

such cases the sheriff shall pay the forfeiture and costs to the justice before whom the conviction was had, said forfeitures to be paid over by the justice as required by law.

Supplement.

Approved March 19, 1872. P. L. 1872, p. 38.

143. SEC. 1. That the second section of the act entitled "A further supplement to an act entitled 'An act constituting courts for the trial of small causes,'" approved April sixth, one thousand eight hundred and seventy-one, be amended by adding after the word "payment" the following: "and such judge shall receive such fees for his services as the county clerks receive for like services," but he shall in no case approve such payment before conviction.

Fees of judge of
oyer and termi-
ner for approv-
ing bill of costs.

An act respecting appeals from justices courts.

Approved April 21, 1876. P. L. 1876, p. 268.

144. SEC. 1. That all appeals from justices courts to the court of common pleas of any county in this state, shall be put on the list for trial at the first term to which the same shall be appealed, unless the appeal shall have been taken within five days prior to the beginning of such term, and then at the next term thereafter.

When appeals
shall be put on
the list for trial.

Land, Improvement of.

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| <ol style="list-style-type: none"> 1. Real estate improvement companies Formation, filing certificate, etc. Certificate to be proved and recorded. 2. Directors and election of. 3. Capital stock and its payment. 4. Transfer of stock. 5. Parents, guardians and trustees may hold shares. 6. Power to adopt constitution and by-laws. 7. Power to purchase and hold land. General powers. 8. Power to receive title to land. 9. Authorized to improve lands. | <ol style="list-style-type: none"> 10. Borrow money on mortgage. 11. Restrictive clause against nuisances. 12. Investment of funds. 13. By-Laws. 14. Annual statement. 15. Corporations organized or specially incorporated for the purposes of this act may file certificate. 16. Legislature may repeal or amend act. 17. Companies to have powers conferred by Section 1, of corporation act. |
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An act to encourage the improvement of real property in this state.

Revision—Approved March 27, 1874.

P. L. 1865, p. 707.
" 1867, p. 855.

1. That it shall and may be lawful for any number of persons not less than five, to associate themselves into a company for the purpose of buying, selling, settling, owning and improving real estate, and erecting buildings and other structures thereon, within this state, upon making a certificate in writing under their hands and seals, setting forth,

- I. The corporate name which they propose to assume;
- II. The names of the places in which the said real estate is situated;
- III. The total amount of the capital stock of said company, which shall be divided into shares of fifty dollars each;
- IV. The names and residences of the stockholders, and the number of shares held by each;

Real property
improvement
companies.

P. L. 1867, p. 855,
§ 1.

Formation and
filing certificate.

Which certificate shall be proved and acknowledged, and recorded in a book to be kept for that purpose in the office of the clerk of the county or counties in which said real estate shall be situated, and after being so recorded shall be deposited and filed in the office of the secretary of state, and a copy thereof, duly certified by such secretary, shall be evidence for or against such company; and upon the making and filing of said certificate, such company shall be deemed and taken to be a corporation in fact and in law, with all the powers conferred in the first section of the act concerning corporations.

Certificate to be
proved and re-
corded.

2. The business of such company shall be managed by a board of one president and four directors, a majority of whom shall be residents of this state; as soon as the capital stock shall have been subscribed, the stock-

Directors and
election of.
Ib. § 2.

- holders or a majority of them, shall, at such time as they shall agree upon, proceed to choose five directors, who shall choose one of their number president, and shall hold their office for one year, and until others are duly chosen, and thereafter the said directors and president shall be chosen in such manner and at such time as the by-laws may direct.
- Capital stock and its payment. *Ib.* § 3. 3. The capital stock of every such company shall be paid in at such times, upon such notice, and in such manner and instalments as the directors of said company by their by-laws or otherwise may direct, and such payment shall be made either in money or in land, situated in places named in the said certificate, the land to be appraised by the board of directors, and taken at such value by said company on such terms as may be agreed upon, and in case of the failure of any stockholder to pay his or her instalment at the place and within thirty days of the time appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use of said company.
- Transfer of stock. *Ib.* § 4. 4. The capital stock of said company shall be deemed personal property, and the said shares shall be transferable only on the books of said company, in such manner as the board of directors by by-laws may direct, and every share shall entitle the holder to one vote either in person or by proxy.
- Parents, guardians and trustees may hold shares. 5. Parents or guardians may take and hold shares in behalf of their minor children or wards, and trustees in behalf of married or single women, and may act in such association in behalf of those they represent.
- Power to adopt constitution and by-laws. *P. L. 1865, p. 707.* § 4. 6. The association may adopt such form of constitution and by-laws, not repugnant to the constitution of this state or the United States, as to them shall seem right and proper, and may alter and amend the same from time to time, in the manner therein provided.
- Purchase land. Powers of company. *Ib.* § 6. Amended. 7. Such company, by its corporate name, so as aforesaid certified, shall be capable of purchasing, holding, and conveying lands and tenements, goods and chattels, and of doing and performing all other acts and things necessary or proper for accomplishing the objects of such company contemplated by this act; they may purchase land and issue bonds, secured by mortgage, in payment of such portion of the purchase money as it may not be convenient to pay in cash, but at no time shall the amount of land held by such company exceed twenty-five thousand acres; and they may sell and dispose of their said lands in convenient quantities to settlers and others, at fair and reasonable prices, and on fair and reasonable terms; or they may sell the said lands in shares and issue certificates therefor, each share when full paid entitling the holder to a certain portion of land not exceeding one hundred acres, and to the occupancy of said lands under such restrictions and regulations as may be adopted by the association after payment of a portion of the instalments; and no premium given for priority of choice of land or for loans or discount on the redemption of shares or bonds shall be deemed to be usurious.
- Power to receive title to land. *P. L. 1867, p. 855.* § 5. 8. As soon as any such company shall be organized, it shall be authorized to receive conveyances for the lands which it is intended to purchase, and to hold, and execute all instruments and conveyances necessary in the purchase, sale or mortgage of such property.
- Authorized to improve lands. *Ib.* § 6. 9. The said company are authorized to improve all and every portion of such lands held or purchased by them as aforesaid, by erecting, building and laying out said lands into lots, streets, squares, docks, lanes, alleys or other divisions, and by levelling, grading, raising or tunnelling the said land, streets, lanes and alleys, and may build, enlarge, and improve all and any structures which they may deem necessary for the purposes of their organization.
- Borrow money on mortgage. *Ib.* § 7. 10. If the capital of such company shall not be sufficient to buy the land and build and improve the same as hereinbefore provided; it shall be lawful for any such company to borrow money at any rate of interest not exceeding seven per centum per annum, for such purposes, and to mortgage their entire property therefor; *provided*, that the mortgage shall at no time exceed the capital paid in of said company.
- Restrictive clauses against nuisances. 11. All deeds of conveyance of lands or tenements granted by any company formed in pursuance of this act shall be held to be valid and binding,

with any restrictive clauses against nuisances, unless the same be contrary to the constitution or laws of this state.

12. The funds of such company, after payment of expenses, shall be invested in the purchase or payment of the bonds secured by mortgage as aforesaid, or in loans to actual settlers, to assist them in improving the lands sold or disposed of to them, but no dividend or division of the profits shall be made until all the said bonds are paid.

Investment of funds.
P. L. 1865, p. 707, § 7.

13. All matters not herein provided for shall be regulated by the constitution and by-laws of said company.

By-laws.
Ib. § 8.

14. Every such company shall furnish to the secretary of state, when by him required, an annual statement of the condition and business of the company, duly attested under oath or affirmation by the proper officers of the company.

Annual statement.
Ib. § 9.

15. Any corporation organized under or specially incorporated by any law of this state, for either of the purposes mentioned in the first section of this act, with the written consent of three-fourths in amount of its stockholders, duly acknowledged as in conveyances of land, may file their certificate, under their corporate seal, signed by their president and directors, with such written consent in the office of the secretary of state, thereby declaring their desire that said corporation shall be possessed of the powers and subject to the provisions of this act; and it shall be the duty of said secretary of state to record the same, whereupon the said corporation shall be thereafter possessed of all the powers conferred by this act, and subject to its provisions, as fully as if originally organized under the same.

Corporations organized or specially incorporated for either purposes of this act may file certificate, etc.

16. The legislature may at any time repeal or amend this act, or annul the charter of any association created under the same.

Legislature may repeal or amend.

Supplement.

Approved April 9, 1875.

17. SEC. 1. That all corporations organized now or hereafter under the act to which this is a supplement, shall have and possess all powers conferred in the first section of the "act concerning corporations," passed at the present session of the legislature, anything in any other law to the contrary notwithstanding.

To have powers conferred in Sec. 1 of act concerning corporations.

Landlord and Tenant.

I. SUITS FOR RENT.

1. Debt for rent on lease for life.
2. When tenant for life dies, remedy.
3. Action for use and occupation.

II. LANDLORD'S LIEN ON TENANT'S GOODS.

4. Landlord's lien for rent.
5. Goods taken when sold.
6. Removal by day and notice.

III. EJECTMENT UNDER RIGHT TO RE-ENTER.

7. Ejectment and proceedings therein.
8. How lessee relieved in equity.
9. Suit discontinued on payment and tender.

IV. SUMMARY PROCEEDINGS IF PREMISES DESERTED, OR RENT UNPAID, OR TERM ENDED.

10. Remedy if premises deserted. Notice.
11. Landlord's affidavit.
12. Summons to be issued.
13. Proof that tenancy has ended.
14. Writ of possession.

15. Right of possession without proving title to be proved.
16. Proceedings not to be appealed from or removed by certiorari.
17. Fees.
18. Proceedings may be removed to circuit court.
19. Venire to issue. Trial on return day.
20. Notice of trial.
21. Judgment. Writ of possession.
22. Power of court. Writ of error.

V. GENERAL PROVISIONS,

23. Surrender and renewal of chief lease not to invalidate under-leases.
24. Attornment of defendant void.
25. Penalty for holding over.
26. Penalty for holding over after notice of quitting.
27. Notice to quit.
28. In case of fire without fault of lessee rent to cease: If building destroyed, lease ended.
29. Remedy for rent unpaid or term ended
30. How summons served; trial and jury, &c.
31. Constable or marshal to execute warrant.