

ACTS

OF THE

SEVENTY-EIGHTH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

TENTH UNDER THE NEW CONSTITUTION.



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1854.

will sue for the same, to be recovered in action of debt, with costs of suit.

19. *And be it enacted*, That so much of this act as requires compensation to be made to the owner or owners of land, shall not apply to any land within the limits of said public highway. Compensation to owners not to apply to public highway.

20. *And be it enacted*, That in case it should so happen that an election of directors should not be made at the time when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places. Corporation not dissolved for failure to elect on day prescribed.

21. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1854.

CHAPTER LXXXVIII.

AN ACT to incorporate the Elizabethtown Water Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Francis B. Chetwood, Francis Harris, jr., John D. Norris, George R. Chetwood, Reuben Van Pelt, Keen Pruden, John Kean, John H. Rolston, Cyrus Manvel, and all other persons who may hereafter be associated with them in the manner hereinafter provided, and their successors shall be and are hereby constituted and declared to be a body politic and corporate, by the name and style of the Elizabethtown Water Company, and by that name shall 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 whatsoever; have a common seal, and make, change, or alter the same at pleasure, and hold and enjoy such real and personal estate as may be necessary for the object of this incorporation, or may be taken in payment of debts; that the stock Names of corporations.

of the said corporation shall be deemed personal property, and shall consist of eight thousand shares, of twenty-five dollars each; that the management of the concerns of the said corporation shall be entrusted to nine directors, being stockholders of said corporation, who shall be chosen every year at the annual meeting of the stockholders, which shall be held on the first Monday in May, at such hour and place in Elizabethtown, as said directors shall from time to time appoint, a notice of which election shall be published in a newspaper published at Elizabethtown for three successive weeks next before such election, at least once in each week, that all such elections shall be by ballot by the stockholders, in person or by proxy, under the inspection and direction of three stockholders, neither of them being a candidate at such election, appointed by the directors, each stockholder having a vote for each share of his or her stock, and the nine persons voted for at such election, having the greater number of votes shall be the directors of said corporation for the succeeding year, and until others are elected in their stead; that if any two or more persons shall have an equal number of votes, so that nine directors shall not be elected, the said stockholders 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 nine directors, out of which number the said directors shall, by 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; and a majority of the said directors shall be a quorum for transacting business.

Election of directors.

Vacancies.

Commissioners to receive subscriptions.

2. *And be it enacted*, That the persons named in the preceding section of this act shall be commissioners to procure subscriptions for the stock of said corporation, and they or a majority of them, may open books for that purpose at Elizabethtown at any time after the passage of this act, giving fifteen days previous notice thereof, in a newspaper published at Elizabethtown, and five dollars on each share of stock subscribed for, shall be paid at the time of subscribing therefor, and the balance to be paid by instalments from time to time, and in

such sums as the said commissioners or directors of said corporation shall think proper and direct, and not exceeding five dollars on each share at any one time; and whenever four hundred shares shall be subscribed, the said commissioners shall call a meeting of the stockholders within thirty days thereafter, by giving fifteen days' notice of the time and place, in Elizabethtown, of such meeting, in a newspaper published in Elizabethtown, for the purpose of electing directors and transacting other necessary or proper business; and when directors are elected, the said commissioners shall pay over to them the money they shall have received, first deducting therefrom a reasonable compensation for their own services and expenses; and all the powers of said commissioners shall cease and be determined on the election of a board of directors; and the said directors, or a majority of them shall have power from time to time to open the books for the further subscription of stock under the foregoing regulations, until the whole number of shares of stock is subscribed; and are also authorized to call upon the said subscribers for the payment of further instalments, in such sums, at such times and under such forfeiture as they may deem expedient, until the whole amount of shares subscribed shall have been fully paid; *provided*, the said instalments shall be at least thirty days apart, and shall not be called for in a larger sum than five dollars on each share at a time, and fifteen days' notice of each instalment required shall be given in a newspaper published in Elizabethtown. Proviso.

3. *And be it enacted*, That the directors shall be authorized, Duties and powers of directors. in their discretion to appoint a secretary, treasurer and other officers, agents and servants as they shall from time to time deem necessary for carrying into effect the objects and powers of said corporation, to establish rules, regulations and by-laws for and concerning the conduct and government of the directors, their officers, agents and servants, and to determine the compensation to which they shall be entitled, and to require such security from them for the faithful discharge of their respective duties as they shall deem reasonable and proper, and for and concerning the manner of making transfer of the stock; and the conduct and government of all persons and corporations

with whom they may contract for the use and preservation of water furnished by the said corporation, and to restrain the waste thereof, and to impose penalties and forfeitures for a neglect and refusal to comply therewith, not exceeding fifty dollars, which penalties and forfeitures shall be recoverable in the name and for the use of the said corporation before any justice of the peace of the county of Essex or borough of Elizabeth, with costs, in an action of debt.

Company authorized to lay down pipes, &c.

4. *And be it enacted*, That for the purpose of effectually supplying with water the borough of Elizabeth, its vicinity, and the inhabitants thereof, and the corporate authorities of the said borough, and manufacturing and other corporations, companies and associations desiring the use of water, it shall and may be lawful for the corporation created by this act, and they are hereby empowered to make contracts with persons and corporations for the supply, use, and preservation of water, and to erect, construct and maintain all works necessary or convenient to the purposes of this act, and to lay down pipes and other conduits, and to erect and construct hydrants and fire-plugs in the streets, alleys, lanes and other places in the borough of Elizabeth and its vicinity, and to do all things necessary to furnish the said borough of Elizabeth and its vicinity and the buildings, streets and other places situate therein, with water; *provided*, that the public travel upon the streets, lanes and alleys shall at no time be unnecessarily affected or impeded in the laying or repairing of pipes, or the erection and construction of fire-plugs or hydrants, or other necessary or proper work, and after the completion of any work, the streets, side and cross-walks shall be left in as good condition as before the commencement of any such work, and no private lands shall be in any way injured or defaced without permission first obtained from the owner or owners thereof.

Proviso.

Penalty for injuring works

5. *And be it enacted*, That if any person shall wilfully do or cause to be done, any act or acts whatever, to injure any engine, machine, reservoir, pipe, fire-plug, hydrant, or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be obstructed, stopped or injured, or shall wilfully and maliciously draw off

or waste the water from any fire-plug or hydrant, the person so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, or both; *provided*, such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit, and the said corporation are hereby authorized to bring an action and recover for damage, by a civil suit, for any such injury aforesaid, by and in the name of the said corporation, in any court in this state having cognizance of the same.

6. *And be it enacted*, That the president and directors of ^{Dividends.} the said corporation shall declare and make such dividends as they may deem prudent and proper from time to time out of the net profits of the said water works; and the said corporation shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open within the usual hours of business for the inspection of the stockholders.

7. *And be it enacted*, That if the water now contemplated ^{Capital stock may be increased.} to be used by the said commissioners for the purposes of this act of incorporation, should by reason of the increased demand therefor be insufficient to supply the demand, it shall be lawful for the said corporation, and they are hereby empowered to procure an additional supply of water from other sources, and to erect and construct the necessary works therefor; and if necessary for such purpose, they are hereby authorized and empowered to increase their capital stock from time to time, not exceeding in the whole additional amount the sum of two hundred thousand dollars, to be divided into shares of twenty-five dollars each, to be paid by instalments in the manner and upon the like notice above mentioned; and whenever a subscription to said additional stock is authorized by the board of directors, the stockholders for the time being shall be first entitled to subscribe for said stock in a rateable proportion of stock held by them; and whenever a dividend is declared, the

said directors shall declare and make dividends upon all the stock subscribed and paid for.

Approved March 3, 1854.

CHAPTER LXXXIX.

AN ACT to establish Teachers' Institutes.

State Superintendent to make arrangements for holding institute.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever reasonable assurance shall be given to the state superintendent of public schools that a number not less than forty teachers of common schools, in any county, or in any two or more adjoining counties of this state, shall desire to assemble for the purpose of forming a teachers' institute, and to remain in session during a period of not less than five working days, the said state superintendent may appoint a time and place for holding said institute, make suitable arrangements therefor, and give due notice thereof, which said institute, when organized, shall be under the direction of such proper and competent person or persons as shall be selected by the institute or persons organizing the same, and the state superintendent shall approve.

Expenses provided for.

2. *And be it enacted*, That for the purpose of defraying the expenses of said institute, the procuring of teachers and lecturers for said institute, and other necessary expenses, the state superintendent of public schools may draw upon the treasurer of this state for a sum not exceeding one hundred dollars for any one institute, and the said amount may be paid annually thereafter, in like manner, to one teachers' institute in any county, or in any two or more adjoining counties of this state, the same to be paid by the treasurer out of the annual income of the school fund.

Annual report to be made.

3. *And be it enacted*, That every such institute shall report annually to the said state superintendent an abstract of the