

SENATE, No. 30

(P. L. 1898, p. 422; Comp. Stat., p. 125; First Supplement, p. 28.)

STATE OF NEW JERSEY

INTRODUCED JANUARY 16, 1922.

By Mr. CASE.

Referred to Committee on Revision and Amendment of the Laws.

A SUPPLEMENT to an act entitled "An act to incorporate associations not for pecuniary profit," approved April twenty-first, one thousand eight hundred and ninety-eight.

1 ~~BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:~~

1 1. An existing association organized for any lawful purpose other than for pe-
2 cuniary profit, may become incorporated under the act to which this act is a supple-
3 ment in manner following: The governing body (board of managers by what-
4 ever name called) shall pass a resolution declaring it advisable that the association
5 be incorporated and calling a meeting of all the members to take action thereon;
6 the meeting shall be held at such time and place and upon such notice as the by-
7 laws may provide, and in the absence of such provision, upon ten days' notice
8 thereof given personally or by mail to each of the members; and if two-thirds
9 of all the members present at such meeting shall vote in favor of such incorpora-
10 tion, a certificate thereof shall be signed by the president and secretary, acknowl-
11 edged or proved as in the case of deeds of real estate, and such certificate shall
12 be recorded in the office of the clerk of the county in which the principal business
13 of the corporation is to be conducted, and shall afterwards be filed in the office
14 of the Secretary of State. Such certificate shall state the name by which such
15 corporation is to be known in law, the purpose for which it is formed, the place

16 where it is to be located or its principal business conducted, the names and titles of
17 its officers. If a resolution declaring the incorporation of any such association to
18 be advisable shall be submitted at a regular meeting of the association, the same
19 notice thereof shall be given as is provided for in the calling of a special meeting,
20 and in the absence of such provision, ten days' notice shall be given personally or
21 by mail to each of the members. Upon making, recording and filing the certificate
22 as aforesaid, the association and its successors, by virtue of the act to which this
23 act is a supplement, shall thereupon be a body politic and corporate by the name
24 stated in such certificate, and shall have the powers, rights and privileges enumer-
25 ated in said act.

1 2. Upon becoming a body politic and corporate as herein provided, the property,
2 real and personal, of such association, shall vest in and become the property of such
3 corporation.

1 3. This act shall take effect immediately.

STATEMENT.

The act which authorizes the incorporation of associations not for pecuniary profit (Pamphlet Laws, 1898, page 422; Compiled Statutes, page 125; First Supplement, page 28), has been held not to authorize the incorporation of associations already existing, unless the certificate is signed and acknowledged by every member (Great Council, &c., v. Mohican Tribe, &c., 114 Atlantic Reporter, page 440). Many associations are composed of large numbers of members, sometimes hundreds, and it is very inconvenient, and sometimes impossible, to get every member to sign and acknowledge a certificate in accordance with the provision of the original act. This act would simplify the procedure and permit incorporation in the same way that amendments to certificates of existing business corporations are permitted to be made. Such corporations change their charters and to that extent acquire new ones, by amendments made in the manner above pointed out in this act; which provides that existing associations not for pecuniary profit may acquire charters of incorporation in the same manner.

[SECOND OFFICIAL COPY REPRINT.]

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A SUPPLEMENT to an act entitled "An act to incorporate associations not for pecuniary profit," approved April twenty-first, one thousand eight hundred and ninety eight.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1 1. An existing association organized for any lawful purpose other than for pe-
2 cuniary profit, may become incorporated under the act to which this act is a supple-
3 ment in manner following: The governing body (board of managers by what-
4 ever name called) shall pass a resolution declaring it advisable that the association
5 be incorporated and calling a meeting of all the members to take action thereon;
6 the meeting shall be held at such time and place and upon such notice as the by-
7 laws may provide, and in the absence of such provision, upon ten days' notice
8 thereof given personally or by mail to each of the members, and if two-thirds
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14 of the Secretary of State. Such certificate shall state the name by which such
15 corporation is to be known in law, the purpose for which it is formed, the place

16 where it is to be located or its principal business conducted, the names and titles of
17 its officers. If a resolution declaring the incorporation of any such association to
18 be advisable shall be submitted at a regular meeting of the association, the same
19 notice thereof shall be given as is provided for in the calling of a special meeting,
20 and in the absence of such provision, ten days' notice shall be given personally or
21 by mail to each of the members. Upon making, recording and filing the certificate
22 as aforesaid, the association and its successors, by virtue of the act to which this
23 act is a supplement, shall thereupon be a body politic and corporate by the name
24 stated in such certificate, and shall have the powers, rights and privileges enumer-
25 ated in said act, *provided, however,* that nothing in this supplement contained
26 shall apply to any eleemosynary or charitable association, corporation or organ-
27 ization other than aid societies of properly organized and accredited churches and
28 fraternal societies organized for aid and relief of their members.

1 2. Upon becoming a body politic and corporate as herein provided, the property,
2 real and personal, of such association, shall vest in and become the property of such
3 corporation.

1 3. This act shall take effect immediately.