

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 CXC.

Supplement to act entitled "An act to incorporate the New Jersey Wood Paving Company," approved March seventeenth, eighteen hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section second of an act <sup>Repealed.</sup> entitled "Supplement to an act to incorporate the New Jersey Wood Paving Company," approved February twenty-eight, eighteen and seventy-one, be and the same is hereby repealed.

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

Approved March 8, 1872.

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 CHAPTER CXCI.

An Act to incorporate the Madison Aqueduct Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred M. Tredwell, Jonathan <sup>Corporators.</sup> Dwight, Hugh A. Toler, James A. Webb, Stephen Paulmier, George Pomeroy, Ambrose E. Kitchell, George E. Danforth, George Chapman, 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 "The Madison Aqueduct Company," and shall <sup>Name and powers.</sup> be capable 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

Amount of capital stock. stock of said company shall be twenty-five thousand dollars, with the privilege to increase the same to seventy-five thousand dollars, divided into shares of twenty-five dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation by their by-laws shall direct.

Commissioners to open books of subscription. 3. *And be it enacted*, That the above named persons, or a 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 Morris, and that at the time of subscribing, twenty per centum shall be paid for each share subscribed for to the commissioners, and as soon as fifteen thousand dollars 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, 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 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 of 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 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.

Election of 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.

Failure to elect directors not to dissolve

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 their capital stock of said company, by such installments, and at such times as they may direct, and in case of the non-payment of such installments, or any 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 officers, clerks and servants as to them shall seem meet; and to establish and fix such salaries to 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.

Failure to pay subscriptions to work for future.

May make by-laws, &c.

6. *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 Madison, and the 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 president and said directors, or others in their employ, to enter at all times upon all lands or waters, 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 necessary works 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 which they require for the purpose

May survey and lay out site for reservoirs, &c.

aforesaid, and file the same in the office of the clerk of Morris 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 hereinafter provided for; *provided, that no such entry for the purpose of obtaining water shall be made on any land within the township of Morris, without the consent of the owner or owners thereof first had and obtained.*

May enter on lands, &c.

Provido.

Proceedings in case company and owners cannot agree.

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 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 Morris, that they intend to make application to the judge of the circuit court of said county, on a day, and at a place to be named in said notice, and not less than twenty days from the service or publication thereof, for the appointment of three commissioners; and on the 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 days' notice of their said meeting, as herein before 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 such 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 report the metes and bounds of the lands assessed, which said report the said company shall have filed in the clerk's office

of Morris 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 said award and so paid for, shall be vested in said company, the said company shall be entitled to enter upon, for the purpose contemplated by this act, all the lands, waters and real estate, for which compensation shall be paid or tendered as aforesaid, and 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.

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

Proceedings  
in case of ap-  
peal.

9. *And be it enacted*, That any body corporate may, and they are hereby authorized to subscribe to the capital stock of this company.

Stock may be  
subscribed.

10. *And be it enacted*, That if any person shall wilfully impair or injure, or wilfully do or cause to be done, any act

Penalty for  
injuring  
works.

or acts, whereby to injure any conduct 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 dollars or imprisonment not exceeding two years at hard labor, or both; *provided*, such criminal prosecution shall not impair the right of action for damages for 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.

Proviso.

May lay pipes under streets and erect hydrants.

11. *And be it enacted*, That said company may be, and they are hereby authorized and fully empowered to lay their pipes beneath such public road, 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 or 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 any wise 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.

Water rents.

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

May borrow money, &c.

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 privilege, and by such other assurances as they may deem expedient.

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

Approved March 8, 1872.