

term, and after demand made, and notice in writing given for delivering the possession thereof by the landlord, or his agent for that purpose ;

II. Where such person shall hold over after any default in the payment of the rent, pursuant to the agreement under which such premises are held, and satisfaction for such rent cannot be obtained by distress of any goods, and a demand of such rent shall have been made, by three days' notice in writing, requiring the payment of such rent, or the possession of the premises, shall have been served by the person entitled to such rent, or his agent, upon the person owing the same.^(a)

The notices required in this section shall be served either personally on the tenant, by giving him a copy thereof, or by leaving a copy thereof at his last usual place of abode, with some member of his family above the age of fourteen years ; or where, from any reason, such service cannot be had, then the same may be served by affixing a copy of such notice to the door of any dwelling, or such demised premises, occupied by such tenant.

30. SEC. 2. That the fifteenth section of said act, which section reads as follows, namely : Amendment to section 15.

"15. The summons shall be served in the manner prescribed in the act constituting courts for the trial of small causes ; the suit may be adjourned, and either party may demand and have a trial by jury of twelve men," be and the same are hereby amended so as to read as follows, namely :

15. The summons shall be served in the manner prescribed by the act constituting courts for the trial of small causes, except in cases where the tenant denies admission to the dwelling occupied by such tenant to the officer attempting to serve such summons, and in such case it shall be a lawful service of such summons if the said officer affix a copy of such summons to the door of said dwelling ; and the suit may be adjourned, and either party may demand and have a trial by jury of twelve men, and if such jury fail to agree the justice may discharge them and summon a new jury before whom the matter shall again be tried. How summons served ; trial and jury, &c.

31. SEC. 3. That when any warrant shall be issued under the provisions of the sixteenth section of the act to which this is a supplement, to any constable or marshal it shall be the duty of said constable or marshal to obey the command of such warrant and to faithfully execute such warrant, and in such execution of such warrant the said constable or marshal shall have power if necessary to the execution of such warrant, to break in any door of any dwelling or other building so in possession of such tenant, and to use whatever force may be necessary to effect an entrance into such building to execute his said warrant. Constable or marshal to execute warrant.
How executed.

^(a) A statement that according to deponent's belief satisfaction cannot be obtained by distress, is bad, *Schuyler v. Trejern*, 2 Dutch. 213.

Learning.

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| <ol style="list-style-type: none"> 1. Formation of societies for promotion of learning. 2. Corporate name and powers. 3. Election of officers. 4. Time and manner of electing trustees. 5. Annual reports. 6. By-laws. 7. Record of proceedings to be kept. 8. Corporation not dissolved for failure to elect. | <ol style="list-style-type: none"> 9. Property to continue vested. 10. Act to extend to library companies. 11. By-laws of library companies. 12. Power to create capital stock. 13. Consent to be attested. 14. Methodist or other educational institutions authorized. 15. Duty of trustees, etc. 16. Conferences, etc., subject to this act. |
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An act to incorporate societies for the promotion of learning. R. S. 393.

Revision—Approved April 9, 1875. P. L. 1850, p. 158.
" 1859, p. 255.

1. That each and every association of persons in this state for the promotion of learning, which now or hereafter may be, are hereby authorized and empowered, respectively, to meet together, at their usual place of meeting, at any time hereafter by them to be agreed upon, giving at least ten days' notice of the time and purpose of meeting, by an advertisement, Formation of societies for promotion of learning.
R. S. 393, § 1.

set up in some conspicuous place in the neighborhood where the said association may be formed, and being so met, shall by plurality of voices of the persons so associated and met, elect any number of their said association, not exceeding seven, to be trustees of the same; which said trustees and their successors are hereby constituted a body politic and corporate, in fact, name and law, to all intents and purposes, forever, by whatever name the said trustees, elected as aforesaid, shall take and assume in the manner hereinafter directed, and by that name they shall have perpetual succession.

Corporate name
and powers.
Ib. § 2.

2. The trustees of any association, elected as aforesaid, upon taking on themselves any name, and certifying the same under their hands and seals, and causing such certificate to be recorded in the clerk's office of the county in which such association shall be formed, such trustees, and their successors forever, shall be known and distinguished in law, in all cases whatsoever, by the name they shall have so taken and recorded, as fully, to all intents and purposes whatsoever, as though they were herein particularly named and constituted; and by such name they respectively shall, forever thereafter, be authorized, in law, to purchase, take, hold, receive and enjoy, any lands, tenements or hereditaments, in fee simple or otherwise, by the gift, alienation or devise of any person or persons able to grant or devise the same; and also goods, chattels, legacies and donations granted and given to the said association, of which they shall be trustees as aforesaid, of what kind or quality soever, so that the yearly value of the same doth not exceed four thousand dollars; and also, that the said trustees of each respective association as aforesaid, and their successors by the name assumed and recorded as aforesaid, shall and may grant, convey, assign and sell, or otherwise dispose of, all or any of their lands, tenements or hereditaments, goods, chattels and personal estate whatsoever, as to them shall seem meet; and also, that the said trustees of each respective association as aforesaid, and their successors, by the name to be taken and recorded as aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of judicature whatsoever; and also, that the said trustees of each respective association as aforesaid, and their successors, shall and may make, and forever thereafter have and use a common seal, with such device or devices, as they shall think proper, for sealing all and singular deeds, contracts and other writings, touching and concerning the said corporation, and may, as often as they shall think fit, alter and new make the same or any other their common seal.

Power to hold
land.

Election of
officers.
Ib. § 3.

3. It shall and may be lawful for the trustees, elected for each respective association as aforesaid, and their successors, from time to time, as they may find it necessary or expedient, to choose a president, being one of the said trustees, and such other officers and assistants as may be requisite for the keeping and preserving of the goods and chattels, moneys, books, charters, deeds, writings and accounts of the said corporation; which said president shall keep in his custody the common seal, and shall have power from time to time, and at all times hereafter as occasion may require, to call a meeting of the said trustees, at such convenient place in the neighborhood of the association as he shall think proper, for the execution of all or any of the powers hereby given them; and in case of sickness, absence or death of the president, all the powers hereby in him vested shall vest and remain in the senior trustee on record, until the recovery or return of the president, or until a new president shall be chosen as aforesaid.

Time and man-
ner of electing
trustees.
Ib. § 4.

4. The trustees of each and every association incorporated under this act, and all such as shall be hereafter incorporated under said act, shall be elected annually, on the third Tuesday of April of each and every year, by the members of the said association, at the usual place of meeting of said association, or such other time or place as the board of trustees shall from time to time order and direct; six days' notice of the time, place and purpose of the meeting shall be given by the board of trustees, by an advertisement set up in some conspicuous place in the neighborhood of said association; but vacancies happening during the year, that is, between the annual elections, by death, resignation or otherwise, may be

filled by the remaining trustees, at a regular meeting of the board; *provided*, that no person shall be admitted to vote for trustees unless he or she shall have been duly admitted a member of said association by a majority of the trustees for the time being, and shall have paid to the said trustees, for the use of the association, at least three dollars; and that a majority of the members present, at each and every annual meeting, shall choose the trustees.

Vacancies filled.
Who may vote.

5. It shall be the duty of the board of trustees to lay before the associates, at each and every annual meeting, the state of the institution, the situation of the funds, and the accounts and transactions of the preceding year, previous to the election of trustees.

Annual report.
Ib. § 5.

6. The said trustees of each respective association as aforesaid, and their successors, shall have full power and authority to make all such necessary and useful orders and regulations (not inconsistent with the laws of the state) as to them may seem meet and proper, for promoting the cause of learning in the seminary under their superintendence, as well with respect to discipline, as to the different branches of education to be used therein; *provided, nevertheless*, that there be a majority of the whole number of the said trustees present and agreeing, in order to make valid any such order, regulation, vote or proceeding.

By-laws.
Ib. § 8.

7. All the proceedings of the trustees of each and every association as aforesaid, shall from time to time be fairly entered in a book or books to be provided and kept for that purpose; which book or books, together with the common seal, and all moneys, charters, deeds, accounts and writings whatsoever, appertaining to the association, shall, upon the decease, resignation, or removal of the former president, or other person having the custody of them, or any of them, be delivered to or go over unto the next successor in office, to be kept and preserved for the use and benefit of the said association.

Record of proceedings to be kept.
Ib. § 9.

8. No association of persons in this state, for the promotion of learning, which has heretofore or shall hereafter become a body politic and corporate in law, under the provisions of this act, shall be considered as dissolved, for or by reason of its neglecting or failing, or having neglected or failed, to elect trustees yearly and every year, on the day designated by law; and any trustees that may heretofore have been, or that may hereafter be duly elected trustees of any such association, shall continue in office until others shall be duly elected in their place, with all the rights, powers, privileges and duties vested in and devolving upon trustees duly elected, yearly and every year, on the day designated by law.

Corporation not dissolved for failure to elect.
Ib. § 10.

9. Any property, whether real or personal, which any association, incorporated as aforesaid, may have lawfully acquired by gift, alienation, devise, or otherwise, shall continue to be vested in and held by such association in their corporate name, notwithstanding such association may have neglected or failed to elect, annually, trustees as provided for by law, on the day when by law they ought to have been elected, as fully to all intents and purposes, as if such association had elected trustees yearly and every year, on the day appointed by law, from the time of its incorporation.

And property to continue vested.
Ib. § 11.

10. This act and every article and clause, the sixth section thereof excepted, shall extend unto and operate as an incorporating act for all library companies that now are or shall hereafter be formed in any of the counties in this state, and which have not been already incorporated, previous to the eleventh day of November, one thousand seven hundred and ninety-nine.

Act to extend to library companies.
Ib. § 6.

11. The trustees or heads of each associated library company as aforesaid, and their successors, shall have full power and authority to make all such necessary and useful orders and regulations, not inconsistent with the laws of this state, for the well ordering and governing the said library companies, and for promoting the interests thereof, as to them may seem proper; *provided always*, that there be a majority of the whole number of trustees present and agreeing, in order to make valid any such order, regulation, vote or proceeding.

By-laws of library companies.
Ib. § 7.

12. It shall and may be lawful for any association incorporated under and by virtue of this act, with the consent in writing of a majority of the

Power to create capital stock.
Ib. § 12.

members thereof, by their articles of association, to create a capital stock of not more than thirty thousand dollars, divided into shares of not more than fifty dollars each, and to provide that such shares shall be personal estate, and assignable and transferable in such manner, and according to such rules as the said association shall adopt; and that the owner or holder of each share shall be a member of such association, and entitled at all meetings thereof to give one vote, either in person or by proxy, for every such share by him or her owned or held; and that no person other than the owners or holders of such shares shall be admitted as members of such association, or entitled to vote at the meetings thereof; *provided*, that if the legislature shall at any time hereafter alter or repeal this section, any association which shall have been incorporated, or shall have acted under and by virtue of the same, shall be subject to and bound by such alteration or repeal.

Consent to be attested.

P. L. 1859, p. 255.

13. The signature of each member of the association to such agreement shall be attested by at least one subscribing witness, and it shall be the duty of the trustees of the association to have the same recorded in the clerk's office of the county in which such association shall be formed; *provided*, that it shall be first duly acknowledged before some officer authorized by law to take the acknowledgments and proofs of deeds by the several members so consenting, or proved by the subscribing witness or witnesses thereto.

Methodist or other educational institutions authorized.

P. L. 1850, p. 158.
Amended.

14. The members of the New Jersey annual conference of the Methodist Episcopal church or of any religious denomination, church or sect in this state, are hereby authorized and empowered, when in conference, assembly, convention, synod or other legislative meeting, according to the rules of such denomination, church or sect assembled, to found any institution or institutions in this state whose object shall be the promotion of learning, and for that purpose, when assembled as aforesaid, they are hereby further authorized and empowered from time to time to elect, from their own body or otherwise (with power at any time to fill vacancies), any number of persons, not exceeding eighteen nor less than nine, as trustees of such institution or institutions, who shall be divided into three classes, of which the first shall remain in office one year, the second two years, and the third three years, so that one class may be elected every year; which said trustees and their successors are hereby constituted a body politic and corporate, in fact, name and law, to all intents and purposes forever, by whatever name the trustees elected as aforesaid shall take and assume in the manner specified in the second section of this act, and by that name they shall have perpetual succession.

Duty of trustees, etc.
Ib. § 2.

15. It shall be the duty of the aforesaid trustees and their successors to lay before such conference, synod, or other legislative assembly aforesaid, respectively, who shall have founded such institutions, at each and every annual meeting thereof, the state of the institutions so founded, the situation of the funds, and the accounts and transactions of the preceding year, previous to the election of trustees.

Conferences, etc. subject to this act.
Ib. § 3.

16. Such conferences, conventions, synods and other legislative assemblies aforesaid, and the said trustees and their successors, shall be subject to the provisions of the act, so far as the same may be applicable and not inconsistent herewith.

Legacies.

1. Action to recover may be in supreme or circuit courts; abatement of; time allowed in which to pay.
2. Infant may sue by guardian or next friend.
3. Proceedings on plea of want of assets.
4. Costs, how awarded.
5. Demand to be made and refunding bond tendered or filed.
6. Abatement to be only of proportional part.
7. Creditors not to be prejudiced.
8. Security required from legatee for life or limited period.
9. Proceedings to set apart lands for the payment of contingent legacies.