

ACTS

OF THE

EIGHTY-NINTH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-FIRST UNDER THE NEW CONSTITUTION.



NEWARK, N. J.:

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1865.

CHAPTER CCCCLXII.

An Act to authorize the extension of the State Lunatic Asylum.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the managers of the lunatic asylum are hereby authorized to build additional wings on either side of the present building, and corresponding in the style of architecture therewith, sufficient to provide rooms for one hundred and twenty additional patients, sixty of each sex, and that for the purpose of defraying the expense thereof, the treasurer of this state is authorized to pay out of the state treasury during the current year the sum of thirty thousand dollars; *provided*, that the whole cost of such extension shall not exceed sixty thousand dollars.

2. *And be it enacted*, That the said managers shall appoint two of their number, who, together with the superintendent of the asylum, shall be commissioners to superintend the erection of said buildings under the direction of the board of managers.

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

Approved April 6, 1865.

CHAPTER CCCCLXIII.

An Act to incorporate the Hudson County Aqueduct Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edgar B. Wakeman, William Keny, Rufus Story, Isaac B. Culver, Robert L. Smith, Augustus A. Hardenburgh, Moses B. Bramhall, Henry D. Van Nostrand, John M. Cornelison, John Armstrong, Jacob R. Schuyler, John Hilton, Edwin R. V. Wright, James Watson, Garret Van Horn, Edwin C. Bramhall, and John R. Halli-

day, and all and every person or persons who may become subscribers according to the mode hereinafter directed, and their successors, are hereby created a body politic and corporate in fact and in law by the name of "The Hudson County Aqueduct Company," and by the name of the said corporation shall have power to construct water works, for the purpose of supplying the towns of Bayonne, Greenville, Bergen, Hudson City, and places adjacent with pure and wholesome water, as hereinafter directed.

Commissioners to receive subscriptions.

Amount of capital stock.

2. *And be it enacted*, That Edgar B. Wakeman, William Keny, Rufus Story, Isaac B. Culver, Robert L. Smith, Augustus A. Hardenburgh, Moses B. Bramhall, Henry D. Van Nostrand, John M. Cornelison, John Armstrong Jacob R. Schuyler, John Hilton, Edwin R. V. Wright, James Watson, Garret Van Horn, Edwin C. Bramhall, and John R. Halliday, are hereby appointed commissioners for receiving subscriptions for the sum of two hundred and fifty thousand dollars, to constitute the capital stock of the said corporation in shares of one hundred dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place or places within this state as they shall designate by public advertisement, to be previously inserted for at least three weeks in a newspaper printed in Jersey City, and also in a newspaper printed elsewhere in the county of Hudson; and shall continue the said books open until the said capital stock, or a portion of it, shall be subscribed, and such subscribers shall be entitled to receive a certificate for such stock from the said commissioners; and the sum of ten per centum upon each share so subscribed shall be paid by each subscriber at the time of subscription, to the said commissioners, or a majority of them, and the balance to be paid at such times and in such manner as the said commissioners shall specify, or be specified by the board of directors, after the power of the commissioners shall have ceased; and when requested so to do, the amount so received by the said commissioners shall be paid by them over to the board of directors, to be appointed as hereinafter directed.

Appointment of board of directors.

3. *And be it enacted*, That all powers of the said commissioners shall cease and determine after the appointment of a board of directors, to be appointed as follows: after the said amount of two hundred and fifty thousand dollars, or a portion of it, shall have been subscribed as aforesaid, the said commissioners, or a majority of them shall convene the stockholders, by public notice, to be inserted in not less than

two newspapers printed in Hudson county (one of which shall be printed in Jersey City), specifying the time and place of the meeting of said stockholders, (which said notice shall be published as aforesaid, at least three weeks, in such newspapers before said meeting), for the purpose of choosing seven directors, to be selected by the said stockholders from their number; and in choosing said directors, five of whom shall be selected from the stockholders who reside in the county of Hudson, and the said directors shall choose, by a plurality of votes, a president from among themselves.

4. *And be it enacted*, That the management of the concerns of said corporation shall be entirely vested in the said board of directors; and the first board of directors, to be chosen as hereinbefore prescribed, shall hold their offices until the third Monday of the month of May following the time of their election, and the said directors and president shall thereafter hold their offices from the third Monday of May, in every year, for one year, and shall be elected on the third Monday of May in each year, at such time and place as a majority of them shall appoint, and public notice shall be given of the time and place of holding such election, for ten days, in a newspaper published in Hudson county; and any vacancy which may happen in the said board of directors, may be supplied by appointments, to be made by the board, until the next election; and all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall respectively hold.

5. *And be it enacted*, That in case the whole amount of the said capital stock shall not have been subscribed after they assume the control of the affairs of said corporation, the said directors shall have power, and they are hereby authorized, from time to time, under the foregoing regulations, to open books for the further subscription of stock, until the whole stock subscribed amounts to the said sum of two hundred and fifty thousand dollars, and are also authorized to call upon said subscribers for the payment of further installments in such sum or sums, and at such time or times, and under such forfeiture or forfeitures as they may deem expedient until the whole amount of said shares so subscribed shall have been fully paid; and in case any stockholder shall refuse or neglect to make payment pursuant to the regulations of the board of directors under the provisions of this act, the stock of such stockholder or stockholders, or so much as shall be necessary, may be sold by the direction of said corporation

at public auction, after the lapse of sixty days from the time payment becomes due; and all surplus money, the avail of such sales, after deducting the payments due, and interest thereof, and the necessary expenses of the sale shall be paid over to such negligent stockholder or stockholders.

Authorized to take and convey water.

6. *And be it enacted*, That the said corporation be, and they are hereby authorized to take and convey into and through the towns of Bayonne, Greenville, Bergen, Hudson City and places adjacent, water from the Hackensack river (or other streams from which it may be convenient and practicable to take water), in such portions as may be required by the inhabitants of said places; the same to be pure and wholesome water, to be used for domestic and other purposes.

May purchase and hold lands, &c.

7. *And be it enacted*, That the said corporation may take and hold any lands or other real estate necessary for the construction of reservoirs, aqueducts or other works for containing or conveying water, or for the erection of any buildings or machinery, or for laying any pipes or conduits for conveying the water into or through said places, or to secure and maintain any portion of the works, and in general, to do any other acts necessary or convenient for accomplishing the purpose contemplated by this act; and may distribute the water, to be taken as aforesaid, throughout the corporate limits of said places, as the inhabitants thereof may require, as hereinafter provided.

Proceedings when company and owners cannot agree.

8. *And be it enacted*, That in case of any disagreement between the said company herein incorporated, and the owners of any land or water rights, which may be required for the said purposes, as to the amount of compensation to be paid to such owners or owner, or in case any such owner shall be an infant, or married woman, or insane, or be absent from this state, the circuit court in and for the county in which such land or lands lie shall on application of either party, nominate and appoint three disinterested persons to examine such property and estimate the value thereof or damage sustained thereby, and who shall, after reasonable notice to the parties of the time and place where they will be heard in relation to the matter, proceed without delay to make their report thereon, and deliver the same to the court, at the next session thereof, which shall be held in said county.

Notice to be given.

9. *And be it enacted*, That in case any land or estate of any infant, married woman, or insane person, be taken for the aforesaid purposes, the guardian of such infant or insane person, and the husband of such married woman may be notified of

the heaping in the manner prescribed in the foregoing section, and proceedings of the said court shall be as binding in such case as in other cases; and the guardian of such infant or insane person, and the husband of such married woman may, upon receiving satisfactory compensation, release said land or lands, and all damages, in the same manner as they might if the said land or estate were holden in their own right respectively.

10. *And be it enacted*, That whenever such report, herein before directed to be made and delivered to the court, shall be confirmed by the court aforesaid, the said company shall, within two months thereafter, pay to the said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be; and thereupon the said company shall become seized in fee of such property so required, and shall be discharged from all claim by reason of such damage; but no claim shall be made or allowed after the expiration of three years from the time the land is taken or damages suffered. Company to pay for lands taken.

11 *And be it enacted*, That the said corporation shall have the right to use the ground or soil under any road, railroad, highway, street, lane, alley or court within the limits they may extend their works under the provisions of this act, for the purpose of constructing the works contemplated by this act to supply the towns and city aforesaid with water; *provided*, that said corporation shall cause the surface of such road, railroad, highway, street, lane, alley or court, to be restored to its original state, and all damages done thereto be repaired. Powers of company. Proviso.

12. *And be it enacted*, That for the purpose of defraying all the expenses and cost of the construction of said works, and all expenses incidental thereto, the said corporation shall have authority to issue their bonds or scrip in their corporate name, bearing interest not exceeding seven per cent. per annum, payable semi-annually, and the principal shall be payable at periods not less than fifteen nor more than fifty years from date; and the amount of said bonds, together with the amount of the capital stock taken and paid in, shall not exceed the sum of one million dollars, which said scrip or bonds may be issued from time to time, by the said company, as they may require funds for the construction of said works. May issue bonds or scrip.

13. *And be it enacted*, That the board of directors, constituted as aforesaid, shall regulate the distribution of water,

To regulate
the distr. but-
tion and price
of water.

to be brought within said places by their works, and from time to time fix the price for the use thereof, and the times of payment; *provided*, that the price so fixed by them shall not exceed the prices and water rents at present paid by the property owners and inhabitants of Hoboken and Hudson City; and the said directors may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner, and for what purpose the same shall be used; *providing* it shall not apply to any fire department now existing in the towns of Bayonne, Greenville, Bergen and Hudson City.

Proviso.

To lay down
pipes.

14. *And be it enacted*, That the said corporation shall, upon the written application of the owners of two-thirds of the property along and upon any street, lane, alley, avenue or court, within the corporate limits of the said towns of Bayonne, Greenville, Bergen and Hudson City, have the power to lay their pipes through any such street, lane, alley, avenue or court; and the company may sell and dispose of the water so procured by them upon such conditions, and for such rents as they may from time to time prescribe, and that such rents shall draw interest at the rate of seven per cent. per annum, from and after the times when they shall become due.

Application to
be filed.

15. *And be it enacted*, That the written application mentioned in the preceding section, together with an affidavit, thereto attached, that the signatures to the said application are genuine, may be filed in the office of the clerk of the county of Hudson; and a copy thereof properly certified by the clerk of said county, shall be proof in any court in this state or elsewhere that such application was made, but proof of no other fact.

May enter on
premises to
examine pipe,
&c.

16. *And be it enacted*, That the agents of the said company entrusted with the superintendence of the works, may at all reasonable times enter all premises supplied with water by them, to examine the pipes and fixtures, and prevent any unnecessary waste; and if any person or persons shall, without the consent of the said company, use any of the said water, either within or without the corporate limits of the the towns and city aforesaid, an action of trespass on the case may be maintained against such person or persons for the recovery of damages therefor.

May make
contracts.

17. *And be it enacted*, That the said company may, in their corporate name, at any time hereafter, enter into any contract with the corporate authorities of Hudson City, or

with any other corporation in the county of Hudson, for the purchase of any pipes now used by them for the distribution of water, or for any other materials necessary in the construction of said works, for such price as may be mutually agreed upon by the said parties; and they may at any time before or after the construction of their works contemplated by this act, make and enter into any contract in like manner with the water commissioners of Jersey City, for a supply of water from the works of the said water commissioners of Jersey City, for such price and for such time as may be mutually agreed upon by them; and the said "The Water Commissioners of Jersey City," are hereby empowered to make such contract.

18. *And be it enacted*, That the said company, at any time after obtaining a sufficient supply of water, make and enter into any contract or contracts with the corporate authorities of the towns of Bayonne, Greenville, Bergen and Hudson City, for such supply of water as may be needed in said places for the extinguishment of fires, and for other general purposes; and the said company, after their said works shall have been completed, or partially completed, may enter into any contracts with the towns of Bayonne, Greenville, Bergen and Hudson City, or with either of them, for the sale of said works, or any portion thereof, to the corporate authorities of said towns and city, or to either of them, whereby the corporate authorities of the said towns and city, or either of them, can or may become the owner or owners of said works, or any portion thereof, and assume the liabilities of the corporation hereby created, or upon such terms as may be agreed upon; and the said municipal authorities of said townships or city, or either of them are hereby authorized to exercise the powers granted to this company upon the purchase of such right of this company. May make contracts.

19. *And be it enacted*, That if any person or persons shall willfully or maliciously divert the water, or any portion thereof from the said works, or shall corrupt or render the same impure, or shall destroy or injure any portion of their works or property, such person or persons, their aiders and abettors, shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by a fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years or both; *provided*, such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury Penalty for injuring works. Proviso.

as aforesaid by and in the name of said corporation in any court having cognizance of the same.

To adopt by-laws, &c.

20. *And be it enacted*, That the said corporation shall have the power to make a common seal, and also to make, ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall be deemed necessary and convenient for the government of said corporation ; *provided* the same are not contrary to this act, and laws of this state and of the United States, and to do and execute all and singular the matters and things which may be necessary to carry out the objects of this their act of incorporation.

Proviso.

Not dissolved for failure to elect.

21. *And be it enacted*, That a majority of the said board of directors shall constitute a quorum for the transaction of any business ; and if at any time an election is not held on the day appointed, the corporation shall not be dissolved for that cause, but an election shall be held in such manner as is directed by the by-laws at any time within one year.

Stock transferable.

22. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of said corporation, and shall be considered personal property, and the stock and transfer books may be inspected at any time by the stockholders ; and all other books of account kept by said company (in which shall be fairly and truly entered all the transactions of said company), shall always be open to the inspection of stockholders.

Lands, &c., to be taxed.

23. *And be it enacted*, That the lands and real estate taken, held, occupied or used by said corporation for the constructing, maintaining or using said works, shall be assessed and taxed in the manner prescribed by law, at the value of the land, including any pipes, buildings, machinery, or works of any kind placed thereon.

Powers.

24. *And be it enacted*, That the said corporation shall in their corporate name have the power to sue, and they may be sued, plead and be impleaded, defend and be defended in all the courts in this state and elsewhere, and shall possess the general powers contained in the act entitled "An act concerning corporations," approved the fourteenth of February, eighteen hundred and forty-six, and the supplements thereto, so far as the same are applicable.

25. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved April 6, 1865.