going or being unlawfully, unnecessarily, or improperly upon the neighboring lands; to keep them within the limits of said enclosed space of ground, unless the proper business of 30 the said establishment requires their attendance without the same; and so to keep said house and its inmates, the said poor, that no inhabitant of said township or of said County or of said State shall be by them vexed, harrassed, annoyed or disturbed in the peaceable, quiet and comfortable enjoyment of his property, and that no such inhabitant be annoyed or in anywise endangered by the inmates of said new house.

And these defendants further answering, say they do not intend to discharge any of the said poor now in said house or hereafter to be sent there from said establishment in the said township of 40 Saddle River, nor to permit any such so to be discharged there, but on the contrary, to bring back all such discharged poor to the place in said city whence they were sent or taken; and that these defendants intend to adorn the grounds adjacent to such new house and to make the said house one of the neatest, most cleanly, most orderly, and most beautiful public poor-houses in the State.

And these defendants further answering, say they admit that the said George Van Ryper owns and the said John G. Ryper occupies lands in said township of Saddle River, and that the

farm now occupied by said John G. Van Ryper lies near to said farm of defendants.

And these defendants further answering, say that they are advised by counsel and aver that the purchase by them of said farm and the erection of said new house for the purposes by them intended as aforesaid, and the removal there of the poor of said city needing relief, are not contrary to law and are not contrary to the intent and meaning of their said Act of incorporation and of the said supplement thereto; that the said last mentioned acts
 10 of these defendants are not at variance with the right of the said "Board of Chosen Freeholders" to any general supervision, control, or government of the internal affairs and business of said County of Bergen which they can lawfully exercise, nor with the rights of the said "The Inhabitants of the Township of Saddle River" in said County to the exercise of any sole and exclusive jurisdiction and control within the territory of said township in the business and affairs of said township which they can lawfully exercise, nor with the right of the said complainants and relators, nor of any nor of either of them, nor of any other
 20 person whatever to the quiet and peaceable enjoyment of their property, freed and protected from all nuisance, pestiferous, annoying and obnoxious buildings and erections near to their houses and lands, or to the highways of said County of Bergen, nor with the right of the people of said County of Bergen at all times to travel and be upon the said highways freely without any hindrance, annoyance or molestation from any person or persons.

And these defendants further answering, say they admit that they have agreed to complete and finish on said farm as aforesaid the said house now nearly completed as aforesaid, and that
 30 they intend to use the same as a poor-house and to remove, or cause to be removed, there all paupers now chargeable, or hereafter to become chargeable on said city; that the poor sent there will doubtless sometimes be sick with the ordinary ailments of mankind, and that such will be sent, if necessary and proper, by defendants to said house, but these defendants deny that they intend to send there any lunatics or insane persons or any person or persons affected with any infectious or contagious disease or with any disease which could jeopardize the health or safety
 40 of the other inmates of said poor-house, or in anywise affect the health, comfort or safety of any other person being in or inhabiting said township of Saddle River, or that they intend to send there any vagrants, idle or dissolute persons to put them to work and labor, or that they intend to confine there any person for punishment.

And these defendants further answering, say they admit that they intend to exercise authority, control, discipline and government over the said poor-house and the said poor so kept there, and to pass by-laws and ordinances and rules in said city for that purpose.

50 And these defendants further answering, say they deny that

the keeping the said poor-house and poor in manner aforesaid as the same have been kept on said farm and as defendants intend hereafter to keep them there will unlawfully or unjustly vex, harass and annoy complainants and relators or any of them, or any other person residing in the vicinity of the said poor-house, or that the same will disturb them in the peaceable, quiet and comfortable enjoyment of their said property lying near the said poor-house.

And these defendants further answering, say they deny that the building of the said new house and removing and keeping there the said poor as aforesaid, or that the exercising of authority, control, discipline and government over said poor-house and the said poor so kept there, or that the passing by-laws or ordinances and rules in said city for that purpose, or that the keeping of the said poor-house and poor in the manner aforesaid or as the same have been kept on said farm or as defendants intend to keep them there hereafter will greatly reduce the value of the property of complainants and relators in the vicinity of said poor-house and farm, or interfere with or prevent an advantageous sale of the same, or that by reason of the said matters and things persons travelling 20 upon said highways will be subjected to annoyance and danger from insane paupers being along and upon the said highways.

And these defendants further answering, say they admit that they now hold and will continue to hold real and personal property of considerable value in said township of Saddle River under the protection of said township and of said County of Bergen and of the lawful corporate authorities thereof; that they are not now liable and will not be liable to pay any taxes for the same or any part thereof towards the necessary expenses of said township or County so long as the law of the State exempts the property of 30 any city from taxation; but these defendants say they are advised by counsel and aver that the legal exemption from taxation will remain the same whether the said farm and house be used for the purposes of keeping the poor of said city or for any other purpose; and that since these defendants have owned the said farm they have been assessed for the same and paid all taxes laid or levied on the same, and that the taxes already laid thereon for the year of our Lord, one thousand eight hundred and fifty-two, amounted to three dollars and thirty-eight cents besides the sum of two dollars and eight cents road-tax, which defendants have paid or lawfully 40 liquidated.

And these defendants further answering, say they admit that the poor of the several townships in said County of Bergen, except those of the township of Hackensack, are kept and maintained as is in said information and bill set forth, and that the expenses of such maintenance are paid in the manner and by the means set forth in said bill and information, and that all paupers in said County, except those of the township of Hackensack, are removed to the County poor-house as set forth therein; that the poor of Saddle River chargeable therein are kept and maintained in said 50

County poor-house, and that the taxable inhabitants of said last mentioned township and the property therein are charged with a part of the burden and expense incident to the maintenance of said County poor-house.

And these defendants further answering, say that the several townships of Bergen County, and especially the township of Saddle River, cannot and will not, by reason of the removal of paupers of said city by said defendants into the said farm and new building or poor-house in Saddle River, be subjected to any trouble and
 10 expense in the removal of paupers from said township to said city who may be discharged out of said poor-house and set at large in the said township and may thereafter become in need of public charity and maintenance, because these defendants have not discharged and do not intend to discharge or permit to be discharged from said poor-house any poor and to set them at large in said township, but to bring all such discharged poor back into said city to the place whence they were taken.

And these defendants further answering, say they deny that said poor kept in said poor-house and hereafter to be brought
 20 there who are and shall be without any legal settlement in any township of this State will become chargeable upon the said township of Saddle River by virtue of the residence there for and during the period prescribed by law as sufficient to make a township liable for the maintenance of paupers not having such legal settlement, because they are advised by counsel and aver that by the laws of the State of New Jersey the poor of one township farmed out or kept as paupers in another township acquire no rights under the residence in the township where they are so farmed out or kept.

And these defendants further answering, say they deny that the
 30 children of such persons not having legal settlement as aforesaid whether bastards or legitimate born in said poor-house will become settled in and a charge upon the said township of Saddle River, because these defendants say they are advised by counsel that by the laws of the State of New Jersey such children would, by being born as aforesaid, acquire no rights in said township of Saddle River; and these defendants say they intend, if such course be necessary, to procure, bring and deliver, or cause to be procured, brought and delivered to the overseers of the poor of said
 40 township of Saddle River a certificate in due form of law acknowledging all persons so sent or kept there as aforesaid in said poor-house to be inhabitants of and legally settled in such city.

And these defendants further answering, say that they do not know that the said "Board of Chosen Freeholders" are liable and will unavoidably have many or any of the said poor without settlements and children of such poor, born as aforesaid, removed to said County poor-house to be maintained and cared for there by said "Board of Chosen Freeholders" at the expense of said
 50 County of Bergen, or that paupers discharged out of said poor-house of defendants will be liable or likely to wander about said

County of Bergen and become domiciled therein, and when unable to maintain themselves become chargeable to the townships of said County, or that the residence of the said poor in said poor-house of defendants for the period of six months continuously, having no other lawful settlement or residence, will be fixed in said township of Saddle River, but they are advised by counsel and believe and aver that for the reasons set forth in the last three paragraphs preceding of this answer the contrary thereof will be true.

And these defendants further answering, say that after examination of the subject of purchasing a farm and erecting a poor-house 10 under the provisions of the said Supplement, and of the advantages of location, and of the necessity for a large amount of water, and of the limits of expense imposed by the said Supplement, it was deemed by these defendants to be necessary for the proper maintenance of said poor, and for their health, cleanliness and comfort, and for the economical and proper expenditure of the money of defendants appropriated for the support of the poor to purchase the said farm and erect the said poor-house without the territorial limits of the city of Paterson; that they are advised by counsel and aver and insist that they have lawful right and authority to purchase, build 20 and hold the real estate aforesaid for the purpose of maintaining and employing therein and thereon the poor of said city in said township of Saddle River, and to remove to said poor-house and premises the poor of said city in the manner aforesaid.

And these defendants further answering, say they admit that they have no right to place the paupers and vagrants of said city where they will interfere with the peaceable, safe and lawful enjoyment and use of the highways aforesaid by the citizens of this State, or to erect and have any manner of poor-house or poor and workhouse in the said township whereby the lawful use and 30 enjoyment of real property in said township or any part thereof by the owners thereof will in anywise be obstructed, but they deny that the placing of paupers on said farm of defendants will interfere with such peaceable, safe and lawful use and enjoyment of said highways, or that the erection or having a poor-house by defendants in said township will in anywise obstruct the lawful use and enjoyment of real property in the said township or any part thereof, or that the said erection or having a poor-house there by defendants will injure said property or lessen its value; and they are advised by counsel and aver that if the having or 40 erecting such poor-house by defendants in said township should produce some injury to or lessen the value of such real property in said township such result would not render the same unlawful nor demand or authorize or justify the interference of this honorable court.

And these defendants further answering, say that they are advised by counsel and insist that they have lawful right to erect and keep a poor-house in the said township of Saddle River and to remove thereto the paupers of said city.

And these defendants further answering, say they admit that their corporate authority is limited to the territory within the limits of said city by the said Act of Incorporation; and they aver that by the said Supplement they were authorized to purchase land and erect a house thereon for the purposes therein mentioned and to make all ordinances and by-laws necessary for the establishment, maintenance and regulation of such poor-house and farm and for the government and management of the poor of said city kept and maintained in such poor-house, and to appoint such officers and hire
 10 such servants and to make such regulations respecting the same as they shall deem necessary or convenient, wherever the said poor-house should be located, and to carry into effect such by-laws, ordinances, rules and regulations; that they have lawful right to enforce and carry into effect all such by-laws, ordinances, rules, and regulations in regard to their said property and in regard to the poor kept and maintained therein and in regard to all their agents in and about the said premises in whatever place the said property may be.

And these defendants further answering, say that they are
 20 advised by counsel and aver that the said Legislature did contemplate that these defendants should establish their poor-house or poor and work-house within or without their corporate limits as should seem to defendants proper and expedient, and that the erection of such house beyond the corporate limits of said city is not contrary to law; that the said Supplement as presented to the said Legislature by defendants restricted these defendants in the purchase of a poor farm and erection of a poor-house to the corporate limits of said city, but that such limitation was stricken out by the said Legislature and the said Supplement was passed
 30 and became a law without any such restriction or limitation.

And these defendants deny all and all manner of unlawful combination wherewith they are charged by said Information and Bill without this that there is any other matter, cause or thing in the said Information and Bill of complaint contained, material and necessary for these defendants to answer unto and not herein and hereby well and sufficiently answered, confessed, traversed, and avoided or denied is true to the knowledge or belief of these defendants, all which matters and things these defendants are ready and willing to aver, maintain and prove as this honorable
 40 court shall direct, and pray to be hence dismissed with their reasonable cost and charges in this behalf most wrongfully sustained.

WM. GLEDHILL,
Solicitor for and of Counsel with Defendants.

CHARLES DANFORTH,
President. L.S.

State of New Jersey, to wit.

The answer of the defendants, "The President and Council of the city of Paterson," to the Information and Bill of complaint aforesaid was taken this eleventh day of March, A.D., 1853, before me under the common seal of the said corporation at Paterson in said State as by said seal affixed and the signature of the President hereto appears.

S. TUTTLE,

Master in Chancery, New Jersey.

State of New Jersey, Passaic County, to wit.

Andrew Derrom, being by me duly sworn according to law, on his oath saith that the foregoing answer and the matters and things therein set forth, so far as they relate to the acts of the said "The President and Council of the city of Paterson" are true, and so far as they relate to the acts of any other person or persons, he believes them to be true.

Sworn and subscribed before me, this }
 eleventh day of March, A.D., }
 1853, at Paterson, }
 S. TUTTLE, *Master in Chancery.*

ANDREW DERROM.

State of New Jersey, Passaic County, to wit.

William Stinson, being by me duly sworn, on his oath says that he has heard the foregoing answer read; that the facts, matters and things therein contained, so far as they relate to the location of the said farm and new house of defendants, and to the dwellings in the vicinity thereof, and to the care, management, control and conduct of the said poor belonging to said city on said farm and to his own acts are true, and so far as relates to any other matters or things or to the acts and deeds of any other person or persons, he believes them to be true.

Sworn and subscribed before me, this }
 18th day of March, A.D., 1853. }
 S. TUTTLE, *Master in Chancery.*

WILLIAM STINSON.

IN CHANCERY OF NEW JERSEY.

BETWEEN

RICHARD P. THOMPSON, Esquire, Attorney General, *ex rel.* the Board of Chosen Freeholders of the County of Bergen and others, relators, and John G. Van Ryper and others, *Complainants.*

AND

THE PRESIDENT AND COUNCIL OF THE CITY OF PATERSON, *Defendants.*

On Information and Bill for Injunction.

State of New Jersey, Passaic County, to wit.

Lemuel Burr, of full age, being by me duly sworn, on his oath says that he has been in the practice of medicine for about thirty years; that he has been physician for the poor of the city of Paterson, in said County, since the early part of November last, and has visited the premises where they are kept, in the Township of Saddle River, about once a week since that time; that the said poor, and the house in which they are kept, are clean and orderly; that his visits have been made without notice, and when the inmates of the house had no knowledge of his intent to visit the place; that he never saw any improper behavior on the part of any of the said poor, nor any thing that would indicate noisy, turbulent, or dangerous characters in the said poor, or would in any way offend the most fastidious person; that the said poor are neat and cleanly in their appearance and quiet, peaceable, and unoffending in their demeanor, so far as has appeared at the time of his visits; that he has never heard any complaints from their keeper of any unmanageable, violent, or improper conduct on their part; that there are two idiotic persons there, one of whom is a male and one a female; that he is known the female idiot for about four years, and that, in his opinion, she is perfectly manageable, inoffensive, and harmless; that she is inclined to be child-like in her conduct, and never, to his knowledge, has shown any violence of disposition or done any thing to indicate that she is at all dangerous, and that he is satisfied she can remain and be with other persons or by herself with perfect safety; that the male is also manageable, inoffensive, and harmless, showing no disposition for violence; that he is quiet and peaceable, and that, so far as he has seen or known, all the inmates of said house and all the said poor are orderly, quiet, and peaceable, and that, in his opinion, there is nothing in the said house, nor in the manner of keeping the said poor, nor in the conduct of the said poor to vex, harass, or annoy any citizen of Saddle River Township, or to interfere with the peaceable and quiet enjoyment of property in said township, nor to render the travelling on the highways of said township unsafe, dangerous, or in any wise offensive or unpleasant, nor to diminish the value of property in said township.

Sworn and subscribed this 11th day of March, }
 A. D., 1853, before me at Paterson, }
 FREDERICK B. OGDEN, *Master in Chancery.* }

L. BURR.

IN CHANCERY OF NEW JERSEY.

BETWEEN

RICHARD P. THOMPSON, Esquire, Attorney General of New Jersey, at the relation of "The Board of Chosen Freeholders of the County of Bergen," "The inhabitants of the Township of Saddle River, in the County of Bergen," John G. Van Ryper and George Van Ryper and "The Board of Chosen Freeholders of the County of Bergen," the inhabitants of the Township of Saddle River, in the County of Bergen, George Van Ryper and John G. Van Ryper, *Complainants,*

*On
Information
and
Bill for
Injunction.*

AND

THE PRESIDENT AND COUNCIL OF THE CITY OF PATERSON, *Defendants,*

State of New Jersey, Passaic County, to wit.

Before me, Socrates Tuttle, one of the Masters in Chancery of said State, personally appeared William Stinson of full age, of the County of Bergen, who being by me duly sworn, on his oath says that he knows the premises in Bergen County near the house of John G. Van Ryper, owned by the President and Council of the city of Paterson; that the same were kept as a tavern stand for many years and the house thereon used and occupied as an inn; that he is keeper of the same and of the poor persons who are now 10 there, under the direction and control of the said President and Council; that there never have on said premises or in said house at one time been more than twenty-one persons; that the average number of poor persons kept there is sixteen; that there are now there fifteen persons, most of whom are old and unable to do much work; that there are now on said premises and in his care two persons who are simple-minded and may be called idiots; and that at no time has there been in said house or on said premises in his care any more or other persons either insane, idiot or lunatic; that one is a German man and the other a young woman about twenty-20 two years of age, and that they are both quiet and perfectly harmless and inoffensive; that they mingle and associate with the other inmates of the house, male and female, and have never, to his knowledge, in any way shown any ugly, vicious, quarrelsome, offensive or dangerous disposition; that deponent is, at almost all times, in and upon the said premises in person, and when absent his wife is there, having the care and control and management of the said poor, and that neither he nor his wife have ever had any difficulty in controlling and managing the said poor; that they are forbidden to go or be upon neighboring lands, and are 30 not allowed to be or run or lie upon the highways of Saddle River township in Bergen County, nor any other highways without the care and control of a keeper, nor so to be, run or lie at all, except in doing some errand or some proper lawful business; that the

said female idiot has never to his knowledge or belief been off of the said premises of the said President and Council more than three times; that once she went away to Paterson, at another time she went in a direction south from said Van Ryper's house, and that she was absent but a few minutes, except when she went to Paterson as aforesaid; that the said male idiot has never to deponent's knowledge or belief been off of the said premises more than once, and that he seems to have no disposition to go or be away from said premises; that he never knew or heard of either of

10 said idiots touching, disturbing, or interfering with any person or persons whatever, and that no person has ever complained to him of any interference or disturbance by them or by any of the poor on said premises; that none of the inmates of said house, whether of the poor or not, are noisy, turbulent or dangerous in disposition, so far as deponent can discover, and that none of them have shown or displayed any such disposition; that nobody would or need be terrified, alarmed, or offended by any of the said poor unless very strongly predisposed to be alarmed, terrified or offended; that there are no persons who are dissolute there, so far as deponent

20 knows or can discover; that there is not now and has not been in said house or on said premises any offensive odors or noises or disease or distemper other than may be found in private houses generally; that there is not and has not been any infectious disease there; that there is not and has not been and need not be any pestiferous, annoying or obnoxious building or erection on said premises, but that the new building now in process of erection there by said Council is tasteful, neat and ornamental; that he never knew or heard of any traveller on said highways or other person being subjected to hindrance, annoyance, molestation, or

30 danger from any inmate of said house, whether pauper or not; that in his opinion the said new building and the uses for which it is designed, viz., the maintenance of the poor of said city of Paterson, will not interfere with the quiet and comfortable and peaceable enjoyment of land and premises in the neighborhood and will not injure or depreciate the property occupied by John G. Van Ryper or any other property in the neighborhood, except by contrast; that the city of Paterson has been taxed for said premises and paid the amount of such tax; that the same only amounted to three dollars and thirty-eight cents, besides two dollars and eight

40 cents of road-tax; that the only sickness that has been in said house among said poor is the ordinary, casual and common ailments of humanity; that he heard John G. Van Ryper say, before any poor were kept on said premises, that there was no use of his killing himself on the place he occupied (opposite the said farm and premises of the said city) because he could not make anything there except a bare living, and he thought he would go to New York or to Paterson where he could make something; that George Van Ryper who lives about one and a-half miles from the said farm is the father of said John G. Van Ryper and reputed

owner of the premises occupied by said John G. Van Ryper opposite the farm of the said President and Council.

Sworn and subscribed, March 15th, }
 1853, before me, S. TUTTLE, } WILLIAM STINSON.
Master in Chancery. }

The argument was heard by the Chancellor at Newark, on the twenty-third day of April, 1853, on the Bill and Answer, and the affidavits annexed to them, respectively; and the Chancellor, having taken time to consider, made an order on the twenty-third day of June, 1853, refusing the injunction.

From which Order the complainants appealed, and filed the following Petition of Appeal:

COURT OF APPEALS IN THE LAST RESORT.

BETWEEN

<p>RICHARD P. THOMPSON, Esquire, Attorney General of New Jersey, at the relation of the Board of Chosen Freeholders of the County of Bergen, the inhabitants of the Township of Saddle River, in the County of Bergen, John G. Van Ryper and George Van Ryper, and the Board of Chosen Freeholders of the County of Bergen, the inhabitants of the Township of Saddle River in the County of Bergen, George Van Ryper and John G. Van Ryper, <i>Appellants.</i></p>	}	<p><i>On Information and Bill, &c., for Injunction.</i></p>
<p>AND</p> <p>THE PRESIDENT AND COUNCIL OF THE CITY OF PATERSON, <i>Appellees.</i></p>	}	<p><i>Petition of Appeal.</i></p>

To the Honorable the COURT OF APPEALS in the last resort in all causes of law:

THE humble petition of Richard P. Thompson, Esquire, Attorney General of the State of New Jersey, at the relation of the Board of Chosen Freeholders of the County of Bergen, the inhabitants of the Township of Saddle River in the County of Bergen, John G. Van Ryper and George Van Ryper, and the Board of Chosen Freeholders of the County of Bergen, the inhabitants of the Township of Saddle River in the County of Bergen, George Van Ryper and John G. Van Ryper, the appellants in the above stated 10 cause, respectfully show that your petitioners find themselves aggrieved by an order made in the Court of Chancery, by his Honor, Benjamin Williamson, Chancellor of New Jersey, bearing date the

twenty-third day of June, in the year of our Lord one thousand eight hundred and fifty-three, wherein the said appellants were relators and complainants, and the said The President and Council of the City of Paterson were defendants in this respect, to wit: that the said order refuses to the said appellants the injunction and other relief sought for in the Information and Bill of the said appellants in the said cause mentioned. And your petitioners humbly appeal from the said order of the Chancellor, upon the ground that the same is erroneous; for that your petitioners are entitled to, and of right ought to have, the injunction and other relief prayed for in the said Information and Bill. Your petitioners therefore pray that the said order of the said Chancellor may be reversed, set aside, and for nothing holden, and that your petitioners may have such relief in the premises as to this Honorable Court shall seem meet.

Dated July 26, 1853.

RICHARD P. THOMPSON, *Attorney General, &c.*

M. M. KNAPP, *Solicitor of Appellants.*

ASA WHITEHEAD, *of Counsel with Appellants.*

I conceive there is good cause for appeal in the above stated cause.

ASA WHITEHEAD, *of Counsel with Appellants.*

A true copy,

THOMAS S. ALLISON, *Clerk.*

OPINION OF THE CHANCELLOR.

MAY TERM, 1853.

RICHARD P. THOMPSON, Esquire, Attorney
General, ex rel. &c. }

vs.
"THE PRESIDENT AND COUNCIL OF THE
CITY OF PATERSON."

I do not feel myself at liberty to grant a preliminary injunction in this case. There are important principles of law, and of fact, involved in the issue. The object of a preliminary Injunction is to prevent some threatening, irreparable mischief, which should be averted until opportunity is afforded for a full and deliberate investigation of the case. The Defendants have purchased the farm and removed the paupers, and have nearly completed an expensive building on the premises. To interrupt the progress of the Defendants in completing their building, can be of no advantage to the Complainants; such interference might greatly injure the Defendants in a pecuniary point of view, by interfering with their contract for buildings, and in other respects. It is not the building which the Complainants regard as a nuisance; but the use to which it is to be applied. To compel the Defendants to provide some other place for the accommodation of the paupers during the pendency of this suit, and until their rights are finally determined, would, necessarily, expose them to great inconvenience and expense. On the contrary, if matters are permitted to remain as they are until final hearing, it can be, at the worst, but an inconvenience to the Complainants, temporary in its character. The delay of the Complainants, in not making an earlier application to the Court, has placed the Defendants in a situation in which they should not be disturbed until their rights, which the Complainants question, are finally determined. There is another reason why I do not feel myself at liberty to interfere now. It is admitted by the parties that the questions involved in this controversy are now before a court of law. The Defendants have been indicted in the County of Bergen for erecting and maintaining the nuisance, which it is the object of this suit to remove. The questions of law and of fact are before the proper and appropriate tribunals. It is true the Defendants do not interpose any objection to the jurisdiction of this Court, on the ground of the pendency of this Indictment. Nevertheless, the proceedings at law may be noticed by the Court for its own satisfaction. If a pure question of law was involved; for instance, whether the Defendants have any right under their charter to purchase and hold the farm without the territorial limits of their city; this Court would not settle that question. It would have no right

to settle it. It would be a proper question to be determined by a *quo warranto*, or in some other legal way. (Attorney General *vs.* Utica Ins. Co., 2 J. C. R., 371.) It is the special grievance to the Complainants that justifies the interference of this Court. (Caning and others *vs.* Lowerre, 6 J. C. R., 439.) But as to the questions, both of law, and of fact, the Court may ask, or may wait for, the action of another tribunal. If there is difficulty as to the law involved, the Court may hold the case, and send the party to a court of law to determine the legal controversy; or, if the facts are complicated and difficult, an issue may be awarded to try them. In this case there are many nice and important questions of law, as well as the one of fact: whether a nuisance or not? There appears to me, therefore, a propriety in this Court's waiting for the decision of the case at law. Should it be determined that the Defendants have a right to establish a "Poor House" without their territorial limits, that terminates this controversy: for, the complaint is not to the manner, but as to the right, of the Defendants' carrying out their projects.

The Injunction is refused, but without costs. The Complainants may wait, and renew their application for Injunction after the indictment is tried,—or may proceed with this case to final hearing.

