

ACTS

OF THE

EIGHTY-NINTH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-FIRST UNDER THE NEW CONSTITUTION.



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CHAPTER DVII.

An Act to authorize "The Trustees of the Second Reformed Dutch Church of Totowa, at Paterson," to assess the pews therein.

Taxes to be
assessed on
pews.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of "The Second Reformed Dutch Church of Totowa, at Paterson," be and they are hereby authorized and empowered to assess from time to time, such sums of money as a tax or rent upon the pews in the said church, as may be necessary to support the preaching of the gospel therein, and to defray the annual current expenses of the congregation; which tax or rent may be made payable, and may be collected in such manner and at such times as the said trustees by their by-laws or by resolution may order and direct; and in default of the payment of the tax or rent so assessed as aforesaid, upon any pew or pews for the space of one year, then it may be lawful for the said trustees to sell the same for the shortest period of time, not exceeding one year at any one time, in consideration of the payment of the tax or rent so due and in arrear thereon.

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

Approved April 6, 1865.

CHAPTER DVIII.

Further Supplement to "An act to incorporate the New Brunswick Water Company," approved March first, eighteen hundred and fifty-nine.

Additional
powers of di-
rectors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The New Brunswick Water Company," in addition to the powers granted to them in and by the third section of the act to which this is a sup-

plement, shall when organized according to the provisions of the said act to which this act is a supplement, have power to take, divert and use from the Raritan river, at any point within the distance of three miles northwesterly from the railroad bridge at the city of New Brunswick, so much of the water of the said river as may be necessary for the purposes contemplated by the said act to which this act is a supplement; and also, for the said purposes, the said company are hereby authorized and empowered to construct, repair and maintain, a dam across the said Raritan river, within the limits aforesaid, with necessary abutments at the ends thereof, and to keep up, repair and maintain such abutments; *provided*, that the height of the dam be not above five feet above high water mark.

2. *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 the said dam and abutments, and for one or more reservoirs, drains, ditches, conduits, aqueducts, canals, pipes, hydrants, fountains, water-wheels, pumps, engines, and all other works and devices which they may deem necessary for supplying the city of New Brunswick with water sufficient for extinguishing fires, culinary and other family uses, watering the streets, and all 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 counties of Middlesex or Somerset, and survey and locate, all and singular the dam, abutments, reservoirs, drains, ditches, aqueducts, conduits, canals, pipes, hydrants, fountains, water wheels, pumps, engines and buildings, and all other necessary works and appendages thereto, doing no unnecessary damage to private and other property; and it shall and may 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, erect and excavate their dam, abutments, reservoirs, drains, ditches, conduits, aqueducts, canals, hydrants, fountains, water-wheels, pumps, engines, buildings, lay their pipes and all necessary appendages thereto, and do all other things which shall be suitable or necessary for completing the works hereby contemplated, making compensation for the lands necessary for the use thereof, as hereinafter mentioned.

Authorized to
survey and lay
out site for re-
servoirs, &c.

Proceedings
when company
and owners
cannot agree.

3. *And be it enacted*, That in all cases, when it shall be necessary, in the opinion of the president and directors of the said company, to lay pipes through any private lands, or the lands of any corporation, in the county of Somerset or the county of Middlesex, and in all cases where any private lands, or the lands of any corporation, (whether such lands shall be covered with water or not,) shall be required for the purpose of erecting or constructing any dam, abutment, reservoir, conduit, aqueduct, fountain, water-wheel, pump, engine or building, or for the purpose of digging any drain, ditch, canal, or any other necessary work for the purposes of the said company or appendages to said work, and in all cases where it shall be necessary to flood or flow the land of any individual or individuals, or corporation, in the construction of the said dam, and no agreement can be made with the owner or owners of such land as to the amount of compensation to be paid for the laying of the said pipes through the said lands, or for the flooding or flowing the said lands, or for the price of the said lands, as the case may be, by reason of the unwillingness of the said owner or owners, or any of them, to accept such compensation or price as the said president and directors may deem reasonable, or by reason of the absence or legal incapacity of said owners or any of them, it shall be the duty of either of the judges of the court of common pleas of the county of Middlesex, upon application to him by the said president and directors, and after ten days previous notice in writing of such application to the persons interested, if known and in this state, or if unknown or out of the state, after publication thereof for any term not less than twenty days, in the newspapers published in the said city of New Brunswick, to appoint three disinterested appraisers from the county of Middlesex, to determine the compensation to be paid for the laying of said pipes through the said lands, or for flowing or flooding the said lands, or the price to be paid for such lands, as the case may be, and it shall be the duty of said appraisers (after having taken an oath or affirmation faithfully and impartially to discharge the trusts herein reposed in them, and after having carefully viewed the premises) within twenty days after their appointment, to deliver to the said president and directors a written appraisalment, under the hands and seals of them, or a majority of them, of the award they have made. containing a full description of the lands through which the pipes are to be laid, or the lands which are to be flowed or flooded, or of

the lands required for the erection of the said dam, abutments, reservoirs, conduits, buildings, or other works aforesaid, which appraisement the said president and directors shall cause to be recorded in the registry of deeds for the county of Middlesex or Somerset, or both, as the case may require; and upon payment or tender by the said president and directors to such owner or owners as aforesaid, or some one of them, of the sum awarded in such appraisement, if any, then the said president and directors shall have the right to lay said pipe through the lands aforesaid, or to flood or flow the lands aforesaid; or the said president and directors shall be deemed seized in fee simple of the lands required for the erection of the said dam, abutments, reservoirs, conduits, buildings, or other works as aforesaid; and in case any owner or owners of such lands shall be feme covert, under age, non compos mentis, or out of this state, then and in that case it shall be sufficient for said president and directors to pay the amount which may have been appraised as aforesaid to the clerk of the county of Somerset, or to the clerk of the county of Middlesex, as the case may require, for the use of the party or parties entitled to the same; the costs of all which proceedings shall be taxed by some one of the judges of the court of common pleas of the said county of Middlesex, and paid by the said president and directors.

4. *And be it enacted*, That in case the president and directors, or the owner or owners of the said land, shall be dissatisfied with the award of the appraisers named in the preceding section, and shall apply to the judge of the circuit court of the county of Middlesex or Somerset, as the case may require, at the next term of said court after filing of the said award, the said court to which application may be made, shall have the power, upon good cause shown, to set the same aside, and thereupon direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and view of the premises to be had; and the said issue to be tried at the next circuit court, to be holden in said county, upon the like notice, and in the same manner as other issues in said court are tried; and it shall be the duty of the jury to assess the value of said land or damages sustained, and if they shall find a greater sum than the said appraisers shall have awarded in favor of the said owner or owners, then judgment therefor, with costs, shall be entered against said company, and execution awarded therefor; but if said jury be applied for by

Proceedings if
parties are
dissatisfied.

the said owner or owners and shall find the same or a less sum than the president or directors shall have offered, or the said appraisers awarded, then the costs to be paid by the applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the court shall direct; but such application shall not prevent the president and directors taking or laying pipe through said lands upon the award of the appraisers, the value or damages being first paid, or upon refusal to receive the same upon the tender thereof, or the owner or owners thereof being under any legal disability or out of this state, the same being first paid to the county clerk as hereinbefore directed.

May enter on
lands to make
repairs.

Proviso.

5. *And be it enacted*, That whenever it shall become necessary to make any repairs or alterations in any pipes which may be laid through any private lands, it shall be lawful for the said president and directors, with their workmen and agents, and with necessary vehicles, tools and implements, to enter upon said lands and make the necessary repairs and alterations, doing no unnecessary damage; *provided always*, that nothing in this section contained shall be so construed as to protect the said company or their workmen or agents from any action that may be brought against them by the owner or owners of said lands for any damage which they may willfully or wrongfully do.

Penalty for
polluting or
adulterating
waters.

6. *And be it enacted*, That if any person or persons shall willfully pollute or adulterate the waters in any reservoir, aqueduct, conduit, canal or raceway, or flowing into or through any part of the works erected, built or laid down under the provisions of this act, or of the act to which this act is a supplement, or shall commit any nuisance, or bathe in any of the said waters, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding three years, or both, at the discretion of the court before whom such conviction shall be had.

May enter
dwellings to
make repairs.

7. *And be it enacted*, That the president and directors of the said company and all engineers, superintendents or inspectors in their service, are hereby authorized and directed, at all reasonable hours, to enter any dwelling or other place where the water of the said company is taken or used, and where unnecessary waste thereof is known or suspected, and examine into the cause thereof, and the said president and

directors, engineers, superintendents and inspectors shall have full power to examine all service-pipes, stop-cocks and all other apparatus connected with the water supply or drainage works, for the purpose of ascertaining whether the same are of the character and dimensions and fixed in the manner directed in the permits issued therefor, and if any person or persons shall refuse to permit such examination, or oppose or obstruct such officer in the performance of such duty, or if any unnecessary waste shall be found or ascertained, or such works shall not prove satisfactory on examination, it may be lawful for the said president and directors to shut off the supply of water until the same shall be adjusted to their satisfaction.

8. *And be it enacted*, That the fifth, sixth and seventh sections of the act to which this act is a supplement, be and the same are hereby repealed, and that the said act to which this act is a supplement, and all supplements thereto, be and the same are in all other respects hereby ratified and confirmed.

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

Approved April 6, 1865.

CHAPTER DIX.

An Act making an appropriation in aid of the "Soldiers' Children's Home of New Jersey."

WHEREAS, the managers of "The Soldiers' Children's Home" have decided to locate the home for homeless orphan children of New Jersey soldiers in the city of Trenton; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer shall pay, according to law, out of any moneys not otherwise appropriated, to the managers of "The Soldiers' Children's Home," the sum of five thousand dollars, towards sustaining the home, from time to time, during the year eighteen hundred and sixty-five, as the governor shall deem expedient.

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

Approved April 6, 1865.