

130  
PUBLIC ACTS.

---

ACTS

OF THE

FORTY-FOURTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-SIXTH DAY OF OCTOBER,  
ONE THOUSAND EIGHT HUNDRED AND NINETEEN.



---

TRENTON:

PRINTED BY JOSEPH JUSTICE.

.....  
1820.

An act for the gradual abolition of Slavery, and other purposes  
respecting Slaves.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That every child born of a slave within this State, since the fourth day of July, one thousand eight hundred and four, or which shall hereafter be born as aforesaid, shall be free, but shall remain the servant of the owner of his or her mother, and the executors, administrators, or assigns of such owners, in the same manner as if such child had been bound to service by the trustees or overseers of the poor, and shall continue in such service, if a male, until the age of twenty-five years, and if a female, until the age of twenty-one years.

Term of service.

Certificate, and what it shall contain.

Sec. 2. *And be it enacted,* That every person being an inhabitant of this State, who shall be entitled to the service of a child born as aforesaid, shall, within nine months after the birth of such child, deliver or cause to be delivered to the clerk of the county, whereof such person shall be an inhabitant, a certificate in writing, subscribed by him or her, containing the name and addition of such person, and the name, age, and sex of such child so born, and the name of the mother of such child, which certificate, whether the same be delivered before or after the said nine months, shall be, by the said clerk, recorded in a book provided by him for that purpose, and such record thereof shall be good evidence of the age of such child, and the clerk of such county shall receive from said person twelve cents for every child so registered; and if any person, directed by this act to deliver or cause to be delivered such certificate to the said clerk, shall hereafter neglect to deliver or cause to be delivered to the clerk as aforesaid, such certificate within the said nine months, such person shall forfeit and pay for every such offence the sum of five dollars, and the further sum of one dollar for every month such person shall neglect to deliver or cause to be delivered the same, to be sued for and recovered by any person who will sue for the same, one half to the use of such prosecutor, and the other half to the use of the poor of the township in which such delinquent shall reside: *Provided,* that the sum so forfeited shall not exceed the sum of one hundred dollars.

Penalty for neglect.

Sec. 3. *And be it enacted,* That if any person directed by this act to deliver or cause to be delivered to the county clerk a certificate as aforesaid, shall knowingly and wilfully deliver or cause to be delivered to the county clerk as aforesaid, any certificate containing a false relation of the time of the birth of such child, such person so offending shall forfeit and pay the sum of one hundred dollars for every such offence, to be prosecuted for, recovered and applied in manner aforesaid, and in favour of such child, or of the township in which such child's residence shall be; the true

Penalty for delivering false certificate.

time of the birth of such child may be inquired into before any court or magistrate in any case where the true time of the birth such child shall become material, notwithstanding the record of such certificate.

Sec. 4. *And be it enacted*, That in case it shall happen in any of the townships of this State, that only one overseer of the poor for such township shall be elected, in such case it shall be lawful for one overseer of the poor of such township to sign the certificate required by the twenty-first section of the act, entitled "An act respecting slaves," which certificate shall be as good, valid, and effectual as if it should be signed by two overseers of the poor.

When one overseer may act.

Sec. 5. *And be it enacted*, That in case any instrument or deed of manumission heretofore made and executed, or hereafter made and executed, shall be acknowledged by the party or parties who shall have executed the same, or be proved by one or more of the subscribing witnesses to it, that such party or parties signed, sealed, and delivered the same, as his or her voluntary act and deed, before one of the officers authorised by law to take the acknowledgment or proof of deeds of conveyance of lands, tenements, hereditaments, and real estate, or before one of the justices of the peace in any of the counties of this State, and such certificate of such acknowledgment or proof shall be written under or upon such deed, and subscribed by the officer before whom made, then, and in that case, every such instrument or deed of manumission so acknowledged or proved and certified, shall be received in evidence in any court of this State, in like manner as if the same were then and there proved by two witnesses.

Proof of deed of manumission.

Sec. 6. *And be it enacted*, That it shall be the duty of the clerk of the Court of Common Pleas of the county in which the owner of any slave shall reside at the time of manumitting such slave, to record in a well bound book of good paper, to be provided for that purpose, and well preserved every instrument or deed of manumission acknowledged or proved and certified as aforesaid, together with the acknowledgment or proof and the certificate written on or under the same, which shall be delivered to him to be recorded, to which book, every person shall have access at proper hours, and be entitled to transcripts from the same, on paying the fees allowed by law.

To be recorded.

Sec. 7. *And be it enacted*, That the record aforesaid of such instrument, or deed of manumission, or a copy of such record, certified to be a true copy by the clerk, in whose office the said record is kept, shall be received in evidence in any court of this State, and be as good, effectual and available in law, as if the original instrument or deed of manumission were then and there produced and proved.

Records and certified copies to be evidence.

Sec. 8. *And be it enacted*, That the clerk shall deliver a receipt to the person who shall deliver to him any instrument or

Clerk to give receipt.

deed of manumission as aforesaid, mentioning therein, the time when it was delivered to him, or brought to his office to be recorded, its date and the names of the parties to it, and shall certify on or under the said instrument, the time it was received, and the name and number of the book and page or pages in which it is recorded, and when recorded shall deliver it to the party entitled to it, or to his or her order, and the said clerk shall be entitled to receive for recording every deed of manumission, with the acknowledgment or proof and certificate, for every sheet five cents, and for every copy of the same five cents, for every receipt six cents, and for every search seven cents.

Penalty on clerk for neglect of duty.

Sec. 9. *And be it enacted*, That if any clerk of the Common Pleas in any of the counties of this State, shall neglect or refuse to perform any service or duty required of him by this act, he shall for every such neglect or refusal, forfeit and pay fifty dollars, to be recovered with costs, in an action of debt by the county collector, and on recovery by him, to be paid over to the treasurer of this State for the use of the State, and shall also be liable for all damages which the party aggrieved shall have sustained by reason of the non-performance of such service or duty.

Sec. 10. *And be it enacted*, That no negro, indian, mulatto or mestee slave or servant for life or years, shall hereafter be removed, exported or carried out of this State except as hereinafter provided.

Penalty for exporting a slave contrary to law.

Sec. 11. *And be it enacted*, That if any person shall send to sea or export or attempt to send to sea or export from this State, or send or carry out of, or attempt to send or carry out of this State, except as hereinafter provided, any negro, indian, mulatto or mestee, slave or servant for life or years, every person so exporting or attempting to export, or sending or carrying out of this State, or attempt to send or carry out of this State, such slave or servant, and his or her aiders or abettors, shall be deemed guilty of a misdemeanor, and on conviction in due course of law, shall be punished by fine not less than one thousand dollars, nor more than two thousand dollars, or imprisonment at hard labour for any term not less than two years, nor more than four years, or both, at the discretion of the court, before whom such conviction shall be had; and further, that every such slave or servant so exported or carried out of this State, or attempted to be exported or carried out of this State, or sent to sea, shall be free.

Penalty for selling a slave to a person intending to export such slave.

Sec. 12. *And be it enacted*, That if any person shall hereafter sell, transfer or assign any such slave or servant to any non-resident, or person not being an inhabitant of this State, or to any person intending to remove, or export, or carry such slave or servant out of this State, every person so knowingly selling, transferring or assigning such slave or servant, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by

fine not less than five hundred nor more than one thousand dollars, or by imprisonment at hard labour, not less than one year nor more than two years, or both, at the discretion of the court before whom such conviction shall be had; and further, that every such slave or servant so sold, transferred or assigned to any non-resident, or person not being an inhabitant of this State, or to any person intending to remove, or export, or carry away such slave or servant out of this State, shall be free.

Sec. 13. *And be it enacted*, That if any person shall purchase or take a transfer or assignment of any negro, mulatto, indian or mestee slave or servant for life or years, with a design or intent to export or send or carry such slave or servant out of this State, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not less than one thousand dollars, nor more than two thousand dollars, or by imprisonment at hard labour, not less than two nor more than four years, or both, at the discretion of the court before whom such conviction shall be had; and further, that such slave or servant so purchased, transferred or assigned, shall be free.

Penalty for purchasing a slave with an intention to export such slave.

Sec 14. *And be it enacted*, That if any person or persons shall fit out, equip, or man, or otherwise prepare any ship or other vessel, to sail from any port or harbour of this State, for the purpose of exporting or carrying out of this State, or sending to sea, any negro, mulatto, indian, or mestee slave or servant for life or years, such ship or vessel, her cargo, tackle, furniture, and apparel, shall be forfeited, and shall and may be seized by any justice of the peace, sheriff, or coroner within this State, and prosecuted by such justice, sheriff, or coroner, making such seizure by information *in rem*. in the Supreme Court of this State, or in the Inferior Court of Common Pleas of the county in which such seizure shall be made, to which courts jurisdiction of such causes is hereby given.

Vessels equipped for exporting slaves to be forfeited

Sec. 15. *And be it enacted*, That every ship or vessel, with her cargo, tackle, furniture, and apparel, so seized as aforesaid, and against which judgment shall be had and obtained, shall by order of the court in which such judgment shall be had, be sold by the sheriff of the county in which seizure was made, or in case the said sheriff be a party to the prosecution, then by one of the coroners of such county, having no interest therein, who, after deducting all legal costs and charges to be taxed by the court in which such judgment was had, and two per cent. on the amount of such sale, for his fees on the same, shall pay one half of the nett proceeds thereof to the collector of the county in which the seizure was made, for the use of the State, and the remaining part thereof to the person or persons making such seizure and prosecuting the same to effect.

and sold.

Money, to whom to be paid.

Sec. 16. *And be it enacted*, That it shall be lawful for any justice of the peace, sheriff or coroner, of any county within this State, to go on board of or enter any ship or vessel lying in any

What officers may go on board.

port or harbour of this State, for the purpose of making the seizure aforesaid, and if any master, seaman, or other person on board such ship or vessel, shall refuse or not suffer to enter, or resist before or after entering on board such ship or vessel, any justice of the peace, sheriff or coroner, attempting to enter on board, or being already on board such ship or vessel for the purpose of making seizure as aforesaid, every person so refusing or resisting such justice, sheriff or coroner, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not less than one thousand nor more than two thousand dollars, or imprisonment at hard labour not less than two nor more than four years, or both, at the discretion of the court before whom the conviction shall be had.

Penalty for resisting the officers.

Who may remove their slaves.

Conditions to be performed.

Sec. 17. *And be it enacted*, That it shall be lawful for every person who shall have resided five years within this State, and who shall be about to remove permanently therefrom, to carry with him or her every such slave as shall have been the property of such person during five years next preceding: *Provided always*, that before such person shall attempt to carry away such slave out of this State, he or she shall make satisfactory proof before the Court of Common Pleas of the county in which he or she last resided, that such slave hath been his or her property during five years next preceding the time of such application to the court, and shall also prove, to the satisfaction of the said court, by the oath or affirmation of two credible witnesses, that such person so intending to carry away such slave out of this State, hath resided within this State five years next preceding, and that such slave hath been in the service or employ of such person as a slave during that time, and shall obtain from said court a license under the seal of the court, to carry such slave out of this State: *And provided also*, that such slave be of full age, and shall have consented to be carried out of this State upon private examination before the presiding judge of said court, or in case of his absence, or in case there be no presiding judge of said court, before two of the judges of said court, whose certificate of such consent shall be then and there produced to the court, before the granting such license as aforesaid.

Penalty on masters of vessels in certain cases.

Sec. 18. *And be it enacted*, That every master of a ship or other vessel who shall knowingly receive on board any ship or other vessel of which he is master, for the purpose of carrying out of this State any slave, for whose exportation a license hath not been obtained as herein before directed, or who having ignorantly received on board of said ship or other vessel such slave, shall suffer such slave to depart from his ship or other vessel in any place out of this State, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not less than one thousand nor more than two thousand dollars, or imprisonment at hard labour, not less than two nor more than four years, or both, at the discretion of the court.

Sec. 19. *And be it enacted*, That it shall be lawful for any inhabitant of this State, going out of the same on a journey to any other part of the United States, or for necessary business, to take with him or her any such slave or servant as aforesaid, but it shall be the duty of such inhabitant to bring back such slave or servant, and in default thereof he or she shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not less than five hundred dollars, nor more than one thousand dollars, or by imprisonment at hard labour not less than one year nor more than two years, or both, at the discretion of the court before whom the conviction shall be had, unless such inhabitant shall make proof, within six months after his or her return, to the satisfaction of two of the judges of the Court of Common Pleas of the county in which he or she shall reside, that such slave or servant not brought back as aforesaid, could not be brought back, by reason of some unavoidable accident, and obtain a certificate thereof subscribed by the two judges before whom such proof shall be made, and file the same in the office of the clerk of the said county; and further, that every such slave or servant so taken out of this State, and not brought back as aforesaid, shall be free: *Provided nevertheless*, that nothing herein contained shall be construed to authorise or allow the taking away such slave or servant in any ship or vessel going to sea.

Owner of a slave may take such slave with him in certain cases.

Sec. 20. *And be it enacted*, That nothing herein contained shall be understood, construed, or taken as intending to prevent the sending or exporting out of this State, any slave who hath been or hereafter may be sentenced to transportation on conviction of any crime or crimes, by virtue of any statute of this State now in force or hereafter enacted.

Sec. 21. *And be it enacted*, That it shall be lawful for any person, not an inhabitant of this State, who shall be travelling to or from, or passing through this State, or coming into this State from any other of the United States, and having a temporary residence in this State, to bring with him or her any such slave or servant as aforesaid, and on removal or leaving this State, to take such slave or servant out of this State: *Provided*, that the number of such slaves or servants shall not exceed the usual number of personal or household slaves or servants kept and maintained by said traveller or temporary resident.

Exceptions as to persons not inhabitants.

Sec. 22. *And be it enacted*, That the twentieth section of an act, entitled "An act respecting slaves," passed the fourteenth day of March, one thousand seven hundred and ninety-eight, and the act, entitled "An act for the gradual abolition of slavery," passed the fifteenth day of February, one thousand eight hundred and four, and the act, entitled "An act supplementary to the act respecting slaves," passed the third day of December, one thousand eight hundred and four, and the act, entitled "An act supplemental to the act entitled an act respecting slaves," passed the first day of February, one thousand eight hundred and twelve,

Acts repealed

and the act, entitled "An act to prohibit the exportation of slaves or servants of colour out of this State," passed the fifth day of November, one thousand eight hundred and eighteen, and the supplement thereto, passed the nineteenth day of February, one thousand eight hundred and nineteen, be, and the same are hereby repealed: *Provided always*, that such repeal shall in no way affect or annul any indictment or other proceeding had or to be had under the said acts or any of them, for offences against the same, but that the same may be proceeded in and prosecuted to effect in regard to all or any offences heretofore committed against those acts thus repealed, or any of them, in the same manner as if this repealing section had not been made, and provided also, that all rights acquired, or transactions legally had and done under said repealed acts, or any of them, shall be as valid and effectual as though this repealing section had not been made.

A. Passed February 24, 1820.

---

A Supplement to an act, entitled "An act to regulate the practice of the Courts of Law."

Time of serving summons.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the summons required by the eighteenth section of the act to which this is a supplement, to be served six entire days before the return day thereof, shall be valid and effectual in case the same shall be served two entire days on the defendant, before the said return day.

Filing declaration.

Sec. 2. *And be it enacted*, That the time of twenty days, in which the plaintiff is required, by the fifty-first section of the act to which this is a supplement, to file his declaration, shall henceforth be, and the same hereby is extended to thirty days.

Cases in which notice of filing pleadings necessary.

Sec. 3. *And be it enacted*, That in case the party, plaintiff or defendant, shall not file his or her declaration, plea, or other pleading in the cause, by the time required by law, and shall think proper to file the same after the expiration of such time, the party, in such case, shall furnish the adverse party with notice in writing, of the time of filing such declaration, plea, or other pleading, and the said adverse party shall not be bound to take notice of the same until such notice shall be received.

Time of filing pleadings after notice.

Sec. 4. *And be it enacted*, That in cases where any declaration, plea, or other pleading, shall be filed after the time allowed by the act to which this is a supplement, no subsequent pleading shall in any case be required in a shorter time than thirty days from the time notice, as aforesaid, shall be given of the time of filing such declaration, plea, or other pleading.

**Sec. 5.** *And be it enacted,* That henceforth no judgment shall be entered in any of the courts of record in this State, on suits which shall be commenced by writs of scire facias, or execution issue on judgments attempted to be revived by scire facias, unless the sheriff or other officer to whom the writ of scire facias shall be directed, shall actually have served the same, either personally on the defendant, or by leaving a copy of the writ with some white person, of the age of fourteen years, at his or her usual place of abode, at least six entire days before its return, or as directed in the next section of this act.

Serving writs of scire facias.

**Sec. 6.** *And be it enacted,* That whenever a writ of scire facias shall issue, either to recover a forfeited recognizance, or to revive a judgment, and the defendant has removed out of the jurisdiction of the court issuing such process, or cannot be found by the sheriff or other officer to whom the writ shall be directed, it shall and may be lawful for the plaintiff to proceed as though the said writ of scire facias had been duly served in the manner prescribed in the next preceding section of this act: *Provided,* the said plaintiff first cause the said writ to be published four successive weeks, in one of the newspapers printed in this State, as near the last residence of the defendant as can be conveniently ascertained, or cause a copy of the said writ to be served on the defendant wherever found, either in this State, or any other place, at least twelve days before the return thereof.

Proceedings in case defendant is out of the jurisdiction of the court.

**Sec. 7.** *And be it enacted,* That no writ of certiorari shall be allowed or issued, on any judgment, order or proceeding, that shall have been entered or obtained, in any court of record of this State, or that shall hereafter be entered or obtained, unless the same be issued in eighteen months after the entering or obtaining the same.

Time of allowing writs of certiorari.

**Sec. 8.** *And be it enacted,* That no writ of error, from any court of common law, shall be brought or allowed on any judgment that shall have been, or hereafter may be entered, or obtained, unless the same shall be had and done within three years after the judgment rendered: *Provided,* that in cases where the person, entitled to such writ of error, be an infant, feme covert, or insane, he or she shall have three years to bring such writ of error, after such disability shall be removed.

Time of allowing writs of error.

**Sec. 9.** *And be it enacted,* That the recognizance mentioned in the sixth and seventh sections of the act, entitled "An act respecting writs of error," in cases where judgment has been, or hereafter shall be rendered in the Supreme Court, may be acknowledged before any one of the justices of the Supreme Court, at his chambers, or before any one of the commissioners appointed by the Supreme Court, to take recognizance of bail; and such recognizance, when acknowledged before any one of the said justices or commissioners, and filed in the Supreme Court, shall be as good and effectual in law as if the same had been acknowledged in the Supreme Court, before the justices thereof, in open

Before whom certain recognizances may be acknowledged.

court, and when judgment has been or shall be rendered in any of the Inferior Courts of Common Pleas in this State, the said recognizance may be acknowledged before any one of the judges of the court wherein such judgment has or shall be rendered at his chambers, and said recognizance, when acknowledged, as aforesaid, and filed in said court, shall be as good and effectual in law as if the same had been acknowledged in the said Inferior Court of Common Pleas in open court.

Certain recognizances acknowledged before a justice of the Supreme Court.

Sec. 10. *And be it enacted*, That the recognizance mentioned in the eighth section of the act, entitled "An act respecting writs of error," may be acknowledged before any one of the justices of the Supreme Court, at his chambers, in such reasonable sum as such justice shall think fit; and such recognizance, when acknowledged before one of the justices of the Supreme Court, as aforesaid, and filed in the said Supreme Court, shall be as good and effectual in law as if the same had been acknowledged in the Supreme Court before the justices thereof in open court.

Execution stayed by writ of error.

Conditions to be performed.

Sec. 11. *And be it enacted*, That when a writ of error shall be issued, pursuant to the laws of this State, directed to the justices of the Supreme Court, or the judges of any of the Inferior Courts of Common Pleas of this State, and presented to the court, such writ of error shall stay execution: *Provided*, the plaintiff in error shall, within fifteen days from the time the said writ of error shall be so presented, file in the court wherein the judgment shall be rendered, such recognizance of bail, duly taken as by law is or shall be required; but such recognizance shall not stay execution, as aforesaid, unless the same shall be presented in the term in which such judgment shall be rendered, or within fifteen days thereafter, to the Chief Justice in case the judgment shall be rendered in the Supreme Court, or to the presiding judge of the Common Pleas, in case the judgment shall be rendered in the Common Pleas, or in case there shall not be any presiding judge of the Common Pleas, then to one of the judges of the said Common Pleas in which the said judgment shall be rendered.

Notice of trial.

Sec. 12. *And be it enacted*, That the notice of trial, mentioned in the sixty-fifth section of the act to which this is a supplement, shall be twenty days exclusive of Sundays, when the action is in the Supreme Court of this State; and fifteen days exclusive of Sundays, when the action is in any of the courts of Common Pleas of this State.

Return of coroners.

Sec. 13. *And be it enacted*, That a return made by any one or more of the Coroners, of any county, of process for summoning of juries, shall be as effectual as if such return had been made and signed by all the Coroners of such county, any thing in the third section of the act, entitled "An act respecting Coroners," passed the eighth day of March, one thousand seven hundred and ninety-six, to the contrary notwithstanding.

Sec. 14. *And be it enacted*, That the act, entitled "An act respecting writs of scire facias," passed the fourteenth day of March, eighteen hundred and six, and the act, entitled "An act concerning writs of error, and writs of certiorari," passed the twenty-second day of February, eighteen hundred and eleven, and the act, entitled "An act respecting writs of scire facias," passed the twenty-eighth day of November, eighteen hundred and nine, and an act, entitled "A supplement to the act, entitled An act respecting writs of error," passed the tenth day of February, eighteen hundred and nineteen, and the eleventh section of the act, entitled "An act respecting writs of error," passed the first day of February, seventeen hundred and ninety-nine, be and the same are hereby repealed: *Provided nevertheless*, that such repeal shall not render ineffectual any thing lawfully done under them or either of them. Acts repealed.

C. Passed February 28, 1820.

---

An act directing the mode of entering judgments upon bonds with warrants of attorney to confess judgments.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in all cases where a bond or other obligation is given for the payment of money only, together with a warrant under hand and seal, directed to any attorney at law or other person, to appear in any court of record, to an action brought, or to be brought on such bond or obligation, against the person or persons executing the same, and to confess a judgment against him, her or them for the sum mentioned in such bond and warrant of attorney, with costs of suit, or to the like effect, it shall and may be lawful for the obligee or obligees, his, her or their executors, administrators or assigns, at any time after the day of payment mentioned in said bond or obligation, to apply to any of the justices of the Supreme Court, or to any one of the judges of the Inferior Court of Common Pleas, in any of the counties of this State, and on the production of such bond or obligation with the warrant of attorney, it shall be the duty of such justice or judge at the request of the person applying as aforesaid, at the end of a fair copy of such bond or obligation and warrant of attorney, made on a whole sheet of paper for that purpose, enter or cause to be entered an appearance for the obligor or obligors to an action of debt, as of the last precedent term of the court of which the said justice or judge is a member, and a confession and judgment against him, her or them for the sum mentioned in the said bond or obligation and warrant of attorney, signed by the said justice or judge in the following form, to wit:

Mode of entering judgments on warrants to confess, &c.