

expressing the sum and number of days they shall respectively have attended, signed by the president or vice-president of Council, or by the Speaker of the House of Assembly.

Limita-  
tion.

6. *And be it enacted*, That this act shall continue and be in force for one year from the twelfth day of October, in the year of our Lord one thousand eight hundred.

A. Passed at Trenton, November 13, 1800.

## CHAP. V.

### An Act to incorporate the Newark Acqueduct Company.

Preamble.

**W**HEREAS a number of the inhabitants of Newark, have associated together for the purpose of supplying themselves and their neighbors with water; therefore,

Name of  
the corpo-  
ration.

**SECT. 1.** **B**E IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That John N. Cumming, Nathaniel Camp, Jesse Baldwin, Nathaniel Beach, and their present and future associates, their successors and assigns, be, and they are hereby created, a body corporate and politic, by the name of "*The President and Directors of the Newark Acqueduct Company*," and are hereby ordained, constituted and declared to be, forever hereafter, a body corporate and politic, in fact and in name; and by that name, they and their successors, shall and may have perpetual succession, and shall be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and that they and their successors may have a common seal, and make, change and alter the same, at their pleasure; and also that they, and their successors, by the same name and style, shall

be, in law, capable of holding their capital stocks, and the increase and profits thereof, from time to time, in such manner as they shall think proper, and of purchasing, taking and holding, for the use of the said corporation, any estate, real and personal, to any amount, not exceeding five thousand dollars a year, and the same to sell, dispose of, and convey, as they see fit.

2. *And be it further enacted by the authority aforesaid,* That the stock, property and concerns of the said company, shall be conducted and managed by thirteen directors, stockholders, and inhabitants of Newark; which directors shall hold their office for one year from the second Monday in March, in every year; which said directors shall be elected on the second Monday in March, in every year, at such time of the day, and at such place in the town of Newark, as a majority of the directors, for the time being, shall appoint; and public notice shall be given by the said directors, not less than fifteen days previous to the time of holding the said election, by an advertisement, to be inserted in one or more of the public newspapers printed in the said town of Newark; and the said election shall be made by such of the stockholders of the company, as shall attend for that purpose, in their proper persons, or by proxy; and all elections for directors shall be by ballot, and that each stockholder shall be entitled to one vote for his first share, and one vote for every other two shares which he may hold; and the thirteen persons who shall have the greatest number of votes, at any election, shall be the directors. And in case it shall happen at any election, that two or more persons have an equal number of votes, in such manner that a greater number of persons than thirteen shall, by plurality of votes, appear to be chosen as directors, then the said stockholders, herein before authorized to vote at such election, shall proceed to ballot a second time, and by plurality of votes determine which of the persons, so having an equal number of votes, shall be the director or directors, so as to complete the whole number of thirteen; and the said directors, as soon as may be after their election, shall proceed in like manner, to elect, by ballot one of their number to be their president; and if any one of the

13 directors to be elected & when.

Notice of the election to be given.

Votes how to be taken.

Directors to meet & elect a president.



directors, so elected, shall remove out of the town of Newark, the office of such director or directors shall become vacant; and if any vacancy or vacancies shall at any time happen, by death, resignation, removal, or otherwise, such vacancy or vacancies, shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors, for the time being, or a major part of them, shall appoint—That the first directors shall be John N. Cumming, Nathaniel Camp, Jesse Baldwin, Nathaniel Beach, Stephen Hayt, James Hedden, Jabez Parkhurst, David D. Crane, Joseph T. Baldwin, Luther Goble, Aaron Ross, John Burnet and William Halley, who shall hold their offices until the second Monday in March next; and the said first directors, at their first meeting, shall proceed to appoint their president.

Vacancies  
how to be  
filled.

Names of  
the first  
directors.

Their  
power to  
appoint  
officers &c.

3. *And be it further enacted,* That the directors shall have power to appoint the time and place of all meetings for the dispatch of business; to appoint all such officers and agents as they shall deem necessary for carrying into effect the powers by this act vested in the said company, and to establish rules and regulations for and concerning such officers and agents.

Company  
may use  
the  
springs,  
&c.

4. *And be it further enacted,* That it shall and may be lawful for the said company, and their successors, to make use of any spring or springs, from which the said aqueduct is now laid, and to continue, renew and repair the same through the lands where now laid, without the let, trouble, hindrance or molestation, of any person or person whatsoever; and that it shall and may be lawful for the said company, their artists and laborers, with their carts and waggons, and other carriages, with their beasts of draft and burden, and all necessary tools and implements, to enter upon the lands contiguous or near to the said tract of aqueduct, and also to take and carry away any stone, gravel, sand or earth, then being most conveniently situated, for making, repairing or improving such aqueduct; and the same to use in carrying on the said work, first giving notice of their intention to the owner or owners of such lands, if in this state, or to the tenant in possession

thereof, if any such there be, and doing as little damage thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damages that may be sustained by the owner or owners of such ground, according to a reasonable agreement with the said owners; but if such agreement cannot be made, or if such owner or owners shall be *feint covert*, or under age, *non compos*, or out of the state, then according to an appraisement to be made upon the oath or affirmation of twelve good and lawful men of the county of Essex, to be summoned, sworn, affirmed and impannelled, by virtue of a warrant from any judge of the inferior court of Common Pleas of the said county of Essex, who, at the request of the said company, or their lawful agent or agents, is authorized and required to issue his warrant to the sheriff of the said county, commanding him, that by the oaths or affirmations of twelve good and lawful men of his bailiwick, he make the said appraisement, and return the same forthwith, under their hands and seals, to the clerk of the inferior court of Common Pleas for the said county, there to be filed of record; and if the said appraisement shall appear to have been duly made, and no exceptions be taken thereto, at the first or second term after the same shall be filed in the said office, then the said court shall enter final judgment on the same, and the said company, paying to the owner or owners as aforesaid, the money in the said appraisement found, or bringing the same into the said court, over and besides the costs of the said warrant, and of executing and returning the same, shall be entitled to have and to hold to them and their successors forever, the right, liberty and privilege of continuing the said acqueduct through the said lands, and shall be discharged, exonerated and freed, from all suits, actions or demands, brought or to be brought against them, their artists, or laborers, by reason of the premises; and if any such return of appraisement, so to be made, shall appear not to have been duly made, then the said court, upon the application of the said company, or their lawful agent, as often as the same may be necessary, is required to award a warrant *de novo*, and upon the return of the same being approved of by the said court, judgment shall be entered thereup-

Now  
lands are  
to be ob-  
tained,  
when no  
agreement  
can be  
made.



paid upon payment or bringing into court all such monies, as by the said appraisement shall be found, the same shall be as valid and effectual, to all intents and purposes, as if the said first return had been approved of by the said court and final judgment entered thereon.

*And so it further enacted,* That it shall and may be lawful for the said company, and their successors, to make use of any spring or springs, which they may hereafter think necessary to afford a further supply of good and wholesome water to the said town of Newark, they having first obtained leave from the proprietor or proprietors of the said spring or springs, and of the proprietor or proprietors of the lands through which the waters issuing from the said spring or springs may run, and to convey the same through the lands of any person or persons whatsoever, they having first obtained leave as aforesaid; and after the said leave so obtained, and according to said, the said company shall be entitled to all the privileges in the preceding section allowed for continuing and repairing the same.

Directors  
may make  
bye-laws.

and collect  
subscriptions.

*And so it further enacted,* That it shall be lawful for the president and directors of such company, from time to time, to make and establish such bye-laws and ordinances as they may think fit and proper, and as may be consistent with the constitution and laws of this state, for the conducting and managing the affairs of the said company, and for conducting and preserving the said works and every part of them, and for conveying, employing, distributing and disposing, of the waters so to be conducted as aforesaid, and for carrying into effect all the objects and purposes of the said incorporation—That it shall and may be lawful for the said directors to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, or hereafter to be raised, agreeably to the original articles of association of the said stockholders, for the purpose of carrying into effect the object of this company, at such times, and in such proportions, as they shall see fit, under pain of forfeiting their shares and all previous payments thereon to the said company.

7. *And be it further enacted*, That if any person or persons, shall wilfully do, or cause to be done, any act whatsoever, whereby the said works, or any pipe, conduit, canal, water course, plug, cock, reservoir, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened or injured, the person or persons so offending, shall forfeit and pay to the said company treble the amount of the damages sustained by means of such offence or injury, to be recovered by such company, with costs of suit, and by action of debt, in any court of competent jurisdiction in this State.

Penalty  
for injur-  
ing the  
pipe, &c.

A. Passed at Trenton, November 17, 1808.

## CHAP. VI.

An Act to authorize Jedediah Swan and Jonathan H. Osborn, Administrators to the Estate of William Hobrow, to carry into effect a Contract made between the said William Hobrow and Simon Cortelyou.

**W**HEREAS it hath been represented to the Legislature, that a contract was made and entered into by William Hobrow, of the township of Middletown, in the county of Monmouth, in his life-time, with Simon Cortelyou, of Long-Island, in the State of New-York, as doth appear by the article of agreement made and entered into by the said parties, bearing date the fifth day of August, one thousand seven hundred and ninety-nine, for a plantation near Middletown-Point, where the said William Hobrow, in his life-time lived; and the said William Hobrow died intestate previous to the time appointed by said article of agreement, to carry the same into effect: And whereas the said Simon Cortelyou, hath paid the sum of three hundred and thirty-seven pounds seventeen shillings and six-pence, upon this agreement, and taken possession of

Preamble