

ACTS

OF THE

FIFTY-NINTH

GENERAL ASSEMBLY

OF THE

State of New-Jersey,

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-EIGHTH DAY OF
OCTOBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-FOUR.

BEING THE SECOND SITTING.



TRENTON:

PRINTED BY JOSEPH JUSTICE.

1835.

surplus among the stockholders, in proportion to their respective interest in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose; in which case, the person so appointed, and the survivors or survivor of them, shall be trustees and trustee, for the purpose aforesaid; and that stockholders owning one fourth of the stock holden, may, by giving notice in a newspaper published in Paterson for a fortnight, and one newspaper published in the city of New-York, a fortnight, call a public meeting of the stockholders, for the purpose of passing by-laws and ordinances, for the election of Directors; and that such by-laws and ordinances shall be binding, until in like manner repealed or altered, in case a majority of the stock is represented at such meeting, either in person or by proxy.

Sec. 9. *And be it enacted*, That this act shall be, and continue in full force, for, and during the term of thirty years from the passing thereof, and from thence, to the end of the next session of the Legislature, and no longer; and further, that it shall and may be lawful for the Legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever the public good requires it. Limitation of act.

Passed February 12, 1835.

AN ACT to Incorporate the Bordentown Water Company.

WHEREAS, John L. McKnight, Lewis W. Pancoast, and Samuel S. Bunting, associated with others, as a company, under the name and style of "The Bordentown Water Company," for the use and purpose of supplying the Borough of Bordentown, and its vicinity, with water from the most eligible situation it can be obtained, for domestic purposes; and as a further security against loss by fire, by their petition, presented to the Legislature, have requested to be incorporated, the better to enable them to carry into effect, the salutary objects of their institution; Therefore, Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all such persons as now are, or hereafter may become stockholders, shall be, and are hereby constituted, a body corporate and politic, in fact and in name, by

Style of incorporation.

the style and title of "The Bordentown Water Company," and by that name shall, and may have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of actions, matters and causes whatsoever; have a common seal, and make, change, or alter the same at pleasure, and to hold and enjoy such real and personal estate, as may be necessary for the object aforesaid; that the stock of the said corporation shall be deemed personal property, and shall consist of

Amount of capital stock.

one thousand shares, of ten dollars each; that the management of the concerns of the said company, shall be entrusted to five Directors, being stockholders and inhabitants of the Borough of Bordentown; which Directors shall be chosen each and every year, at the annual meeting of the stockholders, which shall be held the first Monday in April, at

Time and manner of electing directors.

such hour and place in Bordentown, as said Directors shall, from time to time, appoint, by notices set up in three of the most public places in Bordentown, at least fifteen days previous to said election; that all elections shall be by ballot, by the stockholders, personally, or by proxy, under the direction and inspection of three stockholders, not being candidates; each stockholder having one vote for two shares, two votes for five shares, and one additional vote for each succeeding five shares that he holds; and the five persons having the greatest number of votes, shall be Directors; that if any two or more persons have an equal number of votes, so as that five Directors shall not be elected, they shall again proceed, in like manner, to elect out of the persons so having an equal number of votes, so many as shall complete the number of Directors; out of which number, the said Directors shall, by

President to be chosen.

a plurality of their votes, elect one for their President; and in case of a vacancy in the office of any of the said Directors, by death, resignation, or otherwise, others shall be elected by said Directors to fill such vacancy; the Directors of the preceding year shall be considered as elected for the ensuing year; *Provided*, no election shall be held to elect others in their places.

Commissioners to receive subscriptions to stock.

Sec. 2. And be it enacted, That John L. McKnight, Lewis W. Pancoast, and Samuel S. Bunting, be commissioners to procure subscriptions for the stock, and shall open books for that purpose, at Bordentown, on the first Monday in March, eighteen hundred and thirty-five, having previously given ten days public notice; and whenever five hundred shares shall be subscribed, each stockholder paying at the time of subscribing, one dollar for each and every share, the said commissioners shall call a meeting of stockholders within thirty days thereafter, by giving twenty days public notice, put up in three of the most public places in Bordentown, for the purpose of electing Directors, and transacting such other

business as may come before them, at such hour and place in the borough of Bordentown, as they may deem proper; and to such Directors lawfully elected, they shall pay over such money as they shall have received; which said meeting shall be considered the first annual meeting.

Sec. 3. And be it enacted, That it shall and may be lawful for the Directors, or a majority of them, to require payment of the stock subscribed, in such proportions, and at such times as they, or a majority of them, may think proper, not exceeding two dollars on each share, with the penalty of a forfeiture of all previous payments thereon, and that notice of the instalments required, and of the time when the same are to be made, by notice set up in the borough of Bordentown, at least thirty days previous.

Stock forfeited on failure to pay instalments.

Sec. 4. And be it enacted, That the Directors shall be authorized, in their discretion, to appoint a Secretary and other officers, agents and servants, as they shall, from time to time, deem necessary, for carrying into effect the powers of said company; to establish rules, regulations and by-laws, for and concerning the conduct and government of such officers, agents and servants, and for determining the compensation to which they shall be entitled, and for and concerning the manner of making transfers of the said stock, and the conduct and government of all persons with whom they shall contract for the water for their works, so far as respects the preservation of water furnished by said company, and the use thereof, and to restrain the waste thereof; and by such laws and ordinances, to impose penalties and forfeitures, for a neglect or refusal to comply therewith, so as that such penalty and forfeiture, in any one case, shall not exceed four dollars; which penalties or forfeitures, shall be recoverable in the name of the said corporation, before any Justice of the Peace of the county of Burlington, with costs, in an action of debt; and that for the purpose of effectually supplying the said borough of Bordentown, and its vicinity, and its inhabitants, it shall and may be lawful to, and for the said Directors and company, to erect works on the most eligible situation that they may think proper; and conduct along the public highways and streets, any number of conduits necessary for, and calculated to supply such water through or over lands, in the borough of Bordentown; *Provided*, the same shall not be done without the consent and permission of the owners of property, over or through which it may be necessary to pass.

Power and duties of directors.

Proviso.

Sec. 5. And be it enacted, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, whereby the works of the said corporation, or any

Penalty for injuring the works of company.

pipe, conduit, aqueduct, plug, cock, reservoir or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall forfeit and pay to the said corporation, treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of said corporation, with costs of suit, by action of debt, to be brought in any court in this state, having cognizance of the same.

Manner in which capital to be exclusively applied.

Sec. 6. *And be it enacted*, That at any time, after twenty years from the passage of this act, the borough of Bordentown, in its corporate capacity, may take from the company, all the right, title and interest of the company aforesaid, by paying first cost therefor, without interest thereon.

Sec. 7. *And be it enacted*, That no part of the capital stock created by this act, shall be applied to any other purpose whatsoever, than the supplying of the borough of Bordentown with water, conformably to the provisions of this act.

Passed February 13, 1825.

AN ACT to authorize the sale of certain real estate, late of David Woolman, deceased.

Preamble.

WHEREAS it is represented by Levi Borton, as surviving executor of the last will and testament of David Woolman, deceased, that the said David Woolman, in and by his said last will and testament, devised certain lands and real estate, situate in the county of Burlington, to his five sons, Eber Pancoast Woolman, William A. Woolman, David Woolman, Daniel Woolman, and Abraham W. Woolman, their heirs and assigns, to be equally divided between them, but such division not to take place till the year eighteen hundred and thirty-five, and that the interests of the said devisees will be best subserved by an immediate sale of the said premises, which cannot be effected by the devisees themselves, a part of them being under the age of twenty-one years, all which appearing to be just; Therefore,