

Law Association
ACTS

OF THE

Ninety-Seventh Legislature

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-NINTH UNDER THE NEW CONSTITUTION.



MORRISTOWN, N. J.:

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1873

CHAPTER CCCLXXX.

An Act to repeal the act entitled "An Act to establish a Board of Education in the Town of Hackettstown, in the County of Warren, and State of New Jersey."

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act be and the same is hereby repealed.

Names of school trustees. 2. *And be it enacted*, That Daniel B. Harvey, William Holt and Lewis J. Youngblood, be and the same are hereby appointed trustees of the school district of the borough of Hackettstown, to serve in said office until the next annual meeting, on the first Monday in September next, for the election of school trustees, as provided in the general school law.

District clerk. 3. *And be it enacted*, That the said William Holt shall be and is hereby empowered to act as district clerk of said board of trustees, so appointed in the preceding second section of this act.

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

Approved March 27, 1873.

CHAPTER CCCLXXXI.

A Further Supplement to the act entitled "An act to Revise and Amend the Charter of the City of New Brunswick," approved March eighteenth, eighteen hundred and sixty-three.

Mayor and common council authorized to purchase water works. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the city of New Brunswick, to purchase all of the capital stock, real estate, works and

property, and all the corporate rights, powers, franchises and privileges of the New Brunswick Water Company and for the New Brunswick Water Company and its stockholders to sell, assign and convey the same to the mayor and common council of the city of New Brunswick, for such price and consideration, and upon such terms of payment as the said company and its stockholders and the common council of the said city may agree upon, and that upon the due execution and delivery of the said conveyance and assignments, the legal title to the said capital stock, real estate, works and property, and all of the corporate rights, powers, franchises and privileges of the said company shall pass to, and vest in the mayor and common council of the city of New Brunswick, in as full and ample a manner as the same now are, hereafter may be, or heretofore have been held and enjoyed by the said company.

2. *And be it enacted*, That the said water works shall be conducted and managed exclusively by and through a board of commissioners to be appointed as hereinafter directed, and that all the authority, powers and duties relative thereto now exercised and performed, or that hereafter may be exercised and performed by the said company shall be exercised and performed by the said commissioners, except as is hereinafter provided; and in pursuance of this authority the said commissioners may appoint and employ all proper assistants, officers, agents and clerks necessary or convenient for the purposes aforesaid, at such compensation as they may deem reasonable, and shall take from their treasurer and such other officers and agents as they may appoint, such bonds and securities for the faithful performance of their duties as they may deem proper; *provided*, that the said commissioners shall have no power to create loans or borrow money, and shall not be entitled to take or receive any compensation for their services, except such as may be ordered by the mayor and common council of said city.

To be conducted and managed by a board of commissioners.

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Election of president.

3. *And be it enacted*, That the said commissioners shall elect, annually, one of their number to be president of the board, who may, under their direction, have the general superintendence of the water works, and the business of the board; the said president, or in his absence one of the said commissioners appointed by the said board for the purpose, shall sign all contracts, and all orders on their treasurer for

the payment of moneys which may be authorized by the said commissioners.

Real estate,
works and
property to
be liable for
debts hereto-
fore contrac-
ted.

4. *And be it enacted*, That the said real estate, works and property, when conveyed as hereby authorized to the mayor and common council of the city of New Brunswick, and the income thereof shall be and remain liable in their hands for the payment of all debts heretofore lawfully contracted by the New Brunswick Water Company, and all of their legal liabilities; and that for the purpose of paying the same, and paying for the stock, real estate, works, property, corporate rights, powers, franchises and privileges aforesaid of the New Brunswick Water Company, and to provide for the further extension of the said works, and the operation, repair and general management of the same, and of all expenses incidental thereto, it shall and may be lawful for the mayor and common council of the city of New Brunswick to issue the bonds of the said city, for an amount not exceeding in the whole the sum of one hundred thousand dollars, which said bonds shall not be disposed of at less than par value, and shall bear interest at the rate of seven per centum per annum, payable semi-annually, and shall be issued and used from time to time as actually required for the purposes aforesaid, and not otherwise.

May issue
bonds.

Net revenue
after paying
expenses to
be applied to
payment of
interest on
bonds, &c.

5. *And be it enacted*, That the net rents and revenue received from the said water works remaining after paying all expenses for maintaining the works and extending the pipes, and paying wages, salaries and incidental expenses, shall be appropriated first to the payment of the interest on the bonds heretofore issued by the mayor and common council of the city of New Brunswick for the purchase of stock of the New Brunswick Water Company, and for the payment of interest on the bonds that have been or may be issued by the said company previous to said sale and conveyance by them under this act, and the interest upon the general indebtedness and liability of the said company, and the interest upon the bonds that may be issued pursuant to the provisions of this act; and the balance thereof shall be set apart as a sinking fund for the payment of the principal of all of the said bonds and indebtedness, and that no part of said rents and revenues shall be appropriated or used for any other purpose whatever until the whole of said debts are paid and satisfied; *provided*, that the said commissioners shall not expend out of the said water rents and revenues,

Proviso.

in any one year, more than one thousand dollars for extending the pipes, unless the mayor and common council of the city of New Brunswick shall first sanction and authorize the same.

6. *And be it enacted*, That the said commissioners shall, semi-annually, at such times as the mayor and common council of the city of New Brunswick may direct, pay over to the treasurer of the said city so much of the net rents and revenues of the said works for the preceding six months as will be sufficient to pay the semi-annual interest on the bonds and indebtedness mentioned in the last preceding section, or so much thereof for that purpose, if not sufficient, as they may have in their hands; and shall, at the same time, pay over the surplus, if any there shall be, to the treasurer of the said city, to be by him safely invested in the same manner that other city moneys are invested by him, and allowed to accumulate as a sinking fund for the payment of the said bonds at maturity.

Surplus money to be paid to city treasurer and applied to sinking fund.

7. *And be it enacted*, That until such time as the net rents and revenues of said works shall be fully sufficient to pay the interest on the said bonds and indebtedness, it shall be the duty of said commissioners, in the month of March in each and every year, to certify to the common council of said city what, in their opinion, will be the net revenue of said works for the ensuing year applicable to the payment of said interest; and thereupon the said common council may impose, assess, and collect, yearly, such an amount of tax as shall be sufficient, with the estimated net revenues of said works, to pay the said interest for that year; and the said common council are hereby empowered to add to the amount they now are or hereafter may be authorized to raise in the general assessment such sum as shall be necessary for the purpose aforesaid, notwithstanding any limitation or restriction contained in the charter of said city, or the supplements thereto.

May raise by tax a sum of money sufficient to pay interest for each year.

8. *And be it enacted*, That the city treasurer shall keep a separate account of all moneys received and paid by him under the provisions of this act, particularly specifying therein all moneys received by him from the said commissioners, and the amounts raised by taxation by said city for the purpose of paying said interest, the whole of which shall be credited in said account and applied exclusively to the purpose aforesaid.

Treasurer to keep separate account of moneys received.

Majority
shall consti-
tute quorum.

9. *And be it enacted*, That a majority of said commissioners shall constitute a quorum for the transaction of business, and they shall keep regular books of account and books for recording the whole of their official proceedings, and all such books shall be open at all times to the examination of any members of the common council of the city of New Brunswick, and of any person or persons appointed by said common council for that purpose; the said commissioners shall also, on the first Monday in February of every year, make a report to the said common council of the condition of the said water works, accompanied by a detailed statement of the receipts and expenditures on account of the same, an abstract of which shall be published with the annual statement of the city treasurer.

Contracts
and engage-
ments of com-
missioners to
be obligato-
ry as if done
by mayor
and common
council.

10. *And be it enacted*, That all the contracts and engagements, acts and doings of the said commissioners, within the scope of their duty or authority, shall be obligatory upon and be in law considered as done by the mayor and common council of the city of New Brunswick, and any judgment recovered against the said commissioners in their official capacity, as provided in the next succeeding section, shall have the same force and effect as a judgment against the city, and shall be enforced by the same process and in the same manner as if the same had been rendered in an action brought against the mayor and common council of the city of New Brunswick.

May sue and
be sued in
corporate
name of
"The Water
Commissioners
of the
city of New
Brunswick."

11. *And be it enacted*, That the said commissioners may sue and be sued, and prosecute or defend any action or process at law or in equity, by the name of "The Water Commissioners of the City of New Brunswick," and may institute and maintain any action against any person or persons for money due for the use of the water, for the breach of any contract, expressed or implied, touching the execution or management of the works, or the distribution of the water, or of any promise or contract made to or with them, and also for any injury, trespass or nuisance done or suffered to the water, reservoirs, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, and any vacancy or the filling of any vacancy in the board of commissioners, either before or after any cause of action arises or suit is commenced, shall not change the right of said commissioners as a body to commence, maintain or defend

such action or suit, but for such purpose and in such cases they shall be considered from the time of the organization of the board as a body corporate.

12. *And be it enacted*, That all lawful and binding promises or contracts made by or with the New Brunswick Water Company previous to the execution of the conveyance hereinbefore authorized shall be binding on the said commissioners, and upon the other contracting party, in the same manner and to the same extent as if the said promise or contract had been originally made by or with the said commissioners; and that all actions, suits and remedies relating thereto shall be brought, prosecuted and enforced in the manner specified in the last preceding section, in as full and ample a manner as the same might or could have been prosecuted and enforced by or against the New Brunswick Water Company in case this act had not been passed.

Previous contracts to be binding.

13. *And be it enacted*, That the board of commissioners for the time being shall have power and authority to regulate the supply and use of the water, to fix the prices for the same, and the times of payment, and to assess the owners of all lots fronting on the line of their pipes, whether such owners be takers of said water or not, but at less rates than if takers thereof, to make and prescribe such rules, regulations, conditions and restrictions, as they may deem necessary or expedient with reference to the use and mode of drawing the water, the inspection at all proper times of all parts of the water works and all connections therewith, public and private and wheresoever located in said city, and the collection of water rents and assessments, and the mode of enforcing such collections from the several owners of all lots fronting on streets and public places in the said city, through which their pipes are or may be laid and ready to supply water, whether such several owners shall be takers of said water or otherwise, but imposing a less rate or assessment on such as do not take the water than upon such as do take the same; and they shall have power to impose and collect such penalties, in addition to cutting off the water, as they may deem expedient, for the violation of such rules, regulations and restrictions, and shall succeed to and be invested with all of the powers, privileges and liabilities prescribed in the act entitled "An act to incorporate the New Brunswick Water Company," approved March the twenty-ninth, in the year eighteen hundred and fifty-nine,

Commissioners shall have power and authority to regulate the supply and use of water, and make rules and regulations.

and the several supplements thereto, so far as the same shall be applicable.

May erect
and main-
tain fire
plugs.

14. *And be it enacted*, That it shall be the duty of the said commissioners to erect and maintain fire plugs and hydrants in the public streets of said city, through which water pipes have been laid or shall be laid, in such number and locations as the common council may, from time to time direct, and to supply the same with water; and such plugs shall be under the control and direction of the common council, who are hereby authorized, by ordinance or resolution, to make the necessary rules and regulations respecting the use thereof, and to prescribe penalties for their violation and the mode of collecting such penalties.

Appoint-
ment of com-
missioners
and term of
office.

15. *And be it enacted*, That the common council of the said city, as soon as convenient after the execution and delivery of the conveyance herein provided for, shall appoint such number of the inhabitants of the said city as they may think best, commissioners, who shall constitute the first board of water commissioners, and who shall, at their first meeting, determine by lot or otherwise, the terms during which they shall hold their offices; and these shall be as follows: one-third of them shall remain in office one year, one-third of them two years, and one-third of them three years, all to be computed from the beginning of their first fiscal year.

62202 Vacancies in
office of com-
missioners
shall be filled
by common
council.

16. *And be it enacted*, That the said common council, in each and every year, shall appoint one-third of the number of the said commissioners, who shall hold their office for three years from the date of the expiration of office of one-third of the said commissioners, as provided for in the next preceding section, and any vacancy that may occur in said commissioners, by death, resignation or otherwise, shall be filled by the said common council, but the person appointed in every case to fill such vacancy, shall hold his office only for the residue of the term for which he may be appointed; *provided*, that any or all of said commissioners may, at any time be removed from office and others appointed in their place by the said common council for good and sufficient cause, shown upon examination and inquiry by a committee of said common council, at which the said commissioner or commissioners shall have due opportunity to be present and make defense; *provided also*, that no member of common council shall be appointed a water commissioner, or act as

Proviso.

Proviso.

such after his election as a member of said common council.

17. *And be it enacted*, That the said common council may pay to the treasurer of said city, such additional compensation for his services under this act as they may deem adequate and proper. May pay additional compensation.

18. *And be it enacted*, That all acts and parts of acts conflicting with this act be, and the same hereby are repealed. Repealer.

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

Approved March 27, 1873.

CHAPTER CCCLXXXVIII.

An Act to provide for the erection, finishing and repairing School Houses in the City of Elizabeth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of the city of Elizabeth be and they are hereby authorized to borrow the sum of fifty thousand dollars for the purpose of erecting, finishing, furnishing and repairing school houses in said city, and for the purchase of land on which to build the same; and to secure the payment of the same by bonds of said city, to be issued under the seal of said city, and to provide for the payment of said bonds by a tax to be levied from year to year. Authorized to borrow money and issue bonds.

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

Approved March 27, 1873.