

ACTS

OF THE

NINETY-THIRD LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-FIFTH UNDER THE NEW CONSTITUTION.



NEW BRUNSWICK, N. J.:
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1869.

CHAPTER LXXX.

An Act to incorporate the Hackensack Water Company in the county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of* Corporators. *the State of New Jersey,* That Richard R. Hawkey, John H. Banta, Garret Ackerson, junior, Eben Winton and Samuel Sneden, and such other persons as may be hereafter associated with them, their successors and assigns, shall be, and they are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Hackensack Water Company," and shall be capable Name. of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the object of the corporation hereby created.

2. *And be it enacted,* That the amount of the capital stock Amount of capital stock. of said company shall be fifty thousand dollars (\$50,000), with the privilege to double the same, divided into shares of twenty-five dollars (\$25.00) each, which shall be deemed personal property, and transferable in such manner as the said corporation by their by-laws shall direct.

3. *And be it enacted,* That the above named persons, or a Corporators to open books for subscription. majority of them shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving at least ten days' notice of the same, in a newspaper published in the county of Bergen; and that at the time of subscribing, twenty (20) per centum shall be paid for each share subscribed for to the commissioners, and as soon as twenty thousand dollars (\$20,000) of the capital stock shall be subscribed and paid in, such commissioners, or a majority of them, shall give like notice for a meeting of the stockholders, to choose five Directors, and how elected. directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any two of them, shall be inspectors of the first election of

directors, and shall certify, under their hands, the names of the persons duly elected, and deliver over the subscription books and moneys paid in, deducting all necessary expenses previously incurred, to the said directors; and the time and place of holding the first meeting of the said directors, shall be fixed by the persons named in the first section of this act; and the directors chosen shall hold office until the first Monday in April following their election, and until their successors are chosen; and there shall be an annual election of directors by the stockholders, on the first Monday in April, in every year, at such time and place as the directors, for the time being, shall appoint, whereof like notice shall be given as aforesaid; and said directors shall choose, out of their number, a president, who shall be a resident of this state, and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the remaining directors, or a majority of them.

Officers.

Not dissolved by failure to elect directors.

4. *And be it enacted*, That in case it shall happen that an election shall not be made during the day, when pursuant to this act it ought to be made, said corporation shall not, for that cause, be deemed to be dissolved, but an election may be held at any other time, on like notice as aforesaid, and the directors, for the time being, shall continue to hold their offices until others shall be chosen in their places.

Stock forfeited by non-payment of installments.

5. *And be it enacted*, That a majority of the board of directors shall be competent to transact all the business of said corporation, and shall have power to call in the capital stock of said company, by such installments, and at such times, as they may direct; and in case of the nonpayment of such installments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of said corporation; and also shall have power to appoint such officers, clerks and servants as to them shall seem meet; and to establish and fix such salaries to said officers, clerks and servants as to the said board shall appear proper; and shall have power to take from said officers, clerks and servants, such security for the faithful performance of their respective duties, as they may think proper.

Special powers of directors.

3. *And be it enacted*, That the president and directors of

the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient, to survey and lay out the site for one or more reservoirs, drains, ditches, conduits, aqueducts, pipes, fountains, water-wheels, force pumps, and all other devices and work which they may deem necessary for supplying the village of Hackensack, and places adjacent thereto, with water sufficient for extinguishing fires, culinary and other family uses, watering the streets, and such other purposes as may conduce to the health and comfort of the citizens; and it shall be lawful for the said president and directors, or others in their employ, to enter, at all times, upon all lands or waters in the township of New Barbadoes and Saddle River, Bergen county, and survey, search, excavate and bore for water, and examine the quality thereof, and locate all and singular the reservoirs, drains, ditches, aqueducts, pipes, fountains, water-wheels, force pumps, and buildings, and all other necessary work and appendages thereto, doing no unnecessary damage to private or other property; and when said location shall have been determined upon, the president and directors shall cause a map to be made of all lands, except streets now in use, which they require for the purpose aforesaid, and file the same in the office of the clerk of Bergen county; and then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, excavate, erect reservoirs, water-wheels, wheel-houses, force pumps, and do all other things which shall be suitable or necessary for completing the works hereby contemplated and keeping them in repair, subject to such compensation as is hereinafter provided for.

7. *And be it enacted*, That if the said company, or its agents, cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, the said company shall give notice to the persons interested, if known and in the State, or if such owner or owners be unknown or out of the state, by publication in one or more newspapers printed and published in the county of Bergen, that they intend to make application to one of the judges of the court of common pleas in said county, on a day and at a place to be named in said notice, and not less than twenty (20) days from the service

May survey
and lay out
reservoirs, &c.

Proceedings
when company
and owners
of land
cannot agree.

or publication thereof, for the appointment of three (3) commissioners; and on said day and at the place named in said notice, the said judge shall make said appointment, under his hand and seal; and it shall be the duty of said commissioners, having first taken an oath or affirmation before some person authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding; to meet at such time and place as they shall designate, giving at least fifteen (15) days' notice of their said meeting, as hereinbefore directed; and on the day so appointed, to proceed to view and examine the said lands, and make a just and equitable estimate of the value of the same, and assess the damages which will accrue from erecting said works; and the said commissioners shall report in writing to the parties interested, the whole amount which the company must pay each owner, stating in said reports the metes and bounds of the lands assessed, which said report the said company shall have filed in the office of the clerk of Bergen county, to remain on record therein, and a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the land so described; and it shall be the duty of said company to pay the owner or owners the amount assessed as aforesaid; or in case the owner or owners refuse to receive the same, or live out of the State, or are incapacitated by law to receive the same, then said sum shall be paid and delivered to the clerk of said county, to be by him retained for such owner; and upon making payment in either of the ways above stated, the title of the premises mentioned in the said award, and so paid for, shall be vested in said company.

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8. *And be it enacted*, That if said owners, or any of them, are dissatisfied with the report of the commissioners in the preceding section, the said party so dissatisfied may appeal to the circuit court of said county at its next term, whereupon the said court shall proceed to hear and determine the whole matter, in the same manner as if said owner had summoned the said company to appear before them; and if the jury, upon trial of the cause, shall find a greater sum than the commissioners have awarded or the company offered in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the company, which shall constitute

a lien upon the premises in question, which said lien shall have priority over any other incumbrance which said company may have given; but if the said jury shall find the same or less amount than the company shall have offered or the said commissioners awarded, then the person appealing shall pay the costs in such manner as the court shall direct.

9. *And be it enacted*, That if any person shall wilfully im- Penalty for injury to works.
pair, injure, or wilfully do or cause to be done any act or acts whereby to injure any conduit, pipe, cock, machine, tank, reservoir, works, buildings, or structure whatsoever, or anything appertaining to the works of said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred (\$300) dollars, or imprisonment not exceeding two (2) years at hard labor, or both; *provided*, such criminal prosecution shall not impair the right of action for damages by a civil suit, which is hereby authorized to be brought for such injury as aforesaid, by and in the name of said corporation, in any court having cognizance of the same.

10. *And be it enacted*, That said company be, and they are hereby fully authorized and empowered to lay their pipes May lay pipes in roads and streets, &c.
beneath such public roads, streets, avenues and alleys, as they may deem necessary for the purpose aforesaid, free of all charge, to be made by any person or persons, or body politic whatsoever for such privilege, and also such hydrants at the crossings or intersections of the said streets and alleys; *provided*, that the said pipes shall be laid at least two feet below the surface of the same, and shall not in anywise unnecessarily obstruct or interfere with the public travel, or damage public property; and that the earth excavated in laying said pipes shall be replaced so that the surface of the ground shall be in as good condition as the same was before said excavations were made.

11. *And be it enacted*, That the said company may sell Annual rents.
and dispose of the water issuing from said reservoirs, aqueducts or pipes, for such price or prices, as annual rents, and under such restrictions as they may think proper.

12. *And be it enacted*, That if the work of constructing Limitation.
said reservoirs and appendages shall not be commenced within the term of five (5) years from the date of the approval of this act, the same shall be null and void.

May issue
bonds and se-
cure the same
by a mortgage

13. *And be it enacted*, That the said company shall have power to borrow money, not exceeding two-thirds of their capital stock paid in, and to secure the same by bonds or other evidences of debt, bearing interest not exceeding seven per centum per annum, and mortgage upon their property, and franchises and privileges, and by such other assurances as they may deem expedient.

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

Approved March 12, 1869.

CHAPTER LXXXI.

An Act to incorporate the Milltown Turnpike Company.

Commission-
ers to open
books of sub-
scription.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Milltown Turnpike Company shall be opened by James C. Edmunds, Dennis Vanderbelt, Charles E. Elkins, John Evans, Daniel G. Stablebine, Van Liew Booraem and Christopher Meyer, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in the county of Middlesex, in this state.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be three thousand five hundred dollars, and shall be divided into shares of twenty five dollars each; and that when one hundred and twenty shares shall be subscribed for, the persons holding the same shall be and they are hereby incorporated into a company, by the name of "The Milltown Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and privileges appertaining to