

ACTS

OF THE

6

Ninety-Sixth Legislature

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-EIGHTH UNDER THE NEW CONSTITUTION.



TRENTON, N. J.:

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1872.

CHAPTER CCCLXXIII.

An Act to incorporate the Gloucester Water Works Company.

- 1.** BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David S. Brown, Chase T. Stinson, James P. Michellon, William Sexton, Edward Hoffman, their associates and successors, be and they are hereby created and declared to be a body corporate and politic, in law and in fact, by the name of "Gloucester Water Works Company," and as such shall have perpetual succession, and the privileges and franchises belonging or incident to a corporation, and by that name shall be capable in law of purchasing, holding, leasing and conveying any lands, water, water rights, tenements, goods and chattels whatsoever, necessary or expedient for the objects of the corporation hereby created, which objects are declared to be the obtaining, supplying, securing, preserving, storing, transporting and selling of water, and the erection of proper water works, and distributing of the same for public and private purposes.
- 2.** *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by their by-laws direct, with the privileges to increase the same.
- 3.** *And be it enacted*, That the affairs of said company shall be managed and controlled by a board of directors, five in number, to be chosen by the stockholders thereof annually, at such time and in such manner as the by-laws shall provide, and who shall serve for one year, and until others are elected and qualified; said directors shall elect by ballot a president out of their own number, and also elect or appoint such other officers or agents as may be deemed expedient; may fill vacancies in their own board, and may have a common seal, and alter the same at pleasure, and until after the first annual election, after the passage of this act, the five (any three of whom shall constitute a quorum for doing business) per-
- Corporators.**
- Name and powers.**
- Capital stock.**
- Election of directors.**

sons named above as directors of said company, and have power to make by-laws for the government thereof, not inconsistent with the laws of this state or of the United States.

4. *And be it enacted*, That the above named corporators, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of the said corporation, at such time and place as they may direct, and at the time for subscribing for said stock, such amount on each share subscribed for shall be paid, satisfied, or satisfactorily secured to said commissioners, as they or a majority of them shall direct, and the residue of the subscription shall be paid, satisfied or secured, as the directors of said corporation, when elected, shall from time to time direct, giving notice of such time and place, in a newspaper printed and published at the city of Gloucester, for two weeks, at least once in each week; and upon failure of any person or persons to pay, satisfy and secure the payment of such installment or installments, or any of them, as aforesaid, the directors shall be empowered to forfeit the share or shares of each and every person so failing, or any of them, to and for the use and benefit of said corporation, and any share or shares forfeited as aforesaid, may be held by the said corporation, or any person or persons for its benefit, and may at any time be sold or disposed of for the benefit of the corporation, as said directors may determine, or may be divided proportionally among the remaining stockholders, to be by them held and enjoyed, or sold and transferred with all the rights and benefits incident thereto the same in all respects as they were original shares by them subscribed.

Commissioners to receive subscriptions.

Failure to pay subscriptions to work for future.

5. *And be it enacted*, That the city, or any of the adjoining town authorities, or any body corporate, may, and they are hereby authorized, to subscribe to the capital stock of this company.

Town authorities may subscribe for stock.

6. *And be it enacted*, That the said Gloucester Water Works Company are hereby authorized and empowered to take and use such stream or streams, water or waters, contiguous thereto, and to store and convey such waters by means of aqueducts, pipe, mains, reservoirs, and of other suitable works and appliances, through the lands, streets and roads of the city of Gloucester and adjoining towns; to exercise any powers not inconsistent with the laws of this state for carrying into effect the purposes of this act.

May take and use streams, &c.

7. *And be it enacted*, That in case said company cannot

Proceedings
in case com-
pany and
owners can-
not agree.

agree with the owner or occupants of any lands or water intended for the purpose thereof, the said company may apply to the judge of the circuit court of the county of Camden for the appointment of three commissioners, by whom the compensation to be paid for the lands or water required and proposed aforesaid to be used and taken shall be ascertained and determined; and in case of the refusal, disability or neglect to act, of any of said commissioners, the judge of the court aforesaid shall, on application, appoint others in their places.

Powers of
commission-
ers.

8. *And be it enacted*, That the commissioners shall, before entering upon the duties of their office take and subscribe the oath before some person duly authorized by the laws of this state, to administer oaths and affirmations, that they will faithfully and without fear or favor, render true and just reward on each and every case submitted by the company to them; they shall also give at least ten days' notice in one of the newspapers published in Gloucester, of their meeting, and cause a notice of the same to be posted upon each and every of the premises in question, and so far as with ordinary diligence they may ascertain the residence or place of business of the parties interested therein, they shall notify them of said meeting through the post office, or by personal service, in case any such owner shall be married women, insane, infants, or otherwise incapacitated to act for themselves, the judge aforesaid, may appoint some suitable person to act in their behalf before the said commissioners; the commissioners may issue subpoenas to compel the attendance of witnesses before them, and they, or any of them, may administer the usual oath to such witnesses; the commissioners shall keep a true record of their proceedings containing the testimony taken, and showing the sum awarded to each owner or other person, and return the same to the clerk of said court to be filed as of record; the company shall pay each commissioner the sum of five dollars per day for every day necessarily spent by him in the performance of his duties under this act.

Proceedings
in case of ap-
peal.

9. *And be it enacted*, That the said company, or any party to the proceedings, after the commissioners, may, within ten days after any award or determination is filed as aforesaid, appeal therefrom, upon due notice to the other party or parties interested in the same, and the said court shall, upon the report of the commissioners, proceed to hear the said appeal, and may confirm the proceedings of the commissioners,

set the same aside for irregularity, or order new proceedings and appraisements.

10. *And be it enacted*, That upon the payment or legal tender of any compensation, awarded by the said commissioners, or in case of appeal by the court, the said company shall be entitled to enter upon, for the purposes contemplated by this act, all the lands, waters and real estate for which said compensation shall be paid or tendered as aforesaid, to hold and use the same to themselves and their successors forever; if any person to whom any compensation shall be awarded as aforesaid cannot be found, then the said payment may be made by depositing the same with the clerk of said court. May take lands, &c.

11. *And be it enacted*, That the legal authorities of the city of Gloucester or adjoining towns or villages, are hereby authorized to enter into any arrangement mutually agreed upon by them and the company to give, take and receive a supply of water for sanitary purposes, for public hydrants, for the extinguishment of fires or other general purposes. City of Gloucester may make arrangements for use of water.

12. *And be it enacted*, That if any person shall knowingly, willingly or maliciously corrupt the water in any reservoir, hydrants, pipes or other portion of said company's works, or destroy or injure such works, he shall forfeit or pay treble damages, one half to said company and the balance to the overseers of the poor of the city of Gloucester, to be sued for and recovered by any citizen thereof, before any court having jurisdiction of the offences, shall be punished by fine and imprisonment, by fine not less than fifty dollars, and by imprisonment not exceeding one year, or by both fine and imprisonment, at the discretion of the court. Penalty for injuring works.

13. *And be it enacted*, That this act shall be deemed and taken to be a public act, and the legal authorities of the city of Gloucester, of any of the towns or villages, are hereby authorized to call any meeting of the taxable inhabitants thereof, for any purpose for which any meeting may be required or necessary under the provisions of this act, for the purpose of obtaining a supply of water for their inhabitants. Meeting of inhabitants may be called.

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

Approved March 26, 1872.