

ACTS 72

OF THE

NINETY-NINTH LEGISLATURE

OF THE

State of New Jersey,

AND

THIRTY-FIRST UNDER THE NEW CONSTITUTION.



TRENTON, N. J.:

NAAR, DAY & NAAR, "TRUE AMERICAN" OFFICE, PRINTERS.

1875.

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

Approved April 8, 1875.

CHAPTER CCCLII.

A Supplement to an act entitled "An Act to incorporate the Hackensack Water Company," approved March twelfth, eighteen hundred and sixty-nine.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That said company may, by and with the consent of the holders of a majority of its stock, increase its capital stock to the sum of five hundred thousand dollars.

May increase
capital stock.

Authorized to
survey and lay
out sites for
reservoirs,
aqueducts, etc.

May enter upon
lands and make
surveys and
locate works
etc.

2. *And be it enacted*, That the president and directors of said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey and lay out the site or sites of reservoirs, drains, ditches, conduits, aqueducts, pipes, fountains, water wheels, force pumps and all other devices and work which they may deem necessary for supplying all that part of the county of Bergen which lies east of the Hackensack river with water for domestic and such other uses as may conduce to the health and comfort of the citizens, and it shall be lawful for said president and directors, or their employees, to enter at all times upon all lands in said county, east of said river, and survey, and locate all reservoirs, drains, ditches, aqueducts, pipes, fountains, water wheels, force pumps and buildings, and all other necessary works and appendages thereto, doing no unnecessary damage to private or other property, and to take possession of, have, hold, use, occupy, excavate, erect reservoirs, water wheels, buildings, pumps and all other machinery upon said land, and do all other things suitable and necessary for completing and keeping in repair the works hereby contemplated, subject to such compensation as is hereinafter provided for.

3. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners, or other persons interested in any land which said corporation may desire to use and occupy for the purposes aforesaid, as to the compensation to be paid to any such owner or owners or other person interested, or in case such owner or person be absent from this state or under legal disability, it shall be the duty of any judge of the court of common pleas of said county, disinterested in the premises, upon application by said corporation, and upon two weeks' previous notice published in a newspaper at Hackensack, or served upon such owner or person if resident in said county, to appoint three disinterested commissioners to assess the amount of damages to be paid by the said company, which commissioners, before entering upon their duties, shall be sworn faithfully to execute the duties of said appointment, and said commissioners shall forthwith proceed to appoint a time and place to meet, like notice of which meeting shall be given, at which time and place they shall meet and proceed to view the premises, and said corporation shall make and exhibit to said commissioners at said meeting a statement and description, in writing, or by drawings or maps or both, of the lands by them sought to be taken, and of the use, occupation of, and excavations upon any lands by them sought to be made, said commissioners shall thereupon ascertain and assess the damages aforesaid, and make report in writing to said company, which report shall be filed in the clerk's office of said county; *provided*, that this act shall not authorize the taking of any lands under water, water, water-courses, springs or ponds, without the consent in writing of the owner or owners thereof.

Proceedings in case company and owner or owners cannot agree as to land required, etc.

Proviso.

4. *And be it enacted*, That before taking possession or entering thereon to excavate or occupy, said company shall pay or tender to such owner or person interested, or to the clerk of said county, the amount of damages so awarded, and the award of said commissioners and the payment or tender, as aforesaid, of said damages, shall vest in said corporation the lands, rights and privileges by them sought, described and set forth in said statement and description, in all respects the same as if the same had been conveyed to said corporation by said owner or owners, or persons interested, under their hand and seals.

Upon payment of damages lands vested in corporation.

Parties dissatisfied with award of commissioners may appeal.

Power to borrow money and secure the same by mortgage.

5. *And be it enacted*, That if either party is dissatisfied with the award of the commissioners they shall have the right to appeal as provided in section eighth of the act to which this is a supplement, and that sections ninth, tenth and eleventh of the act to which this is a supplement are hereby extended and made applicable to the purposes contemplated by this supplement, as fully as if the same were herein set forth at length.

6. *And be it enacted*, That said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to purchase lands or to build, construct, maintain and procure such reservoirs, standpipes, houses, machinery, engines, pumps, pipes, hydrants, conduits and other things necessary for the use of said company, and to secure the payment thereof by bonds or notes of said company, or by mortgage on the property, lands, privileges, franchises and appurtenances of or belonging to said corporation.

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

Approved April 8, 1875.

CHAPTER CCCLXXXIII.

An Act confirming and making valid the act entitled "An Act to incorporate the Union Mercantile Association of Swedesboro', Gloucester county, New Jersey, approved March twentieth, one thousand eight hundred and seventy-three."

Preamble.

WHEREAS, By the proclamation of the governor of this state, made on the first day of December, one thousand eight hundred and seventy-three, under the provisions of an act of the legislature of this state entitled "An act providing for, declaring, and making known that certain laws