

- 43. SEC. 3.** That it is the true intent and purpose of this act to limit the usual hours of labor of the employes of railroad corporations as aforesaid to twelve hours actual work a day; to be performed within a period of twelve consecutive hours as aforesaid, whether such employes be employed by the trip or trips, the job, the hour, the day, the week, the month, or in any other manner. The intent and purposes of this act, how construed.
- 44. SEC. 4.** That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act take effect on the fifteenth day of May next after its passage. When to take effect.

An act in relation to the employment of labor by corporations.

Approved May 15, 1894. P. L. 1894, p. 327.

- 45. SEC. 1.** That no corporation or employers of labor doing business in the state shall, directly or indirectly or through any manager, agent, superintendent, or employe thereof, make, as a condition of employment of labor in any branch of its service, that any applicant or applicants for such employment shall, either individually or collectively, be required to sign any paper, document, or writing of any description, by which an obligation is made or implied of renouncing existing membership in any organization, society or brotherhood, or by which a promise is given of not joining such organizations at any future time. Unlawful for corporations or employers of labor to make, as a condition of employment, renouncement of membership in society or brotherhood.
- 46. SEC. 2.** That no corporation or employers of labor shall in like manner require directly or indirectly or through any of its managers, superintendents, agents or employes, that any individual or individuals shall either individually or collectively, in any manner promise to renounce existing membership in any lodge, brotherhood, or labor organization of any kind, or promise to refrain from joining any such lodge, brotherhood, or organization at any future time. Unlawful to require individuals to renounce existing membership.
- 47. SEC. 3.** That any violation of the above act shall be punishable with a fine not to exceed five hundred dollars or three months' imprisonment, or both, as the court may direct. Or to refrain from joining such organization. Penalty.

Land Improvement Companies.

1. Real estate improvement companies. Formation, filing certificate, &c. Certificate to be proved and recorded.
2. Directors and election of.
3. Capital stock and its payment.
4. Transfer of stock.
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7. Power to purchase and hold land. General powers.
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	<b>An act to encourage the improvement of real property in this state.</b>
	Revision—Approved March 27, 1874.
P. L. 1865, p. 707. " 1867, p. 855.	
Real property improvement companies. P. L. 1867, p. 855, § 1.	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,
Formation and filing certificate.	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 ;
Certificate to be proved and recorded.	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.
Directors and election of. Ib., § 2.	2. That 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 stockholders 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. (a)
Capital stock and its payment. Ib., § 3.	3. That the capital stock of every such company shall be paid in at such times, upon such notice, and in such manner and installments 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 installment 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. (b)
Transfer of stock. Ib., § 4.	4. That 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. That 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. That 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.

(a) It is within the power of the directors, to whose management the affairs of the company are entrusted by law, to say on what terms and credits the property of the company shall be disposed of. In the absence of fraud the court of chancery will not interfere with the management of the affairs of the company by the directors, when they keep within the limits of their power. *Sewell v. East Cape May Beach Co.*, 5 Dick. 717.

(b) This section does not supersede the obligation of subscribers to pay their subscriptions, as they appear in the certifi-

cate of organization—it simply provides the manner in which payment shall be made; and in a suit by creditors against a stockholder, to compel him to pay his subscription, the inquiry is, has he paid in money or money's worth. *Weatherby v. Baker*, 3 Stew. 501. The directors, in the appraisement of land taken in payment of subscriptions, act in a fiduciary capacity, and are bound to discharge the duties of the trust with fidelity. *Ib.*

- 7.** That 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 installments; 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.
- 8.** That 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.
- 9.** That 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 tunneling 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.
- 10.** That 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.
- 11.** That 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.** That 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.
- 13.** That all matters not herein provided for shall be regulated by the constitution and by-laws of said company.
- 14.** That 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.
- 15.** That 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.
- 16.** That the legislature may at any time repeal or amend this act, or annul the charter of any association created under the same.

Purchase land.

Powers of company.  
Ib., § 6.  
Amended.

Power to receive title to land.  
P. L. 1887, p. 855, § 5.

Authorized to improve lands.  
Ib., § 6.

Borrow money on mortgage.  
Ib., § 7.

Restrictive clauses against nuisances.

Investment of funds.  
P. L. 1885, p. 707, § 7

By-laws.  
Ib., § 8.

Annual statement.  
Ib., § 9.

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

Legislature may repeal or amend.

## LAND IMPROVEMENT COMPANIES.

## Supplement.

Revision—Approved April 9, 1875.

To have powers conferred in section 1 of act concerning corporations.  
P. L. 1867, p. 855, § 8.

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.

## Supplement.

Approved April 13, 1876.

P. L. 1876, p. 133.

How land improvement companies may invest surplus.

18. SEC. 1. That all land improvement companies of this state now existing under any act of the legislature, or that are now or may hereafter be organized under the act to which this is a supplement, shall have and possess the power, when three-fourths of all the directors of such company shall vote therefor, to temporarily invest the proceeds of the sale of the real and personal property of said company and its accumulated surplus in any public stock or bonds of the United States, or of any state or municipal corporation therein, and in any stock or bonds of any corporation created by or under the laws of the states of New Jersey, New York or Pennsylvania; and said land improvement companies, to enable them to make such investments as aforesaid, may, by a three-fourths vote of their directors, purchase, hold and sell any of said stocks or bonds, public or private, whenever they deem it for the best interests of the corporation so to do.

## Supplement.

Approved February 10, 1880.

P. L. 1880, p. 25.

Corporations may increase capital stock and file additional certificate.

Proviso.

19. SEC. 1. That all corporations organized now or hereafter under the act to which this is a further supplement, may, at any meeting of the stockholders called for that purpose, increase the capital stock and the number of shares therein, until it shall reach the amount named in the original certificate, and in case more capital is necessary, an additional certificate shall be filed, under the hands and seals of two-thirds in interest of the stockholders, or their legal representatives, stating the amount of such additional capital required, which shall be proved or acknowledged and recorded in the manner heretofore provided for in this act; *provided*, that for all stock issued under such supplemental certificates, such corporation, its directors and stockholders, shall be entitled to all the benefits and subject to all the liabilities contained in said act.

## Supplement.

Approved March 6, 1886.

P. L. 1886, p. 76.

Purposes for which associations may be formed.

Certificate to be made.

Name.

Boundaries of district.

Stockholders.

Capital stock.

Certificate, where recorded.

20. SEC. 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 improving, preserving, protecting and beautifying any sidewalks and highways in any district or territory in any township in this state, and for the purpose of planting, cultivating and maintaining shade trees or ornamental trees along or on the same upon making a certificate in writing under their hands and seals setting forth:

I. The corporate name which they propose to assume;

II. The boundaries of the district or territory in which such sidewalks or highways are or may be;

III. The names and residences of the members and stockholders of such association, and the number of shares held by each one;

IV. The total amount of the capital stock of said company, which shall be divided into shares of ten dollars each, which certificate shall be proven or acknowledged and recorded in the clerk's office of the county in which such district or territory is situate, and said certificate so recorded, or a copy thereof duly certified by such clerk, shall be evidence for or against said company in all courts, and upon making and recording said certificate as aforesaid, 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.

21. SEC. 2. That all moneys subscribed by the members of said association, or received in any way by said association, shall be used and applied, as far as practicable, towards the making, maintaining, preserving and beautifying said sidewalks and highways, in accordance with the purposes aforesaid specified in such certificate, but nothing herein contained shall be construed to permit any unnecessary obstruction to the public travel in any of said highways at any time.

Moneys subscribed, how used and applied.

An act to encourage land improvement companies organized under special laws of this state.

Approved March 9, 1877.

P. L. 1877, p. 216.

22. SEC. 1. That any land improvement company organized under special charter of this state shall be and is hereby authorized and empowered, from time to time, to purchase, take and hold any other lands in this state in addition to the lands now held or authorized to be held by its charter, and to improve, mortgage, lease, sell and dispose of the same in the same manner as is authorized by the act of incorporation of such company or any supplement thereto; *provided, nevertheless*, that such company shall not purchase any such additional land by virtue of this act without the written consent of the stockholders representing a majority of the stock of such company for that purpose.

Companies may hold other lands than those authorized by special charter.

Proviso.

23. SEC. 2. That any such land improvement company shall have the power, in addition to that already conferred, to borrow from time to time, upon its promissory note, bond or other obligation, any sum or sums of money for the uses and purposes of said company; *provided*, that said indebtedness shall not, at any one time, exceed the amount of its paid in capital in cash; *and provided further*, that this act shall not repeal or abridge any rights, powers or privileges conferred upon any such company by its original charter or any acts supplemental thereto.

May borrow money, &c.

Proviso.

Proviso.

An act to enable the corporators of land companies that have not organized under their charters to change the titles of said companies.

Approved March 10, 1880.

P. L. 1880, p. 167.

24. SEC. 1. That it shall be lawful for the corporators of any land company chartered by the legislature of New Jersey to change the title of their company as they may elect; *provided*, no organization has already been effected under their charter; *and provided*, notice of said change of name be filed with the secretary of state within thirty days after such change.

Corporators of land company may change title of company.

Proviso.

25. SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed.

Repealer.

An act to enable the owners of any island, or part thereof, to improve the same and to protect the same from damage by high tides.

Passed March 23, 1881.

P. L. 1881, p. 177.

26. SEC. 1. That whenever the owners representing two-thirds in area of any island, or portion of an island, situate and lying along the coast or tide-water streams of this state shall agree or consent, in writing, to erect to build a sea wall or embankment for the purpose of protecting the same or any property therein from high tides or storm tides around, across or along the same, or any portion thereof, said agreement or consent, in writing, to be accompanied by a survey or plot of said land to be thus protected, with the names of the owners thereof and the number of acres owned by each, and showing where said sea wall or embankment is proposed to be located and built or erected, and to be signed and acknowledged, and filed and recorded in the county clerk's office of the county where said land is located, and the county clerks of the several counties in this state where any such island is located are hereby authorized to record said agreement and surveys the same as other conveyances are recorded.

Owners of island, &c., may build sea wall, &c., for protection.

Certificate of association and corporate name to be filed and recorded.

**27. SEC. 2.** That upon the filing of the agreement or consent as aforesaid, the owners of said land who have signed said agreement or consent, representing two-thirds of the area of said land to be protected, shall make, sign and acknowledge a certificate setting forth the corporate name by them chosen, the place where and the purpose for which such association or company is formed and intended, the name, residence and number of acres owned by each, and file the same in the office of the clerk of the county where such island or part of an island is situated and where said improvements are to be made, who shall thereupon record it in a book to be provided for that purpose.

Election of directors, their powers, &c.

**28. SEC. 3.** That upon making and recording such certificate, the said persons, their successors and assigns, shall become and be a body politic and corporate and possessed of all the powers mentioned and set forth in the first section of the act concerning corporations ; such persons so associated, or a majority of them, shall, within thirty days after such incorporation, and annually thereafter, by a vote of a majority present, elect any members of their said association, not exceeding seven, to be directors of such corporation, who shall thereupon choose from their number a president, secretary and treasurer, and such other officers and assistants as they may deem requisite and necessary ; and such directors shall have power to frame, establish and ordain, from time to time, such by-laws, ordinances and regulations for the government of such corporation and the advancement of the purposes thereof as they shall judge best ; *provided*, the same be not repugnant to the constitution or laws of this state or the United States.

Proviso.

Directors to cause all the lots of land to be measured and a plot to be made.

**29. SEC. 4.** That the directors of said corporation, or a majority of them, shall, as soon as may be, cause all the lots and parcels of the land belonging to each owner within the limits of the proposed sea wall or embankment, to be carefully and strictly measured, and a draught or plot to be made showing the quantity held by each owner, and cause a valuation to be made of the land of each owner separately ; and shall thereupon make an estimate of the sum or sums of money which will be necessary to defray the expenses of the different services required by this act, and also of building, erecting and maintaining said sea wall or embankment and other works necessary to keep the tide from overflowing or encroaching on said land within said wall or embankment to be protected thereby ; and shall assess the same ratably on said land agreeably to the valuation and quantity each owner may have within the said sea wall or embankment, or to be protected thereby ; and shall state the said assessment in a regular duplicate containing the names of the owners or possessors, the number of acres and parts of acres held by each, the sums assessed on them severally, and the time or times of payment, which duplicate shall be delivered to the treasurer of said company.

Estimate of cost for proposed improvement to be made.

Expenses, &c., to be assessed upon lands.

**30. SEC. 5.** That the treasurer, on receipt of the said duplicate, shall, in person or by notice in writing left at the usual place of abode of each owner or possessor, demand of and from each owner and possessor, not less than twenty days before the time of payment, the sum assessed as aforesaid ; and if any of the said owners or possessors shall neglect or refuse to pay the sum assessed as aforesaid, for the space of twenty days after the time fixed for payment thereof, it shall and may be lawful to and for the said treasurer to seize and sell out, by public vendue, to the highest bidder, so much of said land as will be requisite to discharge such assessment and all expenses attending the recovery thereof, having first advertised the same for the space of four weeks in five of the most public places in the vicinity where the said land is located, by handbills ; also in one newspaper published and printed in the county where said land is located, for the same length of time, at least once in each week ; that if said estimate so made and collected as aforesaid should not produce a sufficient sum of money to fulfill the purposes above mentioned, the said directors shall make, in like manner, an estimate of such sum as may be further necessary, which shall be collected in like manner as is hereinbefore directed.

Upon failure to pay assessment, treasurer to sell lands at public vendue.

Sale to be advertised.

**31. SEC. 6.** That if the board of directors of said company shall deem it advisable to issue bonds to an amount sufficient to pay the expenses of building, erecting and maintaining said sea wall or embankment, they shall have the power to do so, instead of raising the money by assessment as aforesaid, said bonds to bear interest at a rate not exceeding the legal rate when issued, and payable semi-annually; said bonds to run such length of time as said board shall determine, not exceeding twenty years; said bonds to be issued upon such terms as a majority of said directors shall deem advisable; said board of directors to provide for the payment of the interest and principal of said bonds as they become due and payable by assessment on the landowners or possessors as aforesaid provided.

Directors empowered to issue bonds to pay for improvement in lieu of assessment.

**32. SEC. 7.** That for the security of all moneys assessed or expended, or for the bonds which may be issued in payment of said improvements or work, by virtue of this act, all the land protected or inclosed, by said sea wall or embankment, or for the protection whereof said sea wall or embankment is built or erected, shall be pledged and bound for the payment thereof, and said bonds shall be a lien thereon.

Land protected pledged for payment of expenses.

**33. SEC. 8.** That said company shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, erect and construct, repair and maintain said sea wall or embankment, and to secure the same by issuing bonds therefor, at a rate of interest not exceeding the legal rate.

Amount of bonds that may be issued.

**34. SEC. 9.** That the directors of said company shall have power to make said sea wall or embankment a traveled road or walk upon such conditions and restrictions as may be deemed advisable by said board of directors.

Directors may make sea wall a traveled road.

**35. SEC. 10.** That if, from any cause, an election for directors shall not be had at the time when the same should have been held, the said company shall not be deemed dissolved thereby, but said election may be held at any other time by giving ten days' notice thereof in some newspaper published in said county; and until such election be had, the directors and officers elected at the preceding election shall continue to hold over and until others are elected in their stead.

On failure to elect directors, company not to be dissolved.

**36. SEC. 11.** That in case the owner or owners of any land benefited or inclosed by said sea wall or embankment is unknown, the assessment may be made as belonging to a person or persons unknown, and so state the same in their duplicate; and that the treasurer of said company may make the demand required by advertising the same in a newspaper circulated in the county wherein said land is located, for the space of twenty days next before the time of payment, giving in said advertisement a brief description of said land upon which the assessment has been made.

Assessment where owner of land is unknown.

**37. SEC. 12.** That in case any land shall be sold under and by virtue of this act to pay any assessment for improvement or otherwise, that the owner or owners of said land shall have the privilege of redeeming the same at any time within two years from the time said sale shall have been made, by paying to the treasurer of said company the amount which said land sold for, together with eight per centum interest and all expenses.

Owners may redeem lands sold within two years.

**38. SEC. 13.** That when any company incorporated under this act, or its agents, cannot agree with the owner or owners of such required lands for materials, or the use or purchase thereof, or when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of such company incorporated under this act, in the construction of said sea wall or embankment, shall be given in writing, under oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause any company incorporated under this act to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of

Proceedings when company cannot agree with owner or owners of lands and materials for purchase thereof.

Justice to appoint commissioners.

the commissioners hereinafter named ; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days ; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding) to meet at the time and place appointed and to proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisal of the value of the same, and an assessment of damages to be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein ; and thereupon, and on payment or tender of payment of the amount awarded, as hereinafter provided, the said company is hereby empowered to enter upon and take possession of the said lands or materials for the purposes aforesaid, and the said report, or copy thereof, certified by the clerk of said county, and proof of payment or tender of the amount awarded, shall at all time, be considered as plenary evidence of the right of any company, incorporated under this act, to have, hold, use, occupy, possess and enjoy the said lands or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company in the nature of a mortgage, and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall be paid by the company ; *provided always*, that should any company, incorporated under this act, or the owner or owners of any of the land or materials, feel aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said lands or materials may be.

Commissioners to make an estimate or appraisal of lands and assess damages and to make report.

Proviso.

Proceedings in case of an appeal from the decision of commissioners.

**39. SEC. 14.** That every appeal from the decision of the commissioners appointed under the preceding section, shall be made in writing and in the form of a petition to said court, and filed with the clerk of said circuit court of the county wherein the lands or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceedings shall vest in the circuit court full right and power to hear and adjudge the same, and direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried ; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against any company incorporated under this act and execution awarded therefor ; but if the said jury shall be applied for by the owner or owners and shall find a less



sum than the company shall have offered or the said commissioners shall have awarded, then said costs shall be paid by said applicant or applicants, and either deducted out of said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall said company incorporated under this act enter upon or take possession of any land of any person or persons for the purpose of actually constructing said works or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of any company incorporated under this act, until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such land or damages, in case the report of commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal, and in case of appeal, the amount found by the jury, shall refuse upon tender thereof being made to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county wherein the said lands lie, shall be deemed a valid and legal payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being barred thereby from his or their appeal from the report of the commissioners; and on such tender or payment of the money into court, in case it be refused as aforesaid, the company shall be empowered to enter upon and take possession of said lands and proceed with the work of constructing its sea wall or embankment; *provided*, nothing in this act shall be construed to apply within the limits of any incorporated city, nor to affect the rights of the state to any lands under water.

Proviso.

Proviso.

Proviso.

**40. SEC. 15.** That this act shall take effect immediately, and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Repealer.

**An act to encourage the formation of associations for the improvement of public grounds in any city, town, township or borough in this state.**

Approved April 23, 1888.

P. L. 1888, p. 468.

**41. SEC. 1.** That any number of persons, not less than five, may form an association for the purpose of improving, decorating, beautifying and adorning or dedicating to public use any squares, parks or other grounds in any city, town, township or borough of this state.

Formation of associations for improvement of public grounds.

**42. SEC. 2.** That such persons, desirous of forming an association for such purpose, shall make, sign and acknowledge before some person authorized to take acknowledgments of deeds for lands in this state, a certificate in writing, which certificate shall state the following particulars, namely:

Persons to make certificate in writing.

What certificate to state.

- I. The names and residences of the persons making the certificate;
- II. The corporate name adopted by them;
- III. The term of its existence, which shall not be more than fifty years;
- IV. The general purpose of the association;
- V. The name of the city, town, township or borough in which improvements are proposed to be made;

VI. The number of directors not less than three, and the names and residences of those who shall manage the affairs of the association for the first year, or until their successors are elected and qualified; which said certificate shall be filed in the office of the secretary of state, together with the consent in writing of the corporate authorities of said city, town, township or borough.

Certificate and consent to be filed in office of secretary of state.

**43. SEC. 3.** That when such certificate and consent shall have been filed as aforesaid, the persons who shall have signed and acknowledged it and their successors, shall be a body politic and corporate, without capital

When filed, persons to be a body corporate.

- Powers.** stock, by the name specified in said certificate, with power to adopt and use a corporate seal, to sue and be sued, to purchase, take, have, hold, receive and enjoy any lands, tenements and hereditaments in fee simple or otherwise, and any goods, chattels or property of any description, real or personal, whether acquired by gift, grant, devise, bequest or otherwise, and to grant, convey, lease, assign, sell or otherwise dispose of the same for the purposes of said association, and to receive and enjoy the rents, issues and profits thereof, and expend the same without limitation or restriction ; *provided, however,* that such association shall not have the power to grant, sell or convey, or convert to other than public use, any lands which have been in use by the public of any such city, town, township or borough as public squares, parks or places of public resort, without the authorization of the city or town council, township committee or borough commission or council of such city, town, township or borough, signified by their directing the proper officers of said city, town, township or borough to join in the execution of such deed ; *and provided also,* that any such conveyance shall be authorized by at least three-fourths of all the resident members entitled to vote at any annual election.
- Proviso.**
- Proviso.**
- Association empowered to make by-laws and regulations.** **44. SEC. 4.** That such association shall have power to make by-laws and regulations for its government, direction and management, elect officers and directors, and make such rules and regulations concerning the use by the public of such lands owned by it for public parks, squares, et cetera, as shall be necessary to preserve the shrubbery, improvements and grounds generally as places of free public resort and recreation forever.
- City, &c., may convey lands to association.** **45. SEC. 5.** That any city, town, township or borough as aforesaid, in which any such association shall be organized, may convey to said association any lands which the said city, town, township or borough now hold for the purpose aforesaid, to be used as places of public enjoyment ; *provided,* that no such conveyance shall be made until it shall have been approved by a majority of all the legal voters of said city, town, township or borough entitled to vote for city, town, township or borough authorities, at a special election to be held for that purpose.
- Proviso.** **46. SEC. 6.** That no dividend shall be declared by any such association upon any condition or pretense, and that no member of said association other than the regular officers thereof shall receive in any manner any money, emolument or dividend from the funds of said association, except in payment for services actually rendered.
- No dividend to be declared nor money paid to members.** **47. SEC. 7.** That upon the dissolution of the said association in any manner whatever, all the property of which it shall be seized, whether real or personal, and all the income to which it shall be entitled, shall revert to and become invested in the said city, town, township or borough in which said association was formed, of the same estate as the said association held in perpetual trust for the uses and purposes for which it was held by said association.
- Upon dissolution of association, property to revert to city.**

## 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. Amended by section 30.
12. Landlord's affidavit.
13. Summons to be issued.
14. Proof that tenancy has ended.
15. Amended by sections 31 and 33.
16. Writ of possession.
17. Right of possession without proving title to be proved.
18. Proceedings not to be appealed from or removed by *certiorari*.
19. Fees.
20. Proceedings may be removed to circuit court.
21. Venue to issue. Trial on return day.
22. Notice of trial.
23. Judgment. Writ of possession.
24. Power of court. Writ of error.