

Books, &c., to be furnished by county.

8. That all the necessary books and stationery for the business of said office shall be furnished by the county, and shall be the property of the county; and be public records, to which all persons shall have access at all reasonable hours.

Vacancies.

9. That in case a vacancy shall occur in said office, it shall be filled in the same manner, as is now provided for by law in the case of the clerk of the county.

[A similar act applying to Hudson county was approved March 19th, 1874 (P. L. 1874, p. 324), and for Camden county, March 16th, 1875 (P. L. 1875, p. 285).]

## Religious Societies.

### I. GENERAL RELIGIOUS SOCIETY ACT AND SUPPLEMENTS.

1. Amended by section 67.
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  3. Power to hold property.
  4. Amended by sections 99 and 104.
  5. President and his powers.
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  7. Election of treasurer and his duties.
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  9. Foregoing sections to apply to Israelites.
  10. Section 8 only to apply to Reformed churches.
  11. Act extended to singing classes.
  12. Saving of charters granted by Great Britain.
- REFORMED DUTCH.
13. Reformed Dutch churches incorporated.
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  16. May renounce charters and come in under general law.
  17. Division of churches and property.
  18. Churches may unite.
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  20. President, his powers.
  21. Custody of books, papers, &c.
  22. Access to books, papers, &c.
  23. Acts to be by majority.
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- GERMAN REFORMED.
25. German Reformed churches incorporated.
- EVANGELICAL LUTHERAN.
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- PROTESTANT EPISCOPAL.
27. Who trustees of Protestant Episcopal churches.
  28. Wardens and vestry incorporated.
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81. Repealer.
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92. Trustees to elect president; his powers and duties.
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165. Authorized to sell or mortgage church property.
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135. How board of trustees perpetuated.
136. Election of a president.

## I. General religious society act and supplements.

## An act to incorporate trustees of religious societies.

Revision—Approved April 9, 1875.

1. [Amended by Sec. 67, *post.*]
2. That the said trustees, when they take upon themselves a name, shall certify such name under their hands and seals, and transmit such certificate to the clerk of the court of common pleas of the county, whose duty it shall be instantly to record the same, for which he shall be entitled to receive one dollar; and thereupon the said trustees shall be known and distinguished in law by the name of incorporation so taken, certified and recorded.
3. That the said trustees and their successors shall, by such name of incorporation, be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels in trust for the use of said society or congregation, to

R. S. 153.

P. L. 1855, p. 93.  
 " 1880, p. 51.  
 " 1864, p. 57.  
 " 1865, p. 422.  
 " 1866, p. 105L.  
 " 1869, p. 589.  
 " 1870, p. 44.  
 " 1872, p. 50,  
 101.  
 " 1873, p. 147.  
 " 1874, p. 94,  
 113.  
 " 1875, p. 32.  
 " 1876, p. 228,  
 323.

Name certifiea  
 and recorded.  
 Ib., § 2.

Power to hold  
 property.  
 Ib., § 3.

## RELIGIOUS SOCIETIES.

an amount in value not exceeding two thousand dollars a year, and the same or any part thereof to sell, grant, assign, demise, alien and dispose of; to sue or be sued, implead or be impleaded, in any court of law or equity; to make and use a common seal, and the same to alter and renew at their pleasure. (a) [See Sec. 60, *post.*]

President and his powers.  
Ib., § 5.

4. [Amended by Secs. 99 and 104, *post.*]

5. That such corporation may elect, annually, or oftener if necessary or expedient, one of their number to be their president, who is hereby empowered to convene the said corporation as occasion may require; and preside at the meetings thereof, and execute all contracts, and in case of his absence, sickness, death, resignation, refusal to act, or moving out of the limits of the said religious society or congregation, then the said office of president shall devolve on the senior trustee, for the time being, who shall occupy the same until the return or recovery of the president, or the election of another.

Election of secretary and his duties.  
P. L. 1870, p. 44.

6. That such corporations may elect annually, or oftener if necessary or expedient, one of their own members to be secretary, who shall keep the minutes and enter the orders, acts and proceedings in a book, to be kept for that purpose, and who shall have the custody of the common seal, and the papers, deeds, writings, documents and books of or relating to the said corporation; and upon application to the secretary, any member of the said religious society or congregation shall have free access to all the papers, deeds, writings, minutes, documents and books of or belonging to the said corporation, and upon the death, resignation, removal or expiration of the office of secretary, or election of a new one, the common seal and all minutes, papers, deeds, writings, documents and books of or belonging to such corporation, shall be delivered to his successor in office, on the oath of the preceding secretary, or in case of his death, on the oath of his executors or administrators, under such pecuniary penalty as said corporation shall have previously fixed, to be recovered with costs by action of debt in the name and for the use of the corporation.

Election of treasurer and his duties.  
Ib., § 2.

7. That at the said annual or other election it shall and may be lawful for such corporation to elect one of their own members to be treasurer, who shall have charge of the moneys of the said corporation, and keep a correct account of the receipts and disbursements of the same, and at each annual election for officers of said corporation, render to said religious society a true statement, in writing, of the receipts and disbursements of the said corporation for the preceding year, and upon the death, resignation, removal or expiration of the office of treasurer, or election of a new one, all the books, accounts, vouchers and documents in the hands of such treasurer, belonging to such corporation, shall be delivered to his successor in office.

Power to sell and convey real estate.  
P. L. 1872, p. 101.

8. That it shall be lawful for any religious society in this state, however incorporated, to purchase and hold and also to convey and dispose of any real estate, which they may deem necessary and expedient; *provided*, that the same shall not be used by the religious corporation acquiring the same for any other purpose than the rendering and maintaining in any building now or hereafter erected upon such real estate, the worship of Almighty God, and the furtherance of religion according to the tenets and forms of worship of the religious denomination to which such religious society belongs, or for education, or the administration of charity to the bodies or souls of men; (b) any conveyance or agreement by and between any religious corporations, intended for the purposes aforesaid by or under the authority of such corporations, now made or hereafter to be made, is

Conveyance or agreement to be valid.

(a) The act does not, *proprio vigore*, do more than vest the legal title of the ecclesiastical property in such trustees. *Morgan v. Rose*, 7 C. E. Gr. 583. The statute was designed to create a simple trust, so that the trustees must hold and dispose of the property in conformity with the directions of their *cestuis que trust*, who may be, either the congregation, or certain officials, according to the rules or discipline of the particular church or society. *Ib.* The common-law right of alienation by religious corporations, has not been restrained in this state by statute. *Van Houten v. First Reformed Dutch Church*, 2 C. E. Gr. 126.

(b) There is no restriction on the quantity or value of lands that may be so purchased or held, and the consequence is that the receptivity of the corporation, with respect to property is practically unrestricted, provided, in the limitation of such property to such corporation, it is not specially appropriated to purposes other than those designated in the statute. *De Camp v. Dobbins*, 4 Steu. 693.

hereby declared to be valid and effectual in law; the proceedings, orders and acts of a majority of all the members of the said corporation, but not of a less number, shall be valid and effectual in law. (a) [See Sec. 60, *post.*]

9. That the foregoing sections of this act shall be construed to apply to any religious society or congregation of Israelites, otherwise called Hebrews or Jews, within this state, anything therein to the contrary notwithstanding

Jews included.  
P. L. 1860, p. 51.

10. That nothing hereinbefore contained except the eighth section shall be construed to extend to or affect the Reformed, formerly the Reformed Dutch churches of this state.

Section 8 only to extend to Reformed Dutch.  
R. S. 153, § 9.

11. That the provisions of this act, with all the penalties, privileges and advantages thereof, shall be and hereby are extended to and for the benefit of all associations, corporations and classes, which now are or hereafter may be organized in this state, the object of which is or shall be the mutual improvement of their members in the science of vocal music.

Act extended to singing classes.  
P. L. 1866, p. 1051.

12. Whereas, some religious societies have held property under charters of incorporation granted by the government of Great Britain, previous to the revolution, and doubts may arise whether such estate, so held, will descend and vest in the corporation created under the laws of this state—therefore be it enacted, that all the estate, real and personal, held in fee or otherwise, in consequence of any charter granted as aforesaid, shall be vested in and held by the corporation that may have been created in the place thereof, in consequence of the act passed the sixth day of March, in the year of our Lord seventeen hundred and eighty-six, or the supplement thereto, passed the twenty-fifth day of November, in the year seventeen hundred and eighty-nine, although no transfer of such property shall have been made by the trustees incorporated by such charter, to the trustees of the corporation created under the said laws, anything in such charter or in any law to the contrary notwithstanding.

Saving of charters granted by Great Britain.  
R. S. 153, § 10.

REFORMED DUTCH.

13. *Whereas*, it is represented, that, according to the constitution, usages and customs of the Reformed, formerly the Reformed Dutch churches, the ministers, elders and deacons thereof, for the time being, have the management of the temporalities of the said churches; that several charters have been heretofore granted to incorporate such ministers, elders and deacons for the purposes aforesaid; that some of the said churches have been incorporated together by charter, holding lands and tenements in common, which have since separated and divided by common consent and now desire to hold each its share or part in severalty; and that the said churches cannot avail themselves of the preceding sections of this act, because they prescribe a mode of electing trustees, repugnant to the constitution, usages and customs of the said churches; *and whereas*, the legislature is willing to grant relief in the premises, and to communicate equal privileges to every denomination of Christians; *be it therefore enacted*, that the minister or ministers, elders and deacons, for the time being, or if there be no minister or ministers, the elders and deacons, for the time being, of every Reformed, formerly the Reformed Dutch congregation, shall be trustees of the same, and a body politic and corporate in law, by such name as the said trustees shall assume, in manner hereinafter directed.

Reformed Dutch churches incorporated.  
Ib., § 11.

(a) The real and personal estate of a religious corporation is trust property, not to be controlled by the will of the *cestuis que trust*, much less by a bare majority of them, but by the trustees, the duly-constituted guardians of the rights and interests of the congregation. *Van Houten v. First Reformed Dutch Church*, 2 C. E. Gr. 126. Matters of faith are not governed by the will of a majority, expressed at a regular meeting. *Miller v. English*, 1 Zab. 317. When a majority of an elective body protest against the election of a proposed candidate, and do not propose any other candidate, the minority may elect him. *Hendrickson v. New*, *Stat.* 577, 621. It is no valid objection to the action taken

at a meeting of a congregation that members of the congregation were absent, or, being present, did not vote. Where a society is composed of an indefinite number of persons, a majority of those who appear at a regular meeting, constitute a body to transact business. The presumption is that all the members present who observe silence when a question is put, concur with the majority of those who actually vote—that is, if the question be put audibly and explicitly. *Worrell v. First Church*, 8 C. E. Gr. 96. When the usual place of meeting of a society has been changed by them, an election of trustees at the old place of meeting is invalid. *Miller v. English*, 1 Zab. 317.

Name certified  
and recorded.  
Ib., § 12.

14. That the said trustees, when they take upon themselves a name, shall certify such name under their hands and seals, and transmit such certificate to the clerk of the court of common pleas of the county, whose duty it shall be instantly to record the same, for which he shall be entitled to receive one dollar; and thereupon the said trustees shall be known and distinguished in law by the name of incorporation so taken, certified and recorded.

Power to hold  
lands, &c.  
Ib., § 13.

15. That the said trustees of such Reformed, formerly the Reformed Dutch congregation shall, by such name, be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels, in trust for the use of the said congregation, and the same or any part thereof to sell, grant, assign, demise, alien or dispose of; to sue or be sued, implead or be impleaded, in any court of law or equity; to make and use a common seal, and the same to alter and renew at their pleasure; but no deed or instrument of conveyance for any lands, tenements, hereditaments or real estate, shall be good and effectual in law, unless it be sealed with the common seal and signed by a majority of the members of the said corporation.

Reformed  
churches may  
renounce their  
charters and  
come under the  
general law.  
Ib., § 14.

16. And whereas, some of the said Reformed, formerly the Reformed Dutch congregations, which have heretofore been incorporated by charter or otherwise, may see cause to renounce or forego such instrument or act of incorporation, and avail themselves of this law, be it therefore enacted, that it shall be lawful for the trustees of any Reformed, formerly the Reformed Dutch congregation, by whatever name incorporated, to renounce or forego such charter or act of incorporation and name, by writing under their hands and seals, and recorded as aforesaid, upon condition that the minister, elders and deacons, or elders and deacons, as the case may require, of such congregation, shall incorporate themselves pursuant to the directions of this act; and that upon such incorporation and recording of the said writing, their former incorporation and body politic shall cease and be dissolved, and all the estate, real and personal, held by virtue of the same, shall pass to and be vested in the body politic and corporate formed agreeably to this act, who shall be deemed to be the legal successors in office to the former body politic and corporate, and liable to their debts.

Division of  
churches and  
property.  
Ib., § 15.

17. That where two or more of the said Reformed, formerly the Reformed Dutch congregations, which have been united in one body politic, shall be disunited by renouncing or foregoing their former incorporation, and shall, each or any of them, become incorporated under this act, then such lands, tenements, hereditaments, moneys, goods and chattels as of right belong to each of the said congregations, separately considered, shall be and remain in the peaceable and quiet possession of the body politic and corporate of that particular church to which such real and personal estate doth of right belong; and all real and personal property acquired by such congregations, during their union as a body politic, shall be divided between such congregations in such manner as shall be agreed upon by the trustees of the said corporation.

Churches may  
unite under the  
act.  
Ib., § 16.

18. That if the trustees of any two or more of the said Reformed, formerly the Reformed Dutch congregations, by whatever name known and distinguished in their respective charters or acts of incorporation, shall see cause to renounce or forego their separate incorporations, and be formed into one joint corporation and body politic, it shall and may be lawful for such trustees, by mutual consent, to renounce or forego their separate charters or acts of incorporation by writing, under their hands and seals, which shall signify also their intention to become one joint corporation and body politic, and shall be recorded as aforesaid, upon condition that the said trustees shall form themselves into one corporation, agreeably to the directions of this act; and that upon recording the said writing, and after such joint incorporation under this act, their former separate incorporations and bodies politic shall cease and be dissolved, and all the estate, real and personal, held by them separately, shall pass to and be vested in the trustees of such joint corporation and body politic, who shall be deemed to be the legal successors in office of the former separate bodies politic, and liable to their debts.

19. That for perpetuating a line of succession in the trustees of every Reformed, formerly the Reformed Dutch congregation, such minister or ministers, elders and deacons of such congregation, as shall take and record a name as aforesaid, shall be the first trustees of the same, and shall continue in office until others shall be duly elected, appointed or called, according to the manner, usages and customs of the Reformed, formerly the Reformed Dutch church; and every minister, elder or deacon, so constituting a trustee, shall continue in office until another person shall, in like manner, be elected, appointed or called in his stead, and so on as often as occasion may require; and if any dispute shall arise respecting the validity of the election, appointment, or call of the said trustees, the same shall be referred, for final decision, to the superior church judicature, to which such congregation is subordinate, according to the customs and constitution of the said Reformed, formerly the Reformed Dutch church.

How board of trustees perpetuated.  
Ib., § 17.

20. That the person who is, according to the usage and custom of the Reformed, formerly the Reformed Dutch church, ordinarily to preside at the meeting of the minister, elders and deacons of the said congregation, shall be president of the said corporation, who is hereby empowered to convene the said corporation as occasion may require, and at the request of any two or more of the members, it is hereby made his duty to convene the same, in such manner, and under such regulations as the said corporation shall from time to time direct.

President, his powers.  
Ib., § 18.

21. That the said corporation may, from time to time, appoint some fit person belonging to the said congregation, who shall have the custody of the common seal and the papers, deed, writings, documents and books of or relating to the said corporation, who shall keep the minutes, and enter the orders, acts and proceedings of the corporation, in a book to be kept for that purpose, and who shall deliver the said seal, minutes, papers, deeds, writings, documents and books, when demanded, to the said corporation, under such pecuniary penalty as they shall have previously fixed and ordained.

Custody of books, papers, &c.  
Ib., § 19.

22. That every person of the said congregation who regularly contributes to the support of the gospel in the said congregation, shall have free access to all the papers, deeds, writings, minutes, documents and books, of or belonging to the said corporation.

Access to books, papers, &c.  
Ib., § 20.

23. That the proceedings, orders and acts of a majority of all the members of the said corporation, but not of a less number, shall be valid and effectual in law.

Acts to be by majority.  
Ib., § 21.

24. That no member of the said corporation shall be allowed to vote in any matter or thing which immediately affects himself, his private interest or emolument.

Who not to vote.  
Ib., § 22.

#### GERMAN REFORMED.

25. And whereas, it is represented, that according to the constitution, usages and customs of the German Reformed churches, the minister, elders and deacons thereof, for the time being, have the management of the temporalities of the said churches, in like manner as the minister, elders and deacons of the Reformed, formerly the Reformed Dutch churches within this state; now therefore, be it enacted, that all the provisions of this act, relating as well to the incorporation as to the rights, privileges, and duties of the said Reformed, formerly the Reformed Dutch churches, shall be and they are hereby extended to all such German Reformed churches as may now or shall hereafter be constituted within this state.

German Reformed churches incorporated.  
Ib., § 23.

#### EVANGELICAL LUTHERAN.

26. That the provisions hereof relating as well to the incorporation, as to the rights, privileges and duties of the Reformed, formerly the Reformed Dutch church, and also of the German Reformed churches, shall be and are hereby extended to all the Evangelical Lutheran churches as may now or shall hereafter be constituted within this state.

Act extended to Lutheran churches.  
P. L. 1855, p. 83.

## PROTESTANT EPISCOPAL.

Who trustees of  
Protestant Epis-  
copal churches.  
R. S. 153, § 24.

**27.** That the wardens and vestrymen, for the time being, of every Protestant Episcopal church, not especially incorporated, shall be trustees of the same, and a body corporate and politic in law, by such name as the trustees shall assume, in manner mentioned in the second section of this act. (a)

Wardens and  
vestry incorpo-  
rated.  
Ib., § 25.

**28.** That it shall and may be lawful for the said Protestant Episcopal churches not incorporated under this act, or any of them, to avail themselves of the provisions of the next preceding section of this act, on the certifying their intention so to do, to the clerk of the court of common pleas of the county in which said church or churches may be situate; and it shall be the duty of said clerk instantly to record the same.

Certificate filed.

Notice of meet-  
ing to incorporate.  
Ib., § 26.

**29.** That when any congregation of the Protestant Episcopal church, in this state, duly organized according to the constitution and usages of said church, desire to form themselves into a body corporate, notice shall be given of such intention ten days previously, by an advertisement set up in open view, at or near the place where such congregation usually assemble for divine service, designating the day when and the place where they design to meet for that purpose.

Meeting to desig-  
nate name and  
choose officers.  
Ib., § 27.

**30.** That the congregation having met at the time and place appointed, the rector or minister, or if there be no rector or minister, or if he be necessarily absent, one of the church wardens or vestrymen shall preside at the meeting, and the secretary of the vestry shall record the proceedings of the meeting; the congregation shall then proceed, by a vote of the majority of those present, to designate the corporate name or title by which the church shall be known, which shall be in the manner and form as follows: "the rector, wardens and vestrymen of \_\_\_\_\_ church in \_\_\_\_\_;" the congregation shall then choose two wardens, and not more than ten nor less than five vestrymen; and also fix and determine the day, annually, on which new elections of officers shall take place; a certificate of these proceedings, under the hands and seals of the president and secretary of the meeting, shall be transmitted to the clerk of the court of common pleas of the county, whose duty it shall be to record the same, for which he shall be entitled to receive the usual compensation for similar service.

**31.** [Amended by Sec. 60, *post.*]

By-laws.  
Ib., § 29.

**32.** That the rector, wardens and vestrymen, and their successors, or a majority of them, may make such rules, by-laws and ordinances, and do everything needful and requisite for the good government and support of the church; all of which shall be entered in a book to be provided and kept for that purpose; *provided*, that the said rules, by-laws and ordinances shall not be repugnant to the constitution and laws of this state or of the United States.

Voters.  
Ib., § 30.

**33.** That the qualification of voters at the annual elections shall be conformable to the constitution and principles of the Protestant Episcopal church in New Jersey.

Treasurer and  
his duties.  
Ib., § 31.

**34.** That the rector, wardens and vestrymen shall choose a treasurer, who, when called upon for that purpose, shall render a true and just account to the corporation of all moneys by him received and expended, and pay over the balance which may remain in his hands at the time of settlement to his successor in office.

Rector, how  
chosen.  
Ib., § 32.

**35.** That when a vacancy shall occur in the office of minister or rector, by death, removal or otherwise, the said wardens and vestrymen (two-thirds of them concurring in the choice), may choose some fit person duly qualified to act as minister or rector of said church, agreeably to the constitution of the Protestant Episcopal church of the United States of America; and the minister or rector so chosen shall preside at all meetings of the wardens and vestrymen, and have a casting vote, except the business or

(a) The English ecclesiastical law is the basis of the law regulating the affairs of the Episcopal church in this country, and is in force except so far as it has been modified and changed by

statute or by the canons and usages of the church. *Livingston v. Rector, &c., of Trinity Church*, 16 Fr. 230.

question to be decided has relation to the personal interests of said minister or rector; *provided*, in the absence of the president the wardens and vestrymen may choose a president pro tempore. (a)

**36.** That it shall and may be lawful for any Protestant Episcopal church in this state heretofore incorporated to embrace the privileges of this act by compliance with and adopting its provisions.

Churches already incorporated may come under the act.

**37.** *Whereas*, the legislature of New Jersey, by an act passed on the seventeenth of February, anno domini eighteen hundred and twenty-nine, granted to Episcopal congregations the privilege of becoming incorporated according to the "constitution, usages and customs of the Protestant Episcopal church," in this state, and did not require any oath to be taken or subscribed by the wardens and vestrymen of such churches; *and whereas*, under the present revised statutes, doubts have arisen whether the wardens and vestrymen of Episcopal churches are not required to take and subscribe the oaths specified in the act to incorporate religious societies, which provision would occasion great inconvenience, and be entirely "inconsistent with the constitution, usages and customs of the Protestant Episcopal church in this state;" therefore, the wardens and vestrymen of the Protestant Episcopal churches now incorporated, or hereafter to be incorporated in this state, shall not be required to take or subscribe the oaths specified in the thirty-fourth section of the act entitled "An act to incorporate trustees of religious societies," approved April seventeenth, eighteen hundred and forty six; and that the acts and proceedings of the wardens and vestrymen of such Episcopal churches as have omitted to take and subscribe such oaths shall be, and are hereby declared to be as valid and effectual in law as if such oaths had been previously taken and subscribed; all the provisions of this act relating to the Protestant Episcopal church shall be equally applicable to the church now designated "the Reformed Episcopal church."

Episcopal churches exempt from oaths of trustees.  
P. L. 1875, p. 32.

**38.** That it shall be lawful for every religious corporation which has been created by act of the legislature, or by letters-patent, to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels, of the yearly value of two thousand dollars, although such act or letters-patent contain a restrictive clause, limiting the annual revenue and income of the said corporation to a less sum.

Power to hold lands where charter restricted.  
Ib., § 35.

## ROMAN CATHOLIC.

**39.** That it shall be lawful for any Roman Catholic church or congregation now existing or which may hereafter exist in this state, to be incorporated under and by virtue of the provisions hereinafter stated:

Roman Catholic churches.  
P. L. 1864, p. 57, § 1.

The Roman Catholic bishop of the diocese in which such church or congregation may be, the vicar-general of such diocese, or, during a vacancy in such offices, the administrator of the diocese for the time being, and the pastor of such church or congregation for the time being, or a majority of them may elect two lay members of such church or congregation, and may with said laymen, sign a certificate, setting forth the name by which they and their successors shall be known and distinguished as a body corporate, and transmit the said certificate to the clerk of the court of common pleas of the county in which such church or congregation may be located, whose duty it shall be forthwith to file and record the same, for which he shall be entitled to receive one dollar, and thereupon such church or congregation shall be a body corporate by the name or title so taken, certified and recorded.

Filing of certificate, who to be incorporators.  
Ib., § 2.  
P. L. 1874, p. 94, § 1.

**40.** That the person so signing said certificate shall be the trustees of such corporation, and they and their successors shall by such name of incorporation be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys,

Trustees and powers of the corporation.  
Ib., § 3.

(a) The call of a rector by the vestry, and the acceptance of such call, creates a contract for the payment of the stipulated salary so long as the pastoral relation continues. This contract

is a civil right which the courts will protect and enforce. *Jennings v. Scarborough*, 27 Vt. 401.

goods and chattels in trust for the use of such church or congregation to an amount not exceeding three thousand dollars a year, exclusive of the church edifices, school-houses and parsonages, and the lands whereon the same are or may be erected, and burying places, and the same or any part thereof to sell, grant, assign, demise, alien and dispose of; to sue and be sued, plead and be impleaded, in any court of law or equity; to make and use a common seal, and the same to alter and renew at their pleasure.

Succession in office.  
Ib., § 4.

**41.** That in order to perpetuate a line of succession in the trustees of every such church or congregation, the successor in office for the time being of such bishop, vicar-general and pastor respectively shall by virtue of his office be the trustee of such church or congregation in place of his predecessor, and such lay members shall hold their office for one year, and the office of any such layman shall become vacant by his removal out of the limits of such church or congregation, and whenever the office of any such layman shall become vacant by death, removal, resignation or otherwise, his successor shall be appointed in the manner herein provided for the selection of the original lay members of such board of trustees.

President and duties.  
Ib., § 5.

**42.** That such corporation may elect annually, or oftener if necessary or expedient, one of their own members to be president, who shall keep the minutes and enter the orders, acts and proceedings of the corporation in a book to be kept for that purpose; shall have the custody of the common seal and the papers, documents, deeds, writings and books of or relating to such corporation, and who is hereby authorized and empowered to convene such corporation as occasion may require.

Acts of a majority valid with sanction of bishop.  
Ib., § 6.  
P. L. 1874, p. 94.

**43.** That the proceedings, orders and acts of a majority of all the members of such corporation, but not of a less number, shall be valid and effectual in law; *provided*, that the same receive the sanction of the bishop, or in the absence of the bishop, of the vicar-general, or in case of a vacancy in that office, of the administrator of the diocese for the time being.

Re-incorporation after failure of succession.  
Ib., § 7.

**44.** That if any corporation created under or by virtue of the provisions of this act shall be dissolved by failure to continue the succession of the trustees thereof, it may be revived and the church or congregation re-incorporated under this act, in the mode herein prescribed, at any time within six years from the date of such dissolution; and thereupon all the property, real and personal, belonging to such dissolved corporation at the time of its dissolution shall vest in such new corporation.

Religious associations now incorporated authorized to organize under foregoing provision.  
P. L. 1865, p. 422.

**45.** That any religious association incorporated under or by virtue of any law of this state, shall be, and they are hereby authorized to organize under the provisions last aforesaid, relating to the incorporation of Roman Catholic churches or congregations; and upon the filing of a certificate according to the same, together with a certificate signed by the trustees of such association, consenting to such organization, all the right, title and interest of such association, in any estate, real or personal, shall, with all its franchises and chartered rights, be vested in said body corporate and politic, so created, subject to all legal liabilities of said association, and the original incorporation of such association shall be null and void.

#### YOUNG MEN'S CHRISTIAN ASSOCIATIONS.

Act extended to young men's Christian associations.  
P. L. 1869, p. 589.  
How such incorporation effected.  
P. L. 1872, p. 50, § 6.

**46.** That the provisions of this act, with all the penalties, privileges and advantages thereof, shall be and hereafter are extended to and for the benefit of associations known as young men's Christian associations in the state of New Jersey. (1)

**47.** That the young men's Christian associations of this state are hereby authorized, by a majority of the votes cast at a meeting of the association, held in their regular place of meeting, called by them, by ten days' notice in writing, set up at such place, in plain view, to adopt a name, constitution and by-laws, and be a board of directors, not to exceed fifteen, and declare themselves incorporated by such name; a copy of such resolution,

(1) See act of March 26th, 1872 (P. L. 1872, p. 50), applying to the Young Men's Christian Association of the city of Elizabeth.

with the names of said directors, together with a copy of the official seal of the said association, certified to be correct, under oath, by the officers of the meeting or meetings when said resolution was adopted, directors elected and seal adopted, shall be filed in the office of the clerk of the county in which said association is located and resided, and such association shall thereupon be incorporate, with all the powers authorized by this act.

## BAPTIST.

48. Whereas, it is represented that it is in accordance with the customs and usages of the Baptist churches that such churches should possess the right to determine as to the acquisition, use and disposition of their property, and that the trustees of the same should be elected by the members of such churches, and that in other respects the foregoing provisions of this act are not in accordance with the usages and customs of the said churches; therefore, when the members of any Baptist church in this state, now or hereafter to be organized, according to the usages and customs of Baptist churches, into a Baptist church, shall desire and intend to form themselves into a body corporate, notice shall be given of such intention by an advertisement signed by the clerk, or clerk pro tempore, of such church, and set up in open view, at least ten days previous to the day named therein, at or near the place where the members of such church usually assemble for public worship, and designating the day and hour when, and the place where they design to meet for such purpose; upon the day and hour so named in said notice the members of said church shall assemble at such place so named, and by a majority of the votes of such members so present may adopt a corporate name, and may also, by a similar vote, elect any number of persons, not less than three nor more than seven, being members of such church or of the congregation meeting therewith for public worship, to be a board of trustees of the said church; at such meeting the pastor or any member of said church called to the chair shall preside, and the clerk of such church shall be the secretary of said meeting, and shall record the proceedings of the same; in the absence of any regulation upon the subject previously adopted by such church, five of the members thereof shall constitute a quorum at such meeting, but a smaller number may adjourn the same from time to time, and where such regulation exists the number of members necessary to constitute a quorum shall be determined by such regulation.

49. That after the aforesaid proceedings shall have been had, a certificate of the same in writing, under the hands and seals of the president and secretary of said meeting, shall be transmitted to the clerk of the court of common pleas of the county, whose duty it shall be to file and record the same, for which service the said clerk shall be entitled to receive the sum of one dollar, and upon the filing of said certificate with said clerk, the members of said church and their successors shall be and thereafter continue to be a body politic and corporate, in fact and in law, by the name so adopted, and expressed in such certificate, and shall by such name of incorporation be capable of acquiring by gift, grant, purchase, or other manner, and of having and holding any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels to an amount not exceeding the yearly value of two thousand dollars, and the same or any part thereof to sell, grant, assign, demise, alien and dispose of, but any conveyance of lands or interest in lands, or other written contract made by said corporation shall be executed under the hand of the president of the board of trustees, and the common seal of said corporation; and such corporation shall have the powers and be subject to all the liabilities of the corporations named in the first eight sections of this act, and any devise or bequest to any such corporation, shall not be defeated by reason of any misnomer, if the intention of the testator can be ascertained.

Baptist churches,  
how incorporated.  
P. L. 1873, p. 147.

Certificate of  
incorporation to  
be filed in office  
of the county  
clerk.  
P. L. 1876, p. 1323.

Duties of the trustees.  
P. L. 1878, p. 147, § 3.

**50.** That the trustees of every such corporation shall as soon as practicable after their election, organize for business by appointing one of their number as president, who shall have the custody of the deeds and muniments of title of the property of said corporation; the said board shall keep and report to the church annually, and oftener, if required, a full and accurate account of their transactions, and the financial condition of the church; all proceedings, acts and orders of said board shall be by a majority vote of all the members thereof.

Trustees to have the care of church property.  
Ib., § 4.

**51.** That the board of trustees shall have the care, custody and oversight of the property of the church so incorporated, except moneys raised for the support of the pastor or for benevolent objects, but they shall not have power to alienate, sell or incumber such property, close the house of worship to the business or religious meetings of such church, or permit the same to be used for other than such meetings, buy, build or otherwise involve the church in expense aside from the ordinary expenditures incurred by the proper care, repairs and preservation of its property, without express authority from the church itself for so doing.

Term of office of trustees.  
Ib., § 5.

**52.** That the term of office of said trustees may be regulated by by-law or resolution of such church, adopted before their election; and, in the absence of such regulation, the said trustees shall continue in office one year from the date of their election and until their successors are chosen.

Election of officers.  
Ib., § 6.

**53.** That for perpetuating a line of succession in the trustees of any such church so incorporated, it shall be lawful for the members of such church so incorporated, to assemble at any time they may think proper, giving notice thereof as hereinbefore is directed, for the election of the first trustees, or may so assemble for the election of any other trustee or trustees in the stead of those or any of those before elected, in case they see cause for the removal of any of the said trustees, and also to fill any vacancy occasioned by the death or resignation of any trustee or by his removing out of the limits of the congregation worshiping with said church, and when so assembled may fill such vacancies, or elect such new trustees, or elect such new board of trustees by the same vote herein required for the election of the first trustees.

Vacancies, how filled.

How Baptist churches already incorporated may obtain privilege of this act.  
P. L. 1876, p. 323.

**54.** That if any Baptist church, the trustees of which are now incorporated under the provisions of the first eight sections of this act, shall desire to become incorporated under the provisions of this act, and shall comply with the requirements of the forty-eighth and forty-ninth sections of this act, the said church, upon taking the proceedings prescribed in section forty-eight of this act, and filing the certificate thereof as provided in section forty-nine of this act, shall thereupon become a corporation in fact and in law, with all the privileges granted, and subject to all the liabilities imposed by the forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth and fifty-sixth sections of this act, and thereupon the corporation composed of the trustees thereof shall be dissolved, and the title to all property, real and personal, held by the same, shall instantly vest in the new corporation so created.

Elections not to be invalid for want of notice.  
P. L. 1872, p. 147, § 8.

**55.** That no election of trustees of the Baptist church under this act, except the first election, shall be deemed invalid by reason of failure to give the notice hereinbefore required, in any case where the time of election of trustees is regulated by a rule or standing resolution of the church so failing to give such notice.

Powers of Baptist churches incorporated under this act.  
Ib., § 9.

**56.** That any Baptist church incorporated according to the provisions of this act shall have power to make such rules and regulations for the transaction of its business, number and election of its officers, the support of public worship, the calling to and dismissal from the pastoral office and the regulation of the proceedings of the board of trustees and the defining of the duties and power of such board, as may be deemed from time to time necessary or expedient.

Provisions of general act may be used.  
P. L. 1876, p. 323.

**57.** That the provisions of the first eight sections of this act shall be applicable and so continue to apply to such Baptist churches as do not avail themselves of the special provisions contained in this act from the forty-eighth to the fifty-seventh sections thereof inclusive.

## SUNDAY-SCHOOLS.

58. [Amended by Sec. 66, *post.*]

59. That no provision of this act shall be deemed to exempt any property, real or personal, or any fund, or endowment, from the taxes now imposed by law, and this act shall not be construed to extend the exemption from taxation already provided for by law.

Act not to be taken to exempt from taxation.

## Supplements.

## Supplement.

Approved March 8, 1877.

P. L. 1877, p. 76.

60. SEC. 1. That the thirty-first section of the act to which this is a supplement, which reads as follows: "The rector, wardens and vestrymen, appointed as aforesaid, shall be a body corporate and politic, in law and in fact, to have continuance forever under the same restrictions and with the same rights, powers and privileges as are granted to and imposed on trustees in and by the first eight sections and the twelfth section of this act; *provided nevertheless*, if at any time the church be without a minister or rector, the same rights and privileges shall be vested in the wardens and vestrymen;" which section refers to and adopts the third section and the eighth section of said act, which read as follows:

Powers of rector, wardens and vestrymen.

"3. The said trustees and their successors shall, by such name of incorporation, be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels in trust for the use of said society or congregation, to an amount in value not exceeding two thousand dollars a year, and the same, or any part thereof, to sell, grant, assign, demise, alien and dispose of, to sue or be sued, implead or be impleaded in any court of law or equity, to make and use a common seal, and the same to alter and renew at their pleasure."

"8. That it shall be lawful for any religious society in this state, however incorporated, to purchase and hold and also to convey and dispose of any real estate which they may deem necessary and expedient; *provided*, that the same shall not be used by the religious corporation acquiring the same for any other purpose than the rendering and maintaining in any building, now or hereafter erected upon such real estate, the worship of Almighty God and the furtherance of religion, according to the tenets and forms of worship of the religious denomination to which such religious society belongs, or for education, or the administration of charity to the bodies or souls of men; any conveyance or agreement by and between any religious corporations, intended for the purposes aforesaid, by or under the authority of such corporations, now made or hereafter to be made, is hereby declared to be valid and effectual in law; the proceedings, orders and acts of a majority of all the members of the said corporation, but not of a less number, shall be valid and effectual in law," be amended so that the same shall read as follows:

[That the rector, wardens and vestrymen, appointed as aforesaid, shall be a body corporate and politic, in law and in fact, to have continuance forever under the same restrictions, and with the same rights, powers and privileges as are granted to and imposed on trustees in and by the first eight sections and the twelfth section of this act; *provided, nevertheless*, if at any time the church be without a minister or rector, the same rights and privileges shall be vested in the wardens and vestrymen; *and provided further*, that it shall not be lawful for the rector, wardens and vestrymen of any Protestant Episcopal church, or in case the church be without a minister or rector, then for the said the wardens and vestrymen, or for the wardens and vestrymen for the time being, of any Protestant Episcopal church who are trustees of the same, to alien, grant, assign, demise, let or mortgage any real church property without the previous written consent of the bishop

Proviso.

Proviso.

## RELIGIOUS SOCIETIES.

and of a majority of the standing committee of the diocese within which such real church property may be situated, or in case of a vacancy in the office of bishop, or of his absence from said diocese, then of a majority of the standing committee thereof; which consent shall be acknowledged or proved and recorded with the deed, lease, mortgage or instrument of conveyance, and without such consent the alienation, grant, assignment, demise, lease or mortgage shall be void.] (a)

## Supplement.

Approved March 9, 1877.

P. L. 1877, p. 177.

Preamble.

WHEREAS, It frequently happens that conveyances of real estate are made to religious societies or corporations, in the deeds whereof the corporate name or designation of such religious societies or corporations, through error or misapprehension of the grantor, are not correctly stated;

Proceedings where name of religious society is not correctly stated in any deed.

**61. SEC. 1.** That in all cases where a conveyance of any real estate is made to any religious society or corporation, incorporated under or by virtue of any general or special laws of this state, and in the deed of such conveyance the corporate name or designation of such religious society or corporation as the grantees in such deeds of conveyance is not correctly stated, and where the intention of the grantor or grantors in any such deeds is signified by the use of the principal words of the corporate name or designation of any such religious society or corporation, and where such religious society or corporation have entered into possession and occupation of such real estate, it shall be lawful for such religious society or corporation to file, in the office of the clerk or register of the county wherein such real estate is located, a statement setting forth the date of such deed of conveyance, the date of the recording, and the number and page of the book of record thereof, the names of the grantor or grantors, the description of the property conveyed, the erroneous title of such religious society or corporation, as expressed in such deeds, and also the correct title thereof, which statement shall be verified by the affidavit of any duly-authorized officer of such religious society or corporation, taken by any person authorized to take the acknowledgment and proof of deeds; and it shall be the duty of such clerk or register to file the said statement so verified as aforesaid in his office, and to record the same in a book to be kept for that purpose, for which such clerk or register shall receive the same fees as are now allowed for the recording of deeds.

Statement to be verified.

Statement to be recorded, &c.

**62. SEC. 2.** That upon filing and recording such statement as aforesaid, the said religious societies or corporations shall be deemed to be vested in as good and perfect title to said real estate, so conveyed to them by an erroneous corporate name and designation, as though the same had been conveyed to them by their proper corporate name or designation, and the said verified statements, or duly-certified copies thereof, shall be received as evidence in any of the courts of this state.

Name of society or corporation may be changed.

**63. SEC. 3.** That it shall be lawful for any religious society or corporation, by the votes of two-thirds of all the members of such society or corporation, at a meeting called for the purpose in the manner that meetings of such society or corporation are called, according to the form of government thereof, to change the name of such society or corporation; and upon the filing of a certificate of such action, verified by the affidavit of any duly-authorized officer of such society or corporation, setting forth the change of name so determined upon, with the clerk or register of the county wherein such society or corporation is situate, it shall be the duty of such clerk or register to file such certificate in his office, and to record the same in the book referred to in the first section of this act, and thereafter such society or corporation shall be known by the name determined upon as aforesaid and set forth in such certificate; but the said society or corporation shall be entitled to the same rights and privileges and be subject to the same responsibilities as if no such change of name had been made.

Certificate to be filed and recorded in office of clerk or register of deeds.

(a) The wardens and vestrymen of the church are trustees of the church, and to the rector, wardens and vestrymen is committed the entire control over the temporalities of the church, including the discretionary authority which, by the English ecclesiastical law, was exercised by the ordinary and by the

church wardens in the disposition of the seats and pews in the church, and the by-laws and regulations adopted by the vestry on that subject become rules for the government of the church in that respect. *Livingston v. Rector, &c., of Trinity Church*, 18 Vr. 230.

## Supplement.

Approved March 9, 1877.

P. L. 1877, p. 148.

64. SEC. 1. That whenever any congregation of the Protestant Episcopal church in this state, which shall have become incorporated in accordance with the provisions of the act to which this is a supplement, and shall have filed a certificate thereof, therein stating the number of vestrymen to be elected for such congregation, as required by section thirty of said act, shall be desirous of increasing or decreasing the number of said vestrymen, it shall be lawful for said congregation to do so by a majority vote of those present at any annual election, notice of such contemplated action having been given for the time and in the manner designated in section twenty-nine of said act; *provided*, that no church shall have more than ten nor less than five vestrymen; a certificate of the proceedings of the meeting and of such change, under the hands and seals of the president and secretary, shall be transmitted to the clerk of the court of common pleas of the county for record, and shall thereafter be considered a part of the act of incorporation of such congregation.

Number of vestrymen may be increased or decreased.

Proviso.

65. SEC. 2. That any property, rights or estates heretofore acquired by any such corporation shall be in no wise changed, diminished or defeated by such increase or decrease in the number of its vestrymen.

Rights of property not to be affected.

## Supplement.

Approved April 5, 1878.

P. L. 1878, p. 332.

66. SEC. 1. That section fifty-eight of the above act, which reads as follows [see P. L. 1878, p. 332], be and the same is so amended as to read as follows:

[That the provisions of this act, with all the rights, privileges and advantages thereof, are hereby extended to and for the benefit of all associations which now are or hereafter may be organized in this state, the object of which is or shall be to establish and maintain what are commonly known as Sunday-schools.]

Rights of Sunday-school associations.

## Amendatory act.

Approved March 14, 1879.

P. L. 1879, p. 256.

67. SEC. 1. That the first section of an act entitled "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five, which now reads as follows [see P. L. 1879, p. 256], be and the same is hereby amended so as to read as follows: .

[That every religious society or congregation of Christians entitled to protection in the free use of their religion by the constitution and laws of this state, are hereby authorized to assemble at their usual place of meeting for public worship, at any time by them to be agreed upon, giving at least ten days' notice of the time and purpose of assembling, by an advertisement set up in open view at or near such place of meeting; when so assembled may, by plurality of voices of such of the members of said society or congregation who regularly contribute to the support of such society or congregation, male and female over twenty-one years of age, as are present, elect any number of said society or congregation to be trustees; which said trustees and their successors in office are hereby constituted a body politic and corporate in law by whatever name they shall assume, agreeably to the directions of this act.] (a)

Election of trustees by religious society or congregation.

## Supplement.

Approved February 10, 1880.

P. L. 1880, p. 26.

68. SEC. 1. That whenever any diocese has been or shall be created in this state, under and by virtue of the authority of the general convention of the Protestant Episcopal church in the United States of America, and

Incorporation of diocesan convention.

(a) What shall constitute membership or what qualifications are necessary, is not specified. *State v. Crowell*, 4 Hal. 390, 411, 418. Religious societies, incorporated under the act, present a three-fold aspect: (1) The congregation which usually meets together for religious worship and instruction; (2) The church, strictly so called, composed of those entitled to full church pri-

viliges; and (3) the trustees or corporation. *Miller v. Baptist Church*, 1 Har. 251, 253, *Eyerson, J.* An election of trustees of a Presbyterian church, by persons who are not contributors to the support of the church (and therefore not qualified by their rules to vote), is void. *State v. Crowell*, 4 Hal. 390.

Certificate to be filed with secretary of state.

shall desire to become a legal corporation in this state, it shall be lawful for the convention of said diocese, at any regular meeting thereof, in which a majority of the parishes belonging thereto are represented by both clerical and lay deputies, to declare, by resolution, their desire and intention to become such legal corporation; and upon their filing in the office of the secretary of state of this state a copy of said resolution, together with a certificate stating the name of said diocese, with the name of its president, secretary and its standing committee, which shall consist of not less than four clerical and four lay members, duly signed by said president and secretary in the presence of the chancellor, or of a justice of the supreme court of this state, the said convention shall thereupon become a body corporate by the name or title expressed in such certificate.

Estate and property of diocese to be vested in and managed by said corporation.

**69. SEC. 2.** That all the estate and property now or hereafter belonging to or held by such diocese shall be vested in and be managed by the said corporation, which shall have perpetual succession, and exercise and be clothed with the powers and privileges enumerated in the first section of an act approved April seventh, one thousand eight hundred and seventy-five, entitled "An act concerning corporations;" and shall also be capable of taking and holding by gift, grant, devise, bequest, or otherwise, any property in trust for religious, ecclesiastical, charitable or educational objects, appertaining to or under the control of said convention or other ecclesiastical authority of the Protestant Episcopal church in said diocese, and of executing the same; *provided*, that the same shall not be inconsistent with the constitution, canons or laws of said church.

Proviso.

May appoint or elect trustees, who may become incorporated.

**70. SEC. 3.** That the said corporation shall have power to appoint or elect, in such manner as they may determine, discreet persons as trustees, not less than five in number, who shall be members of the Protestant Episcopal church, and citizens of this state, residing within the limits of said diocese; and upon the filing in the office of the secretary of state of a certificate, under the hand and seal of the president and secretary of said convention, stating the corporate name selected for said trustees, and also the names of said trustees, they, the said trustees, shall become a body corporate, under the name and title so certified, and shall have perpetual succession, and exercise and be clothed with the powers and privileges enumerated in the first section of the act aforesaid, entitled "An act concerning corporations."

Powers vested in trustees.

**71. SEC. 4.** That the said trustees, when so incorporated, shall have the management and care of any fund already existing, or which may hereafter be contributed, acquired or received, and any accumulations thereof, for the support of the episcopate of said diocese, and the appropriation of the income of said fund for that purpose, according to the direction to be from time to time given by said convention of said diocese; they shall also be capable of taking and holding by gift, grant, devise, bequest, or otherwise, any property, funds or securities of any kind in trust for religious, ecclesiastical, charitable or educational purposes, appertaining to or under the control of the convention or other ecclesiastical authority of said diocese, and of executing the same; *provided*, that the same shall not be inconsistent with the constitution, canons or laws of said church.

Proviso.

Trustees to present statement of their proceedings to diocesan convention.

**72. SEC. 5.** That said trustees shall present to each regular diocesan convention a statement of their proceedings, exhibiting the condition of the fund, together with an account of their receipts and disbursements; they may provide by-laws for the removal of a trustee for good cause, and on such removal, may declare the place vacant, and fill the same until the next regular meeting of said convention, which body shall permanently fill all vacancies existing in said trustees.

Division of property in case of division of diocese.

**73. SEC. 6.** That whenever any diocese which has heretofore existed, or which now exists, or which may hereafter exist, within the state of New Jersey, in connection with the Protestant Episcopal church in the United States of America, has been or shall be divided into two or more dioceses, it shall be lawful for the body of trustees holding in trust or having control of the fund for the support of the bishop of said original or dividing diocese, to make such division of all bonds, mortgages, securities or property as may be or may have been agreed upon by the said original and said new

diocese, whether after or in prospect of such division, and to assign, transfer and set over the same to such trustees as may be appointed for said new diocese, to hold to them and their successors for the trusts upon them imposed; and in case of such division so effected, all trusts in relation to the securities thereby conveyed, incumbent upon the former trustees, shall, ipso facto, cease and be discharged.

**A supplement to an act entitled "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five, prohibiting the diversion of church property.**

Approved March 25, 1881. P. L. 1881, p. 256.

**74. SEC. 1.** That it shall not be lawful for the rector, wardens and vestrymen, or the trustees, consistory or session of any church, congregation or religious society incorporated under any of the laws of this state, to divert the estate, property or revenue belonging thereto to any purpose except the support and maintenance of the church or religious or benevolent institution or object connected with the church or denomination to which such corporation shall belong, and the highest judicatory of any denomination from which property is attempted to be, or is being, or shall be diverted in violation hereof, is hereby authorized to enforce the foregoing provision, but nothing herein contained shall be construed as preventing action being taken by members of the congregation or otherwise, as heretofore, to enforce the said provision.

Who may enforce provisions against wrongful diversion of property.

**Supplement.**

Approved March 22, 1883. P. L. 1883, p. 114.

**75. SEC. 1.** That it shall be lawful for any parish in this state in which a vacancy or vacancies may occur in the office of warden or vestrymen, by death, removal, resignation or other cause, to fill such vacancy or vacancies by an election to be held for that purpose, after ten days' notice of such election, which election shall be held at the place appointed for holding the annual parish elections, and shall be for the unexpired term only.

How vacancy in office of warden or vestrymen may be filled.

**76. SEC. 2.** That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

**A supplement to an act entitled "A supplement to an act to incorporate trustees of religious societies" [Revision], approved April ninth, eighteen hundred and seventy-five.**

Approved February 10, 1885. P. L. 1885, p. 20.

**77. SEC. 1.** [Amended by Sec. 78, *post.*]

**An act to amend an act entitled "A supplement to an act entitled 'A supplement to an act to incorporate trustees of religious societies' [Revision], approved April ninth, one thousand eight hundred and seventy-five," approved February tenth, one thousand eight hundred and eighty-five.**

Approved March 6, 1886. P. L. 1886, p. 67.

**78. SEC. 1.** That the first section of the act entitled "A supplement to an act entitled 'A supplement to an act to incorporate trustees of religious societies' [Revision], approved April ninth, one thousand eight hundred and seventy-five," approved February tenth, one thousand eight hundred and eighty-five, be and the same is hereby amended to read as follows:

[That it shall be lawful for any diocesan convention, presbytery, classis, synod, annual conference, or other governing body having jurisdiction over a number of incorporated or unincorporated churches, congregations or societies of any church or religious denomination in this state, at any stated or regularly-convened meeting thereof, to elect as trustees certain discreet persons, who, upon filing the certificate hereinafter provided, shall be and become a body corporate, capable of taking, holding, managing and dealing with property, both real and personal, and that the presiding offi-

Trustees of religious societies, how elected and incorporated.

Certificate of incorporation.

Where filed.

Term of trustees.

Repealer.

cer and clerk or secretary of such governing body, at the time of such election, shall immediately thereafter prepare and file a certificate in writing, under their hands and seals, which certificate shall contain, first, the name or title by which such body corporate shall be known, and, second, the names of the trustees so as aforesaid elected, and the times for which they were respectively chosen to serve, which certificate, duly acknowledged by said presiding officer and clerk or secretary, shall be filed in the office of the secretary of state; and such trustees, upon the filing of such certificate, shall thereupon be and become a body corporate by the name therein mentioned; and that any such governing body may, in its discretion, elect more than one set of trustees in manner aforesaid, who may in like manner become incorporated, and who shall adopt such names as shall serve to distinguish and designate them, reference being had to the object of their trust; and that such trustees shall be elected for three years, one or more each year, except that the first trustees shall be elected, one-third of the number for one year, one-third for two years and one-third for three years, all of which trustees shall, when so required by the governing body by which they were elected, furnish to said body a statement and account of the particulars and items of their trust, and permit an auditing of the same and an inspection of their books and investments, and all things pertaining thereto, at such time and in such mode as said governing body shall direct.]

**79. SEC. 2.** That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately

**A further supplement to an act entitled "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five, vesting the title to the property of extinct Baptist churches or Baptist religious societies in "the New Jersey Baptist state convention."**

P. L. 1886, p. 70.

Approved March 6, 1886.

Property of extinct Baptist church in whom vested.

**80. SEC. 1.** That all the property, both real and personal, belonging to or held in trust for any Baptist church or Baptist religious society that has or shall become extinct, shall vest in and become the property of "the New Jersey Baptist state convention" and its successors and assigns; *provided*, that nothing herein contained shall affect the title to any Baptist church or Baptist religious society that is held by any of the Baptist associations of this state; *and provided further*, that this act shall not affect the reversionary interest of any person or persons in any such property.

Proviso.

Proviso.

Repealer.

**81. SEC. 2.** That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall be deemed a public act and take effect immediately.

#### Supplement.

P. L. 1887, p. 15.

Approved March 9, 1887.

Every religious society may annually elect a treasurer.

**82. SEC. 1.** That it shall and may be lawful for every religious society or congregation of Christians, when assembled, according to the laws of this state, for the election of trustees of such society or congregation, to annually elect, in the same manner and at the same time as the trustees are elected, a person to be the treasurer of such religious society or congregation, who, when so elected, shall also be the treasurer and an ex-officio member of the board of trustees of such religious society or congregation.

May provide for election and number of trustees.

**83. SEC. 2.** That such religious society or congregation may at such annual meeting provide by by-law or resolution for the election of its trustees for three years, but in such case at the first election held under this act the number of trustees of such religious society or congregation shall be fixed by the society or congregation and shall be divided, as near as can be, into three equal numbers, of whom one part shall be elected for one year, one part for two years, and one part for three years, and then annually thereafter the terms of those expiring shall be filled for a period of three years; vacancies occurring for any cause shall be filled for the unexpired term only.

**84. SEC. 3.** That the annual meetings for the election of trustees and the treasurer of any religious society or congregation shall be called by the board of trustees thereof and upon a ten days' notice, as provided by law, signed by the secretary of said board and posted as required by statute, and such meeting when convened shall select its own officers and determine its own rules of procedure.

Annual meetings, by whom and how called.

A supplement to an act entitled "An act to incorporate trustees of religious societies," approved April ninth, one thousand eight hundred and seventy-five, to authorize dioceses to change their corporate name, and the corporate name of trustees chosen by them, and to secure the property trusts, franchises and obligations of said corporations, notwithstanding such change of name.

Approved April 1, 1887. P. L. 1887, p. 121.

**85. SEC. 1.** That the convention of any diocese of the Protestant Episcopal church in this state, already incorporated, or that shall become incorporated, may at any regular meeting thereof, by resolution, change the corporate name of said diocese, and may also, by resolution, change the corporate name of any or all boards of trustees by them selected, that have been or shall become incorporated; and such change of name shall take effect upon filing in the office of the secretary of state a copy of said resolution, certified by the president and secretary of said convention, under their hands and seals, and acknowledged by them before a master in chancery.

Corporate name of diocese of the Protestant Episcopal church, how changed.

**86. SEC. 2.** That from and after such change of name said corporations shall respectively hold, convey and administer, under and by their new name, all the property, estates, trusts, rights, privileges and franchises which they had under their former name, as fully and to the same intent, purposes and effect as if said name had not been changed.

Property, &c., now held, not affected by change of name.

**87. SEC. 3.** That from and after such change said corporations shall be and are hereby respectively fully invested with the power, by and under such new name, to receive, hold, convey and administer all estates, gifts, bequests, devises, conveyances and trusts to them given or made by their new name or any former name, as fully to all intents and purposes as if such name had not been changed and such estates, gifts, bequests, devises, conveyances and trusts had been to them given, devised or conveyed by their former name.

After change of name, corporation to hold and receive estates, trusts, &c.

**88. SEC. 4.** That such change of name shall not impair any legal liability or obligation of or to said corporations, and that this act shall take effect immediately.

Liabilities or obligations not to be impaired by change of name.

Supplement.

Approved April 21, 1887. P. L. 1887, p. 194.

**89. SEC. 1.** That the board of directors of any young men's Christian association now existing or hereafter to be incorporated under any law of this state, may elect eight or more persons of whom no more than one-third shall be members of any one religious denomination, who, with the president of the association, for the time being, shall be and constitute a board of trustees of the said association, and shall be a body politic and corporate in law, by the name of the trustees of the young men's Christian association of \_\_\_\_\_ (the blank to be filled according to the proper name of the association), upon filing in the office of the clerk of the court of common pleas of the county a certified copy of the proceedings of said election by the board of directors, and the written acceptance of the said office by the persons so elected, signed by their names, and acknowledged before any officer authorized to take the acknowledgment of deeds within this state; and it shall be the duty of the clerk of said court to record the same immediately, for which he shall be entitled to receive one dollar.

Young men's Christian associations, how incorporated.

**90. SEC. 2.** That the said board of trustees shall, by their said corporate name, be capable to acquire by purchase, gift, grant, devise, bequest or otherwise, and to hold any personal or real estate or property for the uses of the said association; and, with the consent of the board of directors,

Board of trustees may purchase, hold, sell and convey real and personal estate and make by-laws, rules, &c.

## RELIGIOUS SOCIETIES.

the same or any part thereof to sell, grant, assign, mortgage, alien and dispose of; to sue and be sued, plead and be impleaded; to make and use a common seal, and the same to alter or renew; and to make by-laws and rules, not inconsistent with the laws of this state, for the management of its business and affairs, the convening or holding of its meetings, and the election or appointment, powers, duties and removal of its officers and agents, and to alter, amend or repeal the same at pleasure.

Vacancies in board of trustees, how filled.

**91. SEC. 3.** That for the purpose of perpetuating a line of succession in the trustees of such association, whenever a vacancy shall occur in such board of trustees, occasioned by the death or resignation of any trustee or his moving out of the limits of the said association, the same shall be filled by a majority vote of the remaining trustees electing to such vacancy some person who shall be a member in good standing of a protestant evangelical church; *provided*, that at no time shall more than one-third of the members of the board of trustees, not including the president of the association, be members of any one religious denomination.

Proviso.

Trustees to elect president, &c.

Powers and duties of the president.

**92. SEC. 4.** That the said trustees at their first meeting shall elect one of their own number to be the president of the board of trustees, who is hereby authorized to convene the board as occasion may require, and to preside at the meetings thereof, and to execute, for and in the name of the board of trustees, all contracts, deeds, leases, mortgages and other instruments which shall be required to be executed by said board; and in case of his absence, sickness, death, resignation or moving out of the limits of the association, the board of trustees shall elect one of their number to fill the office of president for the time being, who shall occupy the same until the disability of the president be removed or until the election of his successor, as the case may be.

Trustees to elect secretary and treasurer and other officers.

**93. SEC. 5.** That the board of trustees shall elect or appoint as soon after their election as practicable, from their own number, a secretary and treasurer, and may also appoint such other officers or agents as the board of trustees may, from time to time, deem expedient; the proceedings, orders and acts of a majority of the trustees for the time being, but not of a less number, shall be valid and effectual in law.

Property and income to be devoted to the association.

Trustees to pay over all income to board of directors, &c.

**94. SEC. 6.** That the board of trustees shall devote the property held by said board, real and personal, and the income thereof, to the purposes of the association, and to no other purpose whatsoever; and so long as the board of directors shall so expend the same, the board of trustees shall pay over to the board of directors the income of the property, real and personal, of the association; in the discharge of the duties of the board of trustees it may, in its discretion, constitute the finance committee of the board of directors, its agents for the repair, renting and collection of the rents of the property of the association, or of the property held by the said board of trustees for the use of the association.

Associations formed under this act to convey and assign real and personal property to board of trustees.

**95. SEC. 7.** That any such association availing itself of the benefits of this act, and having at that time property, real or personal, shall convey and assign the same to the board of trustees constituted by authority of this act, to be held by the said board of trustees for the uses of the association in the same manner and with the same powers and duties in regard thereto as are provided in section two of this act.

## Supplement.

Approved March 31, 1890.

P. L. 1890, p. 146.

Preamble.

WHEREAS, Between the time of the enactment of the act entitled "An act to incorporate trustees of religious societies," approved April seventeenth, one thousand eight hundred and forty-six, and the time of the enactment of the supplement thereto, approved February ninth, one thousand eight hundred and sixty, extending the first, second, third, fourth, fifth, sixth, seventh and eighth sections of said act to "religious societies or congregations of Jews within this state," certain religious societies or congregations of Israelites, otherwise called Hebrews or Jews, within this state, took and carried out proceedings, according to the provisions of said act, for their

incorporation, and have, since such proceedings were had, acquired, conveyed and mortgaged property, and done and performed other acts as corporate bodies; *and whereas*, doubts have arisen as to whether the said act, prior to the enactment of the said supplement thereto, extended to such religious societies or congregations, so as to enable them to become legally incorporated under the same;

**96. SEC. 1.** That the proceedings of all religious societies or congregations of Israelites, otherwise called Hebrews or Jews, within this state, taken and carried out by them between the time of the enactment of the act entitled "An act to incorporate trustees of religious societies," approved April seventeenth, one thousand eight hundred and forty-six, and the time of the enactment of the supplement thereto, approved February ninth, one thousand eight hundred and sixty, for their incorporation, according to the provisions of said act, are hereby confirmed and made valid and legal and effectual to the extent the same would have been valid, legal and effectual if the first, second, third, fourth, fifth, sixth, seventh and eighth sections of said act had been in and by said act expressly extended to and made to embrace such religious societies or congregations; and all conveyances and mortgages of real or personal property made to or by each and every of such religious societies or congregations, and all other acts done and performed by each and every of them as a corporate body since such proceedings were had by the same, are hereby confirmed and made valid and legal and effectual to the same extent that such conveyances, mortgages and other acts aforesaid would have been valid, legal and effectual if the said sections of said act had been in and by said act expressly extended to and made to embrace such religious societies or congregations.

Proceedings of societies or congregations of Israelites confirmed and validated.

Conveyances, acts, &c., confirmed and declared valid.

Supplement.

**97. SEC. 1.** [Amended by Sec. 105, *post.*]

Approved April 4, 1891. P. L. 1891, p. 320.

Supplement.

**WHEREAS**, The religious societies or congregations of this state, now or formerly known as True Reformed Dutch churches, or Christian Reformed churches, have heretofore undertaken to incorporate themselves and to exercise corporate powers under the provisions of the act to which this is a supplement and of former acts of the legislature of this state relating to the incorporations of trustees of religious societies, applying to Reformed or Reformed Dutch churches, and doubts have been expressed whether the said provisions extended or applied to the said True Reformed Dutch churches, or Christian Reformed churches;

**98. SEC. 1.** That the provisions of the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth sections of the act to which this is a supplement, and the provisions of former acts of the legislature of this state relating to the incorporation of trustees of religious societies applying to Reformed or Reformed Dutch churches, be and they are hereby construed to extend and apply to the religious societies or congregations of this state now or formerly known as True Reformed Dutch churches or Christian Reformed churches, and all proceedings heretofore taken by the said True Reformed Dutch churches or Christian Reformed churches, to incorporate themselves and to exercise corporate powers, under and in accordance with the said provisions, are hereby fully and effectually validated and confirmed.

Passed March 11, 1892. P. L. 1892, p. 111.

Preamble.

Certain sections of the act of 1875 extended to societies or congregations of True Reformed Dutch churches.

Amendatory act.

**99. SEC. 1.** [This act, amending Sec. 4, *ante*, is amended by Sec. 104, *post.*]

Approved March 24, 1892. P. L. 1892, p. 233.

## Supplement.

Approved March 30, 1892.

P. L. 1892, p. 374.

Election of trustees.

**100. SEC. 1.** That when the societies or congregations belonging to any one denomination or classification, incorporated or having a right to become incorporated, under the act to which this is a supplement or any of the supplements thereto, have formed or shall form a general organization for this state, in which all of the societies or congregations of that denomination or classification are represented or are entitled to representation, it shall be lawful for such state organization or the executive committee thereof to elect any number of its members as trustees, and such trustees when so elected may take upon themselves a name and certify the same under their hands and seals, as provided in the act to which this is a supplement, and transmit such certificate to the secretary of state, whose duty it shall be to record the same, for which he shall be entitled to receive two dollars.

Certificate to be recorded in office of secretary of state.

To become a body corporate.

**101. SEC. 2.** That such trustees and their successors shall by such name thereupon become a body corporate, with all the powers and privileges provided in the act to which this is a supplement and the supplements thereto, and that it shall be the duty of such state organization or the executive committee thereof to cause notice of all elections of trustees to be given personally to all the members of such state organization or executive committee or mailed to them at their post-office addresses, if resident in this state, at least ten days before such election, unless such notice shall be waived.

Power to hold property.

**102. SEC. 3.** That such body corporate shall have power to purchase, hold, mortgage and convey real and personal property and erect buildings thereon for purposes of business, recreation or resort, which property and buildings shall be for the use of the members of such societies or congregations and others, subject to such regulations as shall be adopted by such corporation and approved by such state organization or executive committee.

## Amendatory act.

Approved May 1, 1894.

P. L. 1894, p. 187.

Baptist societies may increase number of trustees.

**103. SEC. 1.** That whenever any religious society of the denomination known as Baptists shall have met under and pursuant to the provisions of the first section of the act to which this is a supplement, and elected a certain number of the said society to be trustees, and which trustees shall thereafter pursuant to the provisions of the second section of said act have become a corporation, and the said society shall desire thereafter to increase the number of such trustees, it shall and may be lawful for such society, at any election to be held for trustees pursuant to the provisions of the fourth section of said act, to elect an additional number of persons as trustees not to exceed fifteen in all; *provided*, that notice of the intention to elect such additional number shall have been given in the manner and for the length of time prescribed in the first section of said act for the original election of trustees.

Proviso.

An act amendatory of an act entitled "An act amending an act entitled 'An act to incorporate trustees of religious societies,' approved April ninth, one thousand eight hundred and seventy-five," which amending act was approved March twenty-fourth, one thousand eight hundred and ninety-two.

P. L. 1894, p. 336.

Approved May 15, 1894.

**104. SEC. 1.** That the act entitled "An act amending an act entitled 'An act to incorporate trustees of religious societies,' approved April ninth, one thousand eight hundred and seventy-five," which amending act was approved March twenty-fourth, one thousand eight hundred and ninety-two [see Secs. 4 and 99, *ante*], and which reads as follows:

"That the fourth section of the act entitled 'An act to incorporate trustees of religious societies,' approved April ninth, one thousand eight hundred and seventy-five," be and the same is hereby amended to be and read as follows:

[“That for perpetuating a line of succession in the trustees of every religious society or congregation which has been duly incorporated, it shall and may be lawful for the persons composing such congregation to assemble at any time they may think proper, giving notice thereof as is by law directed for the first election of trustees, in order to elect any other trustee or trustees, in the place or stead of those or any of those before elected, in case they see cause for the removal of the said trustees; *provided*, such removal shall not be in less than one year after his or their election into office; and also to fill up the vacancy which may be occasioned by the expiration of the term of office of any such trustee or trustees, or by the death or resignation of any trustee, or by his moving out of the limits of the said society or congregation; at any meeting called for the purpose aforesaid, it shall be lawful for any person to vote, being twenty-one years of age, male or female, who is a regular attendant upon the services of such society or congregation, and not elsewhere, and who contributes regularly to the support of such society or congregation, according to his or her engagements, whether as a pewholder or by subscription; *provided*, that no person shall vote at any election of trustees as aforesaid who is not qualified to vote in accordance with any limitation, condition, restriction or trust contained in the deed for the church site or other real estate owned, held or occupied by such society or congregation,” be and the same is hereby amended by adding thereto the following: *and provided further*, that in elections for trustees of religious societies or congregations of the denomination known as Baptists, the persons entitled to vote shall be such as have heretofore by the rules and practice of said denomination been deemed qualified to vote, to wit, all members thereof in good, full and regular standing.] (a)

How board perpetuated.

Proviso.

Who may lawfully vote.

Proviso.

Proviso.

An act to amend an act entitled “A supplement to an act entitled ‘An act to incorporate trustees of religious societies,’ approved April ninth, one thousand eight hundred and seventy-five,” which supplement was approved April fourth, one thousand eight hundred and ninety-one.

Approved May 22, 1894.

P. L. 1894, p. 472.

**105. SEC. 1.** That section one of the above-entitled act [see Sec. 97, *ante*] be and the same is hereby amended to be and read as follows:

[That it shall not be lawful for the rector, wardens and vestrymen of any Protestant Episcopal church, or, in case the church be without a minister or rector, then for the said wardens and vestrymen, or for the wardens and vestrymen for the time being, of any Protestant Episcopal church who are trustees of the same, to alien, grant, assign, demise, let or mortgage any real church property, without the previous written consent of the bishop and a majority of the standing committee of the diocese within which such real church property may be situated; or, in case of a vacancy in the office of bishop, or of his absence from said diocese, then a majority of the standing committee thereof, which consent shall be acknowledged, or proved and recorded with such deed, lease, mortgage or instruments of conveyance, and without such consent, the alienation, grant, assignment, demise, lease or mortgage shall be null and void; *provided, however*, that the provisions of this act shall not apply to alienations, conveyances, grants, assignments, demises or releases made by the rector or minister, wardens and vestrymen of any Episcopal church, of lands held by them and to them belonging, and not used for their churchyard, burial-ground, or as a site for their Sunday-school, and any and all alienations, conveyances, grants, assignments, demises or leases heretofore made and executed, or hereafter to be made and executed by said trustees, of any lands or real church property not so used as aforesaid, without such consent as aforesaid shall be as good and effectual in law as if the above act had not been passed, anything therein to the contrary in anywise notwithstanding.]

Unlawful to mortgage the real estate of a Protestant Episcopal church without written consent of bishop, &amp;c.

Proviso.

(a) An election held after the incorporation, is to perpetuate or continue the society already organized. *Miller v. English*, 1 Zab. 317. The election must be held at the usual place of meet-

ing, and no election for trustees can be held during the year unless such trustees have been legally removed. *Den, American Society v. Pulling*, 4 Zab. 653.

## RELIGIOUS SOCIETIES.

## II. Miscellaneous acts.

## An act relative to the property of the unincorporated society of Friends in this state.

R. S. 782.

Passed February 11, 1836.

Rights of Friends  
not to be affected  
by separation.

**106. SEC. 1.** That the rights, estates, property and privileges, of the members of the unincorporated society of Friends in this state, shall not be hurt, endamaged, or in any way affected by the division, secession or separation which has occurred in the said society, and that the rights, estate, property and privileges of the members of the unincorporated society of Friends, in this state, shall be held and enjoyed according to the constitution and laws of this state.

Mode of division  
of personal  
estate.

**107. SEC. 2.** That the division, secession or separation now existing in the said unincorporated society of Friends in this state, on conscientious grounds, where both parties profess to adhere to the faith, system of discipline, constitution and government of the said society, when in unity; the personal estate of whatever kind of the said society, held or possessed by said society, when in unity, or by any other person or persons, body politic or corporate, for or to its use, or in any way in trust for them, shall be divided between the parties, in such division, secession or separation, equally and ratably, in proportion to the number of members of the said society who have joined or attached themselves to either of the said parties, in such division, secession or separation, in the same manner as if they had been equal partners in the said personal estate; and in case the said members of the said society cannot, in such division, secession or separation, agree on the division of the said personal estate of the said society, by them possessed when in unity, that then, and in such case, it shall and may be lawful for any member or members of either party, for and in behalf of himself and themselves, and his and their associates in such division, secession or separation, to exhibit a bill in chancery against any member or members of the other party in such division, secession or separation, and their associates, for a division of such personal estate so held or possessed by the said society, when in unity, in the same manner as if they were partners; and thereupon the same proceedings may be had, and relief given, and decree made, as in justice and equity, and according to the course and practice of the court of chancery, ought to be made; always having regard to the relative number of the members belonging to the said parties in such division, secession or separation, and the continuance and preservation of the same trusts, uses, and purposes, upon and for which such personal estate was theretofore held and possessed; and that the members of the said party in such division, secession or separation, to whom the same, or any part thereof, shall be decreed, shall hold the same upon the same trusts, and for the same uses and purposes, so far as regards the members of the said society, connected with them in the said division, secession or separation, as the same was held by the said society when in unity.

Property to be  
held on same  
trusts as formerly.Disposition of  
real estate.

**108. SEC. 3.** That in case of any division, secession, or separation, now existing in the said unincorporated society of Friends in this state, on conscientious grounds, where both parties profess to adhere to the faith, system of discipline, constitution and government of the said society when in unity, that then and in such case, the real estate, of whatsoever kind (except burial-grounds) of the said society, held, possessed, or owned by the said society when in unity, or by any other person or persons, body politic or corporate, for or to its use, or in trust for them, shall be divided between the parties in such division, secession, or separation, equally and ratably in proportion to the number of members of the said society who have joined or attached themselves to either of the said parties in such division, secession or separation, in the same manner as if they were tenants in common of the said real estate; and in case the said members of the said society cannot, on such division, secession or separation, agree on the division or partition of the said real estate, so as aforesaid held,

possessed, or owned by them when in unity, that then and in such case, it shall and may be lawful for any member or members of either party, for and in behalf of himself and themselves, and their associates, in such division, secession or separation, to exhibit his or their bill in the court of chancery, against any member or members of the other party in such division, secession or separation, and their associates, for a division or partition of such real estate so held, possessed, or owned by the said society when in unity, in the same manner as if the members of the said society were tenants in common of the said real estate; or in case that the said real estate is so circumstanced, that division or partition thereof cannot be made, without great prejudice to the owners, for a sale thereof, or a decree that the same may be held and owned by the one party, on their paying to the other their proportion of the value thereof, to be ascertained according to the course and practice of the said court, as to the said court shall appear equitable and just; and thereupon, the same proceedings may be had and relief given and decree made, as in justice and equity, and according to the course and practice of the court of chancery ought to be made, always having regard to the relative number of members belonging to said parties in such division, and the continuance and preservation of the same trusts, uses, and purposes upon, or for which such real estate was theretofore held, possessed, or owned; and the members of the party in such division, secession or separation, to whom the said real estate, or any part thereof, or the proceeds of the sale thereof, shall be decreed, shall hold, possess, and enjoy the same, upon the same trusts and the same uses and purposes, so far as regards the members of the said society connected with them in such division, secession or separation, as the same was held, possessed or owned by the said society when in unity.

**109. SEC. 4.** That the burial-ground or grounds of the said society when in unity, shall forever remain free and common for the burial of the members of either party, and their descendants, the same as if no such division, secession or separation had been made.

Burial-grounds to be held in common.

**110. SEC. 5.** That the said complainant or complainants in any such bill of complaint, shall make his or their affirmation, to be annexed to the said bill of complaint, that the division, secession or separation stated in the said bill, so far as respects the said complainant or complainants, was made on conscientious grounds, and not for the purpose of appropriating the real or personal estate of the said society of Friends to any other trusts, uses or purposes than those originally intended in its creation, or to destroy the faith, constitution, system of discipline and government of such association, but in truth and good faith for the causes set forth in such bill of complaint; and that it shall not be necessary to name all the parties associated with the complainants or defendants in the said bill, but that it shall be sufficient to designate them as the associates of the said respective parties, and that a copy of the subpoena issued in the said cause, shall be served upon the clerk of the said society or meeting with whom the defendant or defendants in said cause may be connected or acting, together with a copy of the said bill, at least ten days before the returning thereof, or left at his residence; and that any of the members of the said society may appear and defend the said suit; and if in the course of the said proceedings it should become expedient to ascertain the number of members of the said society connected with the said parties respectively, any member thereof shall be under the age of twenty-one years, such infant shall be counted with the party to which his or her father belongs, if he is living, and if not, to that which his or her mother, if living, belongs; and if she also be dead, with the party to which his or her guardian belongs.

All persons associated as complainants or defendants need not be named in bill.

How infants are to be counted in case of division of real and personal estate of society.

An act authorizing the sale of lands granted or devised to religious societies in certain cases.

P. L. 1859, p. 542.

Approved March 23, 1859.

Application to  
chancellor for  
leave to sell  
lands.

**111. SEC. 1.** That whenever any incorporated religious society in this state, entitled to lands and tenements granted or devised to them by deed, will, or otherwise, appropriating the rents, issues and profits thereof to specific use, but without power to sell and convey the same, shall represent to the chancellor of this state that the interest of the person or persons of such religious society in the said lands, should be sold or disposed of, the chancellor may in a summary manner, proceed to inquire into the merits of the application, and from such time the person or persons interested in the said lands and the said religious society, as the case may be, as far forth as relates to such lands, its proceeds and income, shall be considered wards in chancery.

Chancellor to  
appoint trustee.  
Bond to be given.

**112. SEC. 2.** That on every such application, the chancellor shall in his discretion appoint a suitable trustee or trustees, who shall give bond to the state of New Jersey, to be filed with the clerk of the court of chancery, in such penalty and with such surety as the chancellor shall direct, conditioned for the just and faithful performance of the trust reposed in such trustee or trustees, and for the observance of such orders and directions as the chancellor shall from time to time make in the premises, in relation to such trust, which bond, if forfeited, may be prosecuted by the direction of the chancellor, in any court having cognizance of the same.

Reference to be  
made to master.

**113. SEC. 3.** That after such bond shall be given and filed as aforesaid, the chancellor may proceed in a summary manner, by reference to a master, to inquire into the merits of such application, and whenever and as often as it shall satisfactorily appear to the court, that the interest of parties interested, requires or will be substantially promoted by a sale of such land, or any part or parts thereof, the chancellor may direct a sale or sales of such lands to be made by the trustee or trustees, either in whole or by subdivision, and upon such terms of credit as may be deemed expedient, and all sales and dispositions made in good faith and in pursuance of and conformation with the directions of the court, when confirmed as hereinafter mentioned, shall be valid and effectual in law.

Order for sale.

Report of sale.

**114. SEC. 4.** That all sales and dispositions made in pursuance of this act shall be reported on the oath or affirmation of the trustee or trustees to the chancellor, to be approved by him before a conveyance shall be executed, and if such sale or disposition is confirmed by the chancellor, and a conveyance directed to be executed, he shall then make such further order for the application and disposition of the proceeds of the same, and for the investment thereof, as the case may require.

Proceeds, invest-  
ment of.

**115. SEC. 5.** That the proceeds of such sale shall be loaned and invested in good and sufficient bonds of individuals, secured by mortgage on unincumbered real estate in this state, worth without buildings double the amount loaned, payable with interest semi-annually, or invested in the public funded debt of the United States, and upon the payment of the principal sum loaned or invested, or any part thereof the amount shall be again invested as aforesaid, and the interest arising on such loan or investment, as soon as received, shall be applied and paid to the person or persons, and for the uses specified in the grant, deed or devise for which the lands were granted or devised, and for no other use or purpose whatsoever; *provided always*, that no loan of money received by virtue of the sale of the land aforesaid shall be made to any person for a greater sum than one thousand dollars, unless it may be for the consideration of lands sold to such person by virtue of this act.

Trustees liable to  
account.

**116. SEC. 6.** That the trustee or trustees appointed as aforesaid shall be liable to account, under order of the court of chancery, before such master as the chancellor may designate from time to time, upon the application of any religious society, or any person or persons interested in the funds, and the report of such master made thereupon shall be liable to exceptions as in other cases of masters' reports requiring confirmation; and the

chancellor shall have full power and authority to make all such orders and decrees in the premises as shall be necessary to give complete relief to the parties.

**117. SEC. 7.** That no land upon which a church or place of worship is or may be erected, or granted for that purpose, or burying-ground, shall be liable to be sold by virtue of this act. Certain lands not to be sold.

**118. SEC. 8.** That upon the settlement of the account of the trustee or trustees made by the chancellor, he may direct the said trustee or trustees to assign and set over all bonds and mortgages and public stocks remaining in their hands to the religious society to which the said lands and tenements sold may have been granted or devised, to be held by such religious society in trust, for the uses and purposes prescribed in such grant or devise, and for no other use or purpose whatever. Settlement of account of trustees.

#### Supplement.

Approved March 3, 1880. P. L. 1880, p. 107.

**119. SEC. 1.** That the chancellor may, upon due cause shown, order and direct the whole or any part of the proceeds of any sale of real estate had or to be had by virtue of this act, to be re-invested in other or more desirable real estate, to be held and owned by the religious society entitled to the same, in the same manner and subject to the same conditions and limitations as the real estate granted or devised to them. Chancellor may order the whole or any part of proceeds of sale to be re-invested.

#### An act for the incorporation of presbyteries in the state of New Jersey of the Presbyterian church of the United States of America.

Approved March 26, 1872. P. L. 1872, p. 855.

**120. SEC. 1.** That any presbytery in this state of the Presbyterian church of the United States of America, convened at a stated meeting in accordance with its usages, may, by ballot, elect from its members five ministers and five ruling elders to be trustees of the same, which said trustees, and their successors in office, are hereby constituted a body politic and corporate in law, by such name as they shall assume pursuant to the directions of this act. Trustees constituted a body corporate.

**121. SEC. 2.** That the said trustees shall take upon themselves a name, and shall certify such name under their hands and seals, and forthwith transmit the said certificate to the secretary of state of this state, whose duty it shall be instantly to record the same, for which he shall be entitled to receive two dollars, and thereupon the said trustees shall be known and designated in law by the name of incorporation so taken, certified and recorded; a copy of said certificate duly certified under the hand and official seal of said secretary of state shall be received in evidence in any of the courts of this state. Trustees to file certificate.

**122. SEC. 3.** That the said trustees and their successors, by such name of incorporation, shall be able and capable of taking, acquiring, receiving, having and holding for charitable and religious purposes, by gift, devise, bequest, grant or purchase, any lands, tenements, legacies, donations, moneys, goods and chattels now held for the benefit of, or which hath been, or may hereafter be given, devised, bequeathed, sold or granted to the said corporation, or to the said presbytery for the promotion of its religious and charitable objects; and the same or any part thereof to sell, grant, assign, mortgage, alien, or dispose of; to sue or be sued, implead or be impleaded in any court of law or equity, to make and use a common seal, and the same to alter and renew at pleasure, and to make and adopt all necessary by-laws, rules and regulations necessary and proper for the control and management of the affairs, and carrying into effect the objects of the said corporation, and for the investment and re-investment of its moneys, and for the disposition of the same and of the other property of the said incorporation. May purchase, hold and convey lands.

Powers.

Other trustees  
may be elected.

**123. SEC. 4.** That for perpetuating a line of succession in the trustees of every presbytery incorporated under this act, the members thereof, convened at a stated meeting as hereinbefore directed for the election of the first trustees, may at any time they may think proper, elect by ballot any other trustee or trustees in the stead of those or any of those before elected; *provided*, such renewal shall not be less than one year after his or their election into office, unless it shall be to fill up the vacancy, which may be caused by the death or resignation of any trustee or his moving out of the limits of the said presbytery.

Proviso.

President.

**124. SEC. 5.** That such corporation may elect annually one of its own members to be their president, who shall keep the minutes and enter the orders, acts and proceedings of the corporation in a book to be kept for that purpose, and who shall have the custody of the common seal and the papers, deeds, writings, documents and books of or relating to the said corporation, and who is hereby required to convene the said corporation as occasion may require; and in case of his absence from any cause, then the said office of president shall devolve on the senior trustee for the time being, who shall occupy the same until the return of the president or the election of another.

#### Supplement.

P. L. 1894, p. 334.

Approved May 15, 1894.

Any presbytery  
may avail itself of  
provisions of act.

**125. SEC. 1.** That any presbytery of the Presbyterian church of the United States of America that is now or may hereafter be incorporated under or by virtue of the provisions of the act to which this is a supplement, which shall desire to avail itself of the provisions of any other act or acts relating to or providing for the incorporation of presbyteries in this state, may do so by a resolution of the board of trustees of such presbytery.

Certificate, how  
filed.

**126. SEC. 2.** That the president of such board of trustees shall make a certificate of such resolution and of the change or changes in organization or powers intended thereby to be accomplished, and of the act or acts of the provisions whereof it is intended to take advantage, which said certificate, under the hand of said president and sealed with the seal of said presbytery, shall be recorded in the office of the secretary of state of this state, for which he shall be entitled to receive the sum of one dollar, a copy of which said certificate, duly certified under the hand and official seal of said secretary of state, shall be received in evidence in any of the courts of this state.

#### An act to enable churches to change their corporate names or titles.

P. L. 1874, p. 32.

Approved March 11, 1874.

County clerk  
shall file the  
resolution.

**127. SEC. 1.** [Amended by Sec. 129, *post.*]  
**128. SEC. 2.** That it shall be the duty of the clerk of the county within which such church is situated to file the resolution changing the corporate name or title, in the same manner as certificates of incorporation are required to be filed, and to indorse on the original certificate of incorporation the change of the corporate name or title, and for these services he shall be entitled to receive the sum of one dollar.

#### Supplement.

P. L. 1886, p. 214.

Approved April 12, 1886.

Churches author-  
ized to change  
corporate name.

**129. SEC. 1.** That section one of said act be and the same is hereby amended so as to read as follows:

Resolution to be  
certified and filed  
in county clerk's  
office.

[That any church that has been heretofore or may hereafter be incorporated under and by the laws of this state, may change its corporate name or title and assume another name or title by resolution passed at a meeting of its trustees, consistory or other body, by whatever name the same may be called, having management of the temporalities of said church; such resolution shall be certified under its corporate seal, and proved in the same manner as deeds for lands are required to be proved, and when filed in the office of the clerk of the county in which such church is situated, such cor-

poration shall be thereafter known and may bring and defend actions and suits at law or in equity by such new name; *provided*, that nothing herein contained shall be construed to relieve any such corporation from any of its legal contracts, obligations, debts or other liabilities, or release any legal existing obligations, debts or other liabilities, or rights due to, held by or belonging to such corporation.]

Proviso.

**An act to authorize the corporations of theological seminaries in this state to increase the number of their trustees.**

Approved April 20, 1876. P. L. 1876, p. 235.

**130. SEC. 1.** That whenever by the charter of any theological seminary of this state, the number of trustees thereof is limited, it shall be lawful for the said corporation, or the trustees thereof, to increase the number of such trustees by appointing at least six additional trustees, dividing them into classes in the same manner as provided in such charter.

Number of trustees of theological seminaries may be increased when limited by charter.

**An act to amend an act entitled "An act to increase the number of trustees in theological seminaries in New Jersey." (1)**

Approved March 2, 1877. P. L. 1877, p. 46.

**131. SEC. 1.** That whenever, by the charter of any theological seminary in this state, the number of trustees thereof is limited, it shall be lawful for the said corporation, or the trustees thereof, to increase the number of such trustees by appointing at least six, and not more than twelve, additional trustees, dividing them into classes in the same manner as provided in such charter.

Number of trustees may be increased.

**An act to incorporate trustees of conferences or other associations composed of representatives of religious societies.**

Approved March 8, 1877. P. L. 1877, p. 89.

**132. SEC. 1.** That every association of persons composed of representatives from religious societies or congregations of Christians, be and they are hereby authorized at any regular meeting of such association by a majority of votes, by ballot or otherwise, according to the constitution or by-laws of such association, to appoint any number, not exceeding seven, of the said association, to be trustees of the same; which said trustees and their successors are hereby constituted a body politic and corporate, by whatever name they shall assume agreeably to the directions of this act.

Election of trustees.

**133. SEC. 2.** That the said trustees, when they take upon themselves a name, shall certify such name under their hands and seals, and transmit such certificate to the clerk of the court of common pleas of the county in which such association shall have holden their meeting at which said trustees shall have been elected, whose duty it shall be to record the same, and for which he shall be entitled to receive one dollar; and thereupon the said trustees shall be known and distinguished in law by the name of incorporation so taken, certified and recorded.

Certificate of corporate name to be filed with county clerk.

**134. SEC. 3.** That the said trustees and their successors, shall, by such name of incorporation, be able and capable to acquire, purchase, receive, have and hold, any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels in trust for the use of said association to an amount in value not exceeding two thousand dollars a year, and the same or any part thereof to sell, grant, assign, demise, alien and dispose of; to sue or be sued, implead or be impleaded, in any court of law or equity; to make and use a common seal, and the same to alter and renew at their pleasure; the proceedings, orders, acts and resolution of a majority of all the trustees of the said corporation, but not of a less number, shall be valid and effectual in law.

May receive and dispose of real and personal property.

**135. SEC. 4.** That for perpetuating a line of succession in the trustees of such association, it shall and may be lawful for the members of said association assembled at any regularly-appointed meeting, to elect a trustee or

Election of trustee or trustees in case of vacancy.

(1) Query Is not this act an amendment to Sec. 130, ante?

## RELIGIOUS SOCIETIES.

trustees in manner aforesaid, in the stead of those or any of those before elected, in case they see cause for the removal of the said trustees or trustee; *provided*, such removal shall not be in less than one year after their or his election into office, and also to fill the vacancy which may be occasioned by the death or resignation of any trustee.

Proviso.

Election of president.

**136. SEC. 5.** That such corporation may elect annually, or as often as they shall deem it necessary or expedient, one of their number to be their president, who is hereby empowered to convene the said corporation as occasion may require, and preside at the meetings thereof, and execute all contracts, and in case of his absence, sickness, death, resignation or refusal to act, then the said office of president shall devolve on the senior trustee for the time being, who shall occupy the same until the return or recovery of the president, or the election of another.

Election of secretary.

**137. SEC. 6.** That such corporation may elect annually, or as often as they shall deem it necessary or expedient, a secretary, who shall keep the minutes and enter the acts, orders and proceedings in a book to be kept for that purpose, and who shall have the custody of the common seal, and the papers, deeds, writings, documents and books of or relating to the said corporation; and upon application to the secretary, any member of said corporation or of the association shall have free access to all the papers, deeds, writings, minutes, documents and books of or belonging to the said corporation; and upon the death, resignation or expiration of the office of secretary, or election of a new one, the common seal, and all minutes, papers, deeds, writings, documents and books of or belonging to such corporation, shall be delivered to his successor in office, on the oath of the preceding secretary, or in case of his death, on the oath of his executors or administrators.

Election of treasurer.

**138. SEC. 7.** That such corporation may elect annually, or as often as they shall deem it necessary or expedient, one of their number to be treasurer, who shall have charge of the moneys of the said corporation, and keep a correct account of the receipts and disbursements of the same, and whenever required by the said corporation or by the association, to render a true statement, in writing, of the receipts and disbursements of the said corporation; and upon the death, resignation, removal or expiration of office of treasurer, or election of a new one, all the books, accounts, vouchers and documents in the hands of such treasurer, belonging to such corporation, shall be delivered to his successor in office.

**An act respecting religious societies incorporated under special acts.**

P. L. 1879, p. 199.

Approved March 14, 1879.

Qualification of trustees.

**139. SEC. 1.** That hereafter, in the election of the trustees of any religious society incorporated by special acts, it shall not be necessary, as a qualification for such election, that such trustees shall be members of the church in which such corporation exists; *provided always*, that they are attending members of the congregation and contribute to the support of the church of which they may be elected trustees; *and provided also*, that at least a majority of the trustees elected shall be members of such churches in good and regular standing.

Proviso.

Proviso.

**An act to enable church bodies to perfect their organization and to secure and perfect title to real estate.**

P. L. 1881, p. 255.

Approved March 25, 1881.

Trustees of church organizations authorized to perfect organization, and to secure perfect title to real estate.

**140. SEC. 1.** That in case the trustees of any intended church organization, which has not been perfected according to law, shall have taken title to any lands or real estate in their own names, or in their own names as trustees of such intended organization, and such intended organization has afterwards perfected their organization according to law by the same or any other name, it shall and may be lawful and such trustees or the survivors or survivor of them are and is hereby authorized and required to

convey, by good and sufficient deed or deeds in the law, all their right, title and interest in the said lands and real estate to the trustees of the said perfected organization, whether the same shall have been perfected heretofore or shall hereafter be perfected according to law by the same or by any other name than the one originally intended, and that when the said lands shall have been so conveyed, said perfected organization shall hold the same as fully and completely as though the said organization had been originally perfected according to law.

**An act to enable trustees of religious societies in incorporated towns, boroughs and cities to remove the bodies buried in churchyards to cemeteries.**

Approved February 24, 1882. P. L. 1882, p. 28.

**141. SEC. 1.** That the trustees of any religious society in any incorporated borough, town or city in this state shall and may have the right and privilege to remove or cause to be removed any body or bodies buried in or upon the grounds belonging to any such religious society from such grounds or churchyards; *provided*, there is a cemetery under the control of a legally-incorporated cemetery association in or near such incorporated borough, town or city; *and provided further*, that no trustee or trustees of any religious society shall remove or cause to be removed any body or bodies buried in or upon the grounds granted to any religious society for the use and purpose of a burying-ground.

Bodies buried in churchyards, &c., may be removed by trustees.

Proviso.

Proviso.

**142. SEC. 2.** That no trustees of any religious society shall remove or cause to be removed any body or bodies from their grounds under the provisions of this act unless they shall, prior to the removal of such body or bodies, procure a proper and suitable place in any cemetery for re-interment, and in the removal of any body or bodies under the provisions of this act, such trustees shall cause such bodies to be conveyed to a cemetery and buried in a careful manner; and where any tombstones have been erected on or over the graves of any body or bodies removed under the provisions of this act, the trustees causing the removal of such body or bodies shall cause such tombstones to be re-erected over or on the graves in the cemetery to which such bodies shall be removed; any trustee or trustees who shall violate the provisions of this section, in removing any body or bodies as herein provided for, shall forfeit the sum of one hundred dollars, which penalty shall be collected by the overseer of the poor of any incorporated borough, town or city, in an action of debt, for the use of the poor.

Trustees not to remove bodies until they procure suitable place in a cemetery.

Tombstones to be re-erected.

Penalty for violation.

**An act to enable associations of Baptist churches in this state to change their corporate name.**

Approved February 23, 1883. P. L. 1883, p. 49.

**143. SEC. 1.** That whenever any association of Baptist churches, incorporated under the laws of this state, shall desire to change its corporate name, it shall and may be lawful for said association, by a majority vote of its members assembled at any regular meeting, to change the corporate name of said association, specifying, by such vote, what the new corporate name of said association shall be, and a certificate of such vote, stating the old and the new name of said association, over the hand of the presiding officer of said association, and attested correct by the clerk thereof, shall be filed in the office of the secretary of state; and thereafter the said association shall be known by such new name so adopted, and shall, by such new name, have, hold and retain all its property, and shall possess and enjoy the same rights and powers and be subject to the same liabilities as it would have enjoyed and been subject to had said name not been changed.

Association of Baptist churches may change corporate name.

Certificate to be filed in office of secretary of state.

**An act to authorize and empower any Methodist Episcopal church to sell and convey any lands and real estate owned by said church, not occupied by such church for burial or other purposes.**

P. L. 1883, p. 108.

Methodist Episcopal church may sell certain lands.

Proviso.

**144. SEC. 1.** That in all cases where any Methodist Episcopal church owns any lands and real estate, not used or occupied for burial or other purposes, said church is hereby authorized to sell and convey the same to the purchaser thereof, by deed, in the corporate name of such church, and to invest the proceeds of such sale in the purchase of other lands and the erection of buildings thereon for the use of said church; *provided*, such sale shall be in pursuance of a resolution of the board of trustees of said church.

Approved March 21, 1883.

**An act to authorize and empower the trustees of any Methodist Episcopal church to whom, as such trustees, any conveyance of lands and real estate has been made, to convey the same to the church of which they are trustees by its corporate name.**

P. L. 1883, p. 115.

Lands held by trustees of Methodist Episcopal church may be conveyed to church by its corporate name.

**145. SEC. 1.** That in all cases where the conveyance of any lands and real estate has been made to the trustees of any Methodist Episcopal church, as trustees of said church, said trustees, and their successors in office, are hereby authorized and empowered to convey the same to the particular church of which they are trustees by its corporate name; and said conveyance shall vest in said church as good, effectual and valid title as if the conveyance to said trustees had been to such church in its corporate name.

Approved March 22, 1883.

**An act to authorize churches and other religious societies to change the time of holding their annual meeting.**

P. L. 1883, p. 115.

May change time and place of annual meeting.

**146. SEC. 1.** That it shall and may be lawful for any church or other religious society heretofore incorporated by special act of the legislature of this state, at any annual meeting, to designate, by the majority of the members present duly qualified to vote, the time and place at which they will hold their annual meeting thereafter, any special act or law to the contrary notwithstanding.

Approved March 22, 1883.

**An act authorizing Baptist churches to change their corporate names.**

P. L. 1883, p. 205.

Baptist church may change corporate name.

Proviso.

**147. SEC. 1.** That whenever any Baptist church in this state, whether incorporated under general or special laws, shall be desirous to change its corporate name, it shall and may be lawful for such church, at a meeting of the members thereof, held in its church building or usual place of meeting, by a majority vote of the members present at such meeting, to change its corporate name; *provided*, at least ten days' previous notice be given of the time, place and hour of such meeting, by notice posted in a conspicuous place at or near the usual place of meeting of said church, signed by the clerk or clerk pro tempore of such church.

Approved March 23, 1883.

Certificate of change of name, how made.

**148. SEC. 2.** That it shall be the duty of any such church changing its name as aforesaid to make a certificate in writing, setting forth and certifying that notice of such meeting had been given in the manner aforesaid, the former name of such church and the name to which the same has been changed, with such other proceedings as may be had concerning such change of name at such meeting, which said certificate shall be signed by the chairman or presiding officer of such meeting and the clerk thereof, and shall be duly verified by the oath or affirmation of such clerk, and shall be filed in the office of the clerk of the court of common pleas of the county embracing the place of the location of such church, and shall be recorded by the said clerk in his said office; and that from and immedi-

To be filed and recorded in office of county clerk.

ately after the filing and recording of such certificate, such church shall be known by the name, title and designation to which the same has been changed as aforesaid, and by such name shall be entitled to all the benefits and privileges and subject to all the limitations and restrictions as it was before said change was made.

**149. SEC. 3.** That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Repealer.

**An act to authorize the formation of religious corporations by members of societies or confraternities of clergymen.**

Approved March 23, 1883.

P. L. 1883, p. 168.

**150. SEC. 1.** That it shall be lawful for any church or congregation which has been or may be established by a branch of any society or confraternity of clergymen in this state, to be incorporated under and by virtue of the provisions hereinafter stated; the pastor of such church or congregation for the time being, and four of the clergymen resident in the house or parsonage connected with such church or congregation, and members of the society or confraternity by which the church or congregation about to be incorporated has been established, who shall be elected by a majority of the clergymen resident as aforesaid, may sign a certificate setting forth the name by which they and their successors shall be known and distinguished as a body corporate, and transmit the said certificate to the clerk of the court of common pleas of the county in which such church or congregation may be located, whose duty it shall be forthwith to file and record the same, for which he shall be entitled to receive one dollar, and thereupon such church or congregation shall be a body corporate by the name or title so taken, certified and recorded.

Formation of corporation authorized.

Certificate to be filed and recorded in office of county clerk.

**151. SEC. 2.** That the persons so signing said certificate shall be the trustees of such corporation, and they and their successors shall by such name of incorporation be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels in trust for the use of such church or congregation to an amount not exceeding three thousand dollars a year, exclusive of the church edifices, school-houses and parsonages, and the lands whereon the same are or may be erected, and burying plats, and the same or any part thereof to sell, grant, assign, demise, alien and dispose of; to sue and be sued, plead and be impleaded, in any court of law or equity; to make and use a common seal, and the same to alter and renew at their pleasure.

Who to be trustees, and their powers.

**152. SEC. 3.** That in order to perpetuate a line of succession in the trustees of every such church or congregation, the successor in office for the time being of such pastor shall, by virtue of his office, be the trustee of such church or congregation in place of his predecessor; and the office of either of the trustees shall become vacant by his removal out of the limits of such church or congregation; and whenever the office of any such trustee, except the pastor, shall become vacant by death, removal, resignation or otherwise, his successor shall be chosen in the manner herein provided for the selection of the original members of such board of trustees.

Line of succession in trustees, how perpetuated.

**153. SEC. 4.** That such corporation may elect annually, or oftener if necessary or expedient, one of their own members to be president, who shall keep the minutes and enter the orders and proceedings of the corporation in a book to be kept for that purpose; shall have the custody of the common seal, and the papers, documents, deeds, writings and books of or relating to such corporation, and who is hereby authorized and empowered to convene such corporation as occasion may require.

Election of president, and his duties.

**154. SEC. 5.** That the proceedings, orders and acts of a majority of all the members of such corporation, but not of a less number, shall be valid and effectual in law.

What proceedings to be valid.

Corporation may be revived within six years from dissolution.

**155. SEC. 6.** That if any corporation created under or by virtue of the provisions of this act shall be dissolved by failure to continue the succession of the trustees thereof, it may be revived and the church or congregation incorporated under this act, in the mode herein prescribed, at any time within six years from the date of such dissolution; and thereupon all the property, real and personal, belonging to such dissolved corporation at the time of its dissolution shall vest in such new corporation.

**An act to confirm the incorporation and proceedings of Evangelical Lutheran churches in the state of New Jersey.**

P. L. 1884, p. 263.

Approved April 25, 1884.

Preamble.

WHEREAS, It is represented that several Evangelical Lutheran churches of this state have been incorporated under the general provisions of the act to incorporate trustees of religious societies, and not under the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth and twenty-first sections thereof; and under such incorporation such churches have elected trustees who have had the management of the temporalities of said churches, instead of the ministers, elders and deacons as ex-officio trustees; and conveyances have been made to and by such churches so incorporated; and doubts have arisen as to the validity of such incorporations and of the conveyances to and by such churches; and it is desirable that the same be confirmed and validated; therefore,

Congregations organized under act of 1846 declared to be a body politic.

**156. SEC. 1.** That every congregation of the Evangelical Lutheran churches of this state, which shall have organized according to the provisions of the first section of the act entitled "An act to incorporate trustees of religious societies," approved April seventeenth, one thousand eight hundred and forty-six, is hereby constituted a body politic and corporate in law, from the date of such organization, by whatever name it may have assumed at the time of such organization; and the certificate of every such incorporation, notwithstanding any defect or insufficiency in the form thereof, as recorded in the clerk's office of the several counties of this state, and also the acts and proceedings of said incorporations under such organizations, be and the same are hereby ratified, validated and confirmed; and all conveyances and mortgages made to or by any such corporation under such organizations are hereby confirmed and made valid and legal and effectual to the extent that the same would have been valid, legal and effectual if such organizations had been duly incorporated under the provisions of the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth and twenty-first sections of the act above referred to.

Acts validated.

Church may become incorporated under act of 1875.

**157. SEC. 2.** That hereafter any Evangelical Lutheran church may, at the option of the majority of the members thereof, become incorporated under the provisions of the first and second sections of the act entitled "An act to incorporate trustees of religious societies," approved April ninth, one thousand eight hundred and seventy-five; *provided, however,* that nothing in this act contained shall in any wise apply to the Reformed church of America, formerly Reformed Dutch church.

Proviso.

**An act to authorize and empower the trustees of any Presbyterian church to whom, as such trustees, any conveyance of lands and real estate has been made, to convey the same to the church of which they are trustees by its corporate name.**

P. L. 1885, p. 11.

Approved January 28, 1885.

Lands held by trustees may be conveyed to church by its corporate name.

**158. SEC. 1.** That in all cases where the conveyance of lands and real estate has been made to the trustees of any Presbyterian church, as trustees of said church, said trustees, or their successors in office, are hereby empowered and authorized to convey the same to the particular church of which they are trustees by its corporate name; and said conveyance shall vest in said church as good, effectual and valid title as if the conveyance to said trustees had been to such church in its corporate name.

An act to authorize and empower the trustees of any church or religious society, to whom as such trustees by their individual names any conveyance of lands and real estate has been made, to convey the same to the church or religious society of which they are or were trustees by its corporate name.

Approved March 8, 1887. P. L. 1887, p. 12.

**159. SEC. 1.** That in all cases where the conveyance of lands and real estate has been made to the trustees of any church or religious society by their individual names as trustees of said church or religious society, said trustees and the survivors or their successors in office are hereby empowered and authorized to convey the same to the particular church or religious society of which they are trustees by its corporate name, and such conveyance shall vest in said church or religious society as good, effective and valid a title as if the conveyance to said trustees had been made directly to such church or religious society by its corporate name.

Trustees authorized to convey real estate.

An act to authorize the sale of church property and vesting a valid title thereto in the purchaser free from uses for church purposes.

Approved April 5, 1886. P. L. 1886, p. 178.

**160. SEC. 1.** [Amended by Sec. 161, *post.*]

#### Amendatory act.

Passed February 27, 1889. P. L. 1889, p. 37.

**161. SEC. 1.** That the first section of the act to which this is amendatory be and the same is hereby amended so that it shall read as follows:

[That any incorporated religious society, by its trustees, consistory, or other board or persons managing the temporalities of such religious society, be and they are hereby authorized to sell and convey, in fee-simple or otherwise, any lands, premises and real estate owned by them, together with the appurtenances, and to execute and deliver good and sufficient deeds of conveyance therefor, or for any part thereof, to the purchaser or purchasers of the same, and that every such deed or deeds of conveyance shall be good and effectual in law; *provided*, the said sale shall have been duly authorized at a meeting of the said religious society, by the vote of two-thirds of those present at said meeting; *and provided further*, that said meeting shall have been duly and legally called.]

Trustees, &c., of any religious society empowered to sell or convey real estate.

Proviso.

Proviso.

#### Supplement.

Approved March 26, 1889. P. L. 1889, p. 99.

**162. SEC. 1.** That any incorporated religious society, owning or holding the title to any lands, premises or real estate in trust or on condition that the same shall be used for church purposes, may, by its board of trustees, consistory or other board managing its temporalities, alone and without a vote of the members of the society, sell and convey, and it is hereby authorized and empowered to sell and convey, in fee-simple or otherwise, such lands, premises and real estate, or any part thereof, with the appurtenances, freed and discharged from such trust or condition, and the deed therefor shall convey to the purchaser a title good and effectual in law, free from such trust or condition, and the grantee or grantees shall take the property so freed and discharged accordingly; *provided*, the donor or donors by whom such trust was created or condition imposed shall have discharged the property or such society from such trust or condition, or shall consent to such conveyance free from such trust or condition.

Religious society's power to sell and convey lands.

Proviso.

An act relating to the consolidation or union of religious societies of the same denomination.

Approved March 5, 1890. P. L. 1890, p. 43.

**163. SEC. 1.** That whenever two incorporated religious societies of the same denomination shall have heretofore agreed, or shall hereafter agree, with the approval of the presbytery, classis or other like governing religious

Two religious societies of same denomination authorized to consolidate.

## RELIGIOUS SOCIETIES.

body of their denomination within whose jurisdiction they are located, to consolidate or unite their two societies into one, it shall be lawful for the boards of trustees or other like bodies of the two societies to make, under their respective seals, with the signature of the president of each, and attested by the secretary, a certificate that such two societies have consolidated or united, giving also the name which they have selected for the new organization, and transmit the same to the clerk of the court of common pleas of the county in which they are located, whose duty shall be instantly to record the same, and thereupon the said two societies shall become consolidated or united into one corporation under the name so selected, and the new corporation shall be entitled to, and invested with, all the property, real and personal, and assets, rights, privileges, powers and franchises belonging to either of the two societies so consolidated or united, but subject to all the debts and liabilities of each, and to the terms of the agreement under which such consolidation or union was made.

Certificate to  
be filed.

Powers, &c.

**164. SEC. 2.** That from the time of the consolidation or union as aforesaid, the new corporation shall possess and exercise all the powers, rights, privileges and franchises which any religious society of like denomination may possess and exercise when incorporated under the existing laws of the state.

**An act to authorize the sale or mortgaging of church property.**

P. L. 1890, p. 156.

Approved March 31, 1890.

Authorized to  
sell or mortgage  
church property.

**165. SEC. 1.** That it shall and may be lawful for any incorporated church or religious society, by its trustees or other board managing the temporalities of said church or religious society, to sell and convey in fee-simple, or by way of mortgage or for any other estate, any or all real estate owned by such religious society in fee-simple, and make and give all necessary conveyances therefor; *provided*, that any such sale be first duly authorized at a regular or special business meeting of the members of such church or religious society.

Proviso.

Repealer.

**166. SEC. 2.** That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

**An act to authorize the incorporation of associations of Baptist churches.**

P. L. 1890, p. 271.

Approved April 21, 1890.

Baptist churches,  
now incorporated.

**167. SEC. 1.** That when any association composed of representatives from Baptist churches which shall have heretofore or may hereafter, by a resolution of such association at a regular meeting thereof, adopt a name and resolve to become incorporated thereunder, and the clerk, secretary or person having custody of the minutes of such association shall make a certificate embodying such resolution duly verified by oath, and file the same in the office of the secretary of state; that thereupon such association shall be and become a body politic and corporate in the law, with the same powers and privileges and subject to the same restrictions as if the same were incorporated under the act entitled "A supplement to an act entitled 'An act to incorporate trustees of religious societies' [Revision], approved April ninth, one thousand eight hundred and seventy-five," which supplement was approved March eighth, one thousand eight hundred and seventy-seven.

Certificate to be  
filed.

**An act concerning religious societies.**

P. L. 1890, p. 333.

Passed May 12, 1890.

Preamble.

WHEREAS, In times past, before the institution of the present system of public schools, sums of money have been given and bequeathed for the purpose of supporting schools built upon property of religious societies in this state, or for the support of poor people as scholars in such schools, which schools have long since ceased to exist by reason of the system of free schools now established by law in this state, and there is no further and other disposition of the income from said funds; therefore,

**168. SEC. 1.** That it shall and may be lawful for the chancellor, summarily upon petition of any person or persons or body corporate, holding any funds or sum of money which may have been given for the purpose of either maintaining schools or the support of poor people as scholars in schools formerly maintained on the property of religious societies, which schools have now ceased to exist, to inquire into the merits of such application, and if it be found impossible to fully carry out and comply with the provisions of such trust, to order payment of the income from such funds to the maintenance of the property of such religious society, or for any other purpose nearest akin to the trust.

Chancellor, upon petition, may order payment of income of funds, &c.

**An act authorizing religious corporations, incorporated by general or special acts of the legislature, to change their names and modify their terms of incorporation.**

Approved March 14, 1893. P. L. 1893, p. 285.

**169. SEC. 1.** That whenever any religious corporation, incorporated by general or special act of the legislature, shall desire to change its corporate name it shall and may be lawful for said corporation, by a two-thirds vote at any regular meeting, to change the corporate name of the said corporation, specifying by such vote what the new corporate name shall be; and thereafter the said corporation shall be known by such new name so adopted, and shall, by such new name, have, hold and retain all its property, and shall enjoy the same rights, privileges and powers and be subject to the same liabilities as it would have enjoyed and been subject to had said name not been changed.

Proceedings to change name.

**170. SEC. 2.** That it shall be lawful for any such religious corporation, by a majority vote at any regular meeting, to make such change or changes in the number of officers and managers or trustees of said corporation, and the terms of their office, as shall be considered expedient for the interests of the corporation.

Change of officers, &c., and terms thereof.

**171. SEC. 3.** That it shall be lawful for any such religious corporation, at any regular meeting, by a majority vote, to establish any new department or departments of religious work not specified in the act of incorporation, and to maintain the same.

May establish new departments of religious work.

**172. SEC. 4.** That whenever any or all of the changes provided for in this act are made, a certificate of such change or changes, over the hand of the presiding officer of the corporation, attested by the secretary thereof, shall be filed with the secretary of state within thirty days after such change is made; and one dollar shall be the established fee for such filing.

Certificate to be filed.

Fee for filing.

**An act authorizing and validating the sales of certain church and parsonage property of the Methodist Episcopal church and other churches or religious societies.**

Approved March 28, 1895. P. L. 1895, p. 707.

**173. SEC. 1.** That the present trustees of any Methodist Episcopal or any other church or religious society and their successors in office, or a majority of them, are authorized and empowered to sell at public or private sale, and convey in fee-simple or otherwise, all such church and parsonage property, together with all the estate, right, title and interest which the said trustees or stewards or other officers now have or may have in the same by virtue of any deeds of conveyance or otherwise, whenever any such church or religious society may authorize and direct such sale thereof, by a majority of its members present at any meeting called by said trustees at its usual place of public worship, after at least ten days' notice of the time and place and object of such meeting, by an advertisement set up in open view at or near such place of meeting, signed by the president and secretary of said board of trustees or by a majority of said trustees.

Trustees of any Methodist Episcopal church authorized to sell and convey church and personal property.

Sales and conveyances heretofore made validated.

Proviso.

Repealed.

**174. SEC. 2.** That all such sales and conveyances heretofore made by such trustees are hereby validated and confirmed; *provided*, they have been or shall be authorized and approved by a majority of the members of such church or religious society present at a duly-called meeting thereof.

**175. SEC. 3.** That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

**An act to authorize the sale of lands belonging to religious corporations or societies, in which burials have been made.**

P. L. 1895, p. 734.

Church burial-grounds may be sold when consent is obtained and conditions complied with.

Approved March 28, 1895.

**176. SEC. 1.** That it shall be lawful for any religious corporation or society owning real estate in which burials have been made to remove the bodies buried therein and sell the said land, or any part thereof, providing such corporation or society shall obtain the consents in writing of the living owner or owners of plots and burial permits therein, also the consents in writing of the living lineal descendants and widow or widower, if any, of the said person or persons buried in said lands, or the part thereof to be sold; and in case such descendants, widow or widower cannot be found by diligent inquiry, such corporation or society may, by petition duly verified, apply to the common pleas or county court of the county in which said lands sought to be sold are located, for an order to sell the same; said petition shall set forth the name of the corporation or religious society so applying, the location of the lands sought to be sold, the names of all known persons owning lots or burial permits in said lands, a description and map of the lands sought to be sold; and upon proof of the foregoing facts, and in such petition set forth, it shall then be lawful for the said common pleas or county courts to make an order setting forth the nature of said petition and the names of all owners of lots or burial permits contained in said land so sought to be sold who have not in writing consented to said sale, requiring said owner or owners of lots or burial permits to show cause at a time to be fixed by said court, why said land should not be sold as in said petition prayed for; a notice of which order shall be published in a newspaper to be designated by said court, for four weeks successively.

Order of court permitting sale.

**177. SEC. 2.** That upon the day fixed in the order and notice in section one herein referred to, or upon such adjourned day as said court may fix, it shall be lawful for said court of common pleas or county court to make an order permitting the sale of said lands, and the removal of any bodies buried therein, provided no objection be made in writing thereto by the lineal descendants, widow or widower of the parties buried therein.

How personal rights established.

**178. SEC. 3.** That if such religious corporation or society shall sell any land in which any person has heretofore acquired a right of burial, the said corporation or society shall refund to the party having such right, their heirs, executors or assigns, the amount paid for such right, with interest from the date of payment, and shall pay all costs and expense incurred in the removal of any bodies therefrom and the cost of properly re-interring the same.

## Replevin.

### I. WHEN ACTION LIES.

1. For a wrongful taking.
2. For any unlawful detainer.
3. Does not lie in case of distress for tax or fine.

### II. WRIT OF, HOW EXECUTED.

4. Out of what court to issue.
5. May be executed by coroners.
6. Amended by section 38.
7. Bond may be assigned to defendant.

8. Bond to coroner to be approved. Sureties to justify.
9. Goods delivered, unless claimed and bond given by defendant.
10. Sheriff and coroner return if defendant gives bond.
11. Penalty for unlawful delivery.
12. Officer may break open building.

### III. PARTIES.

13. Who may be joined.
14. Action not to abate by reason of death.
15. Remedy of executors and administrators.