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ACTS

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GOVERNOR
TREASURER

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

EIGHTH SESSION UNDER THE NEW CONSTITUTION.



BY GEORGE L. BROWN

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1852.

company, which books shall be at all times open for the inspection of the stockholders.

10. *And be it enacted*, That this act shall continue in force for thirty years; and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable. Limitation.

11. *And be it enacted*, That this act shall go into effect immediately.

Approved March 10, 1853.

CHAPTER LXXXII.

AN ACT to incorporate the Mendham Aqueduct Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be, and they are hereby ordained, constituted, and made a corporation and body politic, in fact and in law, by the name of "Mendham Aqueduct Company." Style of incorporation.

2. *And be it enacted*, That the amount of the capital stock of the said corporation shall be three thousand dollars, and shall be divided into shares of twenty dollars each, which shall be deemed personal estate, and shall be transferable in such manner as the by-laws of such corporation shall direct. Amount of capital stock.

3. *And be it enacted*, That Mahlon Pitney, John Marsh, William Phoenix, John C. Elmer, and Henry C. Pitney are hereby appointed commissioners to receive subscriptions for the capital stock of the said corporation; and they, or a majority of them, shall have full power to receive and accept of subscriptions for the said stock, and to issue certificates therefor. Commissioners to procure subscriptions.

majority of them, are hereby authorized, for that purpose, to open books of subscription at such times and places as they, or a majority of them, may think proper, giving twenty days' notice of such times and places, by publishing the same in a newspaper published in Morristown, in this state; and at such times and places, the said commissioners shall attend and receive subscriptions to the said capital stock; and at the time of subscribing for said stock, two dollars on each share subscribed shall be paid to the said commissioners.

Election of
directors.

4. *And be it enacted*, That whenever there shall be one hundred shares of the said stock subscribed, and two hundred dollars paid in, as above directed, the said commissioners, or a majority of them, shall give public notice for two weeks, in a newspaper published in Morristown, in this state, of a meeting of the said stockholders for the purpose of electing directors and organizing said company, of which election the said commissioners, or a majority of them, shall be judges; at which meeting the said stockholders shall proceed to elect, by ballot, five directors, who shall hold their office for a year and until others are elected; and each stockholder, at such election, and at all future elections, shall have one vote for each share he or she shall own at the time of such election; and that such stockholders may vote at any election by proxy, duly authorized for that purpose.

Payments of
instalments.

5. *And be it enacted*, That the board of directors, so to be chosen as aforesaid, shall and may elect, out of their own body or from among the stockholders, a president; and a majority of the said board shall, at all times, be a quorum for the transaction of business; and the said board shall have power to call in the remainder of the capital stock of the said corporation, so subscribed, by instalments, not exceeding five dollars on each share, by giving thirty days' notice of such required instalment in a newspaper printed at Morristown aforesaid; and if any stockholder shall refuse or neglect, for ten days after such instalment is due, to pay the same, he, she, or they, so refusing or neglecting, shall forfeit their stock, and all payments made thereon, for the use of said company; and the said board

of directors may require of their treasurer such security as to them shall seem proper.

6. *And be it enacted*, That when the board of directors are so elected and chosen, the said commissioners are hereby authorized and required to pass over to the said board of directors, or to such persons as they shall direct, the books of subscription and all moneys which they have received for the subscription to the said capital stock, first deducting therefrom all expenses which they have incurred and reasonable compensation for their services, not exceeding one dollar for each and every day they have severally been employed in the duties of their appointment; and the directors so chosen and their successors may, at their discretion, continue and keep open the books of subscription, or reopen the same, until the whole of the stock aforesaid shall be subscribed, and shall annually, after their appointment, cause an election to be held for the directors of said corporation, at such time and place as their by-laws shall direct.

Commissioners to pay over subscriptions to directors.

7. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day or at the time when in pursuance of this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but such election may be held at any other time, and the directors for the time being shall continue to hold their offices until others have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

8. *And be it enacted*, That the president and directors of the said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct an aqueduct, for the purpose of distributing water throughout the village of Mendham, in the county of Morris, and to keep in repair and maintain the same; and it shall and may be lawful for the president and directors aforesaid, and their agents, surveyors, and workmen, to dig trenches, and to lay down, maintain, and repair pipes and other fixtures necessary or convenient for the purpose aforesaid, in and through any of the public highways or turnpike roads within one half mile of the cross-roads in said village, without paying therefor any

Company authorized to construct road.

Proviso. compensation to owners of the lands over which said highways or turnpike roads may pass; *provided*, that in so doing they shall thereby incommode as little as possible the said owners, and all persons who may pass and re-pass over the same.

Company
may enter
upon lands,
&c.

9. *And be it enacted*, That it shall and may be lawful for the president and directors aforesaid, and their agents, surveyors, artificers, and workmen, with all necessary tools and implements, to enter in and upon all lands lying within a circle whose circumference shall be one half mile from the cross-roads aforesaid, and to dig and excavate the earth, divert and carry away any and all streams of water rising upon or running through or across said lands, to lay down pipe and machinery, and make erections necessary and convenient for the purpose aforesaid, and to repair, remove, and reconstruct the same, doing thereby as little damage as possible to the said lands; *provided*, that no excavation, erection, or diversion of any water shall be made upon the lands aforesaid, without the permission of the owner or owners, or other persons interested in the same, or before tender of amends shall have been made to such owner or owners, or persons interested, for all damages which they may sustain by reason of such erection, excavation, or diversion as aforesaid.

Proviso.

Proceedings
in case own-
ers of land
and compa-
ny cannot
agree.

10. *And be it enacted*, That in case the president and directors cannot agree with any owner or owners of any of the lands above mentioned, upon the amount of damages to be paid to such owner or owners, for the erections, excavations, or diversions aforesaid, and for the occupation of the lands aforesaid with the works of the said company, and in case any such owner or owners 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, who is disinterested in the premises, upon application of said company, and upon ten days' previous notice in writing to the opposite party, or in case of absence from the state, or of any legal disability to his or her guardian or tenant in possession of the lands, after hearing the parties, if present, to appoint three disinterested commissioners, residents of said county, to assess the damages to be done to said lands by

the said company in the construction and maintenance of their aqueduct as aforesaid, who shall be sworn, before an officer competent to administer an oath, faithfully to execute the duties of such appointment; and upon like notice to said company, and to the owner or owners, or to the tenant in possession or guardian, in case of absence from the state or legal disability, shall meet, view the premises, and hear the parties and evidence, if desired; at which time the said company shall exhibit to the said commissioners, and the opposite party if present, a statement or description in writing, or by drawing, or both, of the use, occupation, and excavations of the lands and diversions of the water sought to be made by said company upon the said lands; and the said commissioners shall, thereupon, assess the damages as aforesaid, and shall execute, under their hands and seals, or the hands and seals of a majority of them, an award to the said company of the rights and privileges sought by them in the statement and description afore mentioned, which award shall be by them acknowledged and filed in the county clerk's office, and by him recorded in the registry of deeds; and if either party feel aggrieved by such assessment and award, the party so aggrieved may appeal to the court of common pleas of said county, at the next or second term thereafter, by proceeding in the form of petition to said court, with five days' notice in writing of such appeal to the opposite party; or, in case of absence from the state, or legal disability, to the tenant in possession of said lands, or guardian, which proceeding shall vest in the said court of common pleas full power to hear and adjudge the same, and, if required, they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the damages to the lands, as before mentioned; and if the said jury shall be demanded by the company, and they shall find the same or a greater sum than the commissioners, then judgment shall be given, with costs, against the company, and execution issue for the same, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by

the owner or owners, and shall be deducted out of the sum so awarded, or execution shall issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners or jury, with the costs, if any, the said corporation shall be deemed to be seized and possessed of the rights and privileges enumerated and described in the afore mentioned statement and the award so made as aforesaid.

Payment to
nonresident
owners, &c.

11. *And be it enacted*, That in case any owner or owners of any land or real estate shall be out of the state or under any legal disability, it shall be the duty of the said corporation to pay the amount of any award or assessment, so made in behalf of any such persons, into the court of common pleas, to the clerk thereof, to the use of said owner or owners; all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper costs and charges of said corporation, except in cases of appeal, above provided for; and the said judge shall and may order and direct the amount of costs and charges of such valuation, appraisement, and witness' fees.

Liabilities
and restric-
tions.

12. *And be it enacted*, That the said corporation shall possess the several powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same is applicable.

Approved March 10, 1852.

CHAPTER LXXXIII.

AN ACT to incorporate the Zinc Mines Plank Road Company.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That James L. Curtis, Samuel Fowler, Richard Jones, Alexander C. Farington, William