

ACTS

OF THE

One Hundred and Forty-sixth Legislature

OF THE

STATE OF NEW JERSEY

AND

Seventy-eighth Under the New Constitution



TRENTON, N. J.
MACCULLISH & QUIGLEY Co., STATE PRINTERS

1922

except such parts as may be inconsistent with the provisions of this supplement.

20. This act shall take effect immediately.

21. If any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Validity of act.

Approved March 11, 1922.

CHAPTER 212.

An Act to authorize the acquisition by the State of the Morris canal (as defined in this act), in whole or in part, and all the stock of the Morris Canal and Banking Company and the rights of all stockholders in said company and in said canal property and water rights, and all or any part of the right, title and interest of the Lehigh Valley Railroad Company in said canal property and water rights by virtue of its lease of said canal from the Morris Canal and Banking Company, or otherwise; to provide for a commission authorized to negotiate and agree upon terms of settlement with the Morris Canal and Banking Company and the Lehigh Valley Railroad Company, in relation to the said canal property and water rights, and to vest in said commission certain powers necessary for carrying out the terms of settlement and to make such other provisions as may be necessary to effectuate the objects aforesaid.

WHEREAS, For the purpose of encouraging and promoting the construction of a public canal from the

Preamble.

Delaware river to the Passaic river, the State, by act of December thirty-first, one thousand eight hundred and twenty-four, chartered the Morris Canal and Banking Company, and granted to said company certain franchises and privileges mentioned therein, by virtue of which the said canal was constructed and completed to the Passaic river about the year one thousand eight hundred and thirty-one; and

Preamble. WHEREAS, By subsequent legislative authority said canal was extended to the Hudson river about the year one thousand eight hundred and thirty-six; and

Preamble. WHEREAS, By act of March fourteenth, one thousand eight hundred and seventy-one, the State authorized the making of a lease of the canal, its works, property and appurtenances, and the same were accordingly, on May fourth, one thousand eight hundred and seventy-one, leased to the Lehigh Valley Railroad Company, a corporation of the State of Pennsylvania, which company has since that time been in the possession of the canal; and

Preamble. WHEREAS, It is desirable, among other things, that the State of New Jersey should acquire the said canal property and rights, in whole or in part; and

Preamble. WHEREAS, The acquisition of the said property of the Morris Canal and Banking Company, in whole or in part, and the right, title and interest therein of the Lehigh Valley Railroad Company, and the other property described in the provisions of this act, are deemed necessary for the public uses of the State, and to effect the objects and purposes of this act;

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Explanation as to what is included in the term "Morris Canal."

1. The term "Morris Canal" as herein used means and includes all of the property, lands, rights, easements, privileges and franchises of whatsoever character now vested in the Morris Canal and Banking Company as well as that which has passed to or has been directly or indirectly acquired by the Lehigh Valley Railroad Company, a corporation of the State of Pennsylvania, as lessee under and by virtue of a certain indenture of lease bearing date the fourth day of May, one thousand eight

hundred and seventy-one, between the Morris Canal and Banking Company and said Lehigh Valley Railroad Company under and by virtue of the authority of an act of the Legislature entitled "A further supplement to the charter of the Morris Canal and Banking Company." approved March fourteenth, one thousand eight hundred and seventy-one, including two tracts of land and land under water in Jersey City fronting on the Hudson river, known as the "Little Basin" and the "Big Basin," respectively, and including any water rights and rights of diversion now or formerly vested in said Lehigh Valley Railroad Company or said Morris Canal and Banking Company, excepting any such rights that may have been acquired by any municipality of this State.

2. William H. Spear, of Jersey City, Hudson county, Frank H. Sommer, of Newark, Essex county and Louis A. Focht, of Trenton, Mercer county, citizens of this State, are hereby appointed as commissioners to negotiate and agree upon terms of settlement with the Morris Canal and Banking Company and the Lehigh Valley Railroad Company, in relation to the matters hereinafter mentioned, who shall possess and have authority to execute the powers hereinafter provided. The said commissioners, before entering upon the discharge of their duties shall subscribe an oath, which shall be filed in the office of the Secretary of State, of New Jersey, that they will truly, faithfully and impartially, to the best of their ability, discharge the duties devolved upon them by this act. Said commissioners shall have power to hold hearings and to make investigations, either within or without the State of New Jersey, for the purpose of ascertaining the facts necessary to enter upon the negotiations, and to arrive at just terms of agreement and settlement, as provided in this act. Said commissioners shall be entitled, as compensation for their services, to the sum of five thousand dollars, each, to be paid at the rate of five hundred dollars per month until they have filed their report as hereinafter mentioned, whereupon they shall become immediately entitled to any balance of said sum of five thousand dollars not theretofore paid to them. They are authorized to expend a sum not ex-

Commissioners on negotiation.

Oath.

Power to investigate.

Compensation.

Expenditure authorized.

- ceeding ten thousand dollars for such assistance as they may require. The State Treasurer of the State of New Jersey shall honor all of the warrants of the commissioners for such compensation and expenses out of any funds in the State treasury otherwise unappropriated. In the event of the death, refusal, resignation or other inability of any of the persons named herein as commissioners to serve as such, the Governor shall appoint some one in the place and stead of such person.
- Vacancy.**
- Terms of agreement and settlement.** 3. Said commissioners are authorized, in behalf of the State of New Jersey, to make such terms of settlement and agreement between the State and the Morris Canal and Banking Company and the Lehigh Valley Railroad Company as they may deem advisable to secure the transfer of said Morris Canal as hereinbefore defined, in whole or in part, to the State of New Jersey, subject to the limitations hereinafter provided. Such settlement and agreement may include the grant by the State of any of said canal property, or the State's rights therein, to the Lehigh Valley Railroad Company, in consideration of the release by said company of its rights in the remainder of said Morris canal property, or upon other consideration in whole or in part; *provided*, that said commission shall not be authorized to make any settlement obligating the payment of any sum of money by the State to the Lehigh Valley Railroad Company or said Morris Canal and Banking Company or any other person.
- Proviso.**
- Report.** Said commissioners shall make and file their report under this act on or before December first, nineteen hundred and twenty-two.
- If no settlement effected.** 4. If said commissioners shall be unable to effect a settlement with the said canal company and the said railroad company, they shall report said fact to the next Legislature, together with any recommendations for further legislative action which they may deem advisable. If the commissioners shall make a settlement with the said canal company and said railroad company, they shall forthwith file with the Board of Conservation and Development of this State a report containing the terms of such settlement.
- Report of settlement filed.**

5. If the commissioners shall file a report fixing terms of settlement and agreement with said railroad company and said canal company, then said commissioners shall proceed to carry out the terms of said settlement and agreement. Said commissioners are authorized and directed in that event to cause to be executed on behalf of the State proper instruments in writing, approved as to form by the Attorney-General, signed by the Governor, and with the seal of the State thereto affixed, duly attested, conveying to the said railroad company or said canal company any and all right, title and interest of the State in said canal property agreed to be conveyed by said report of settlement and agreement, and to deliver such instruments to said company or companies, upon receiving from them appropriate instruments in writing, approved as to form by the Attorney-General, to carry out on their part the terms of settlement as provided for in said report, and upon said companies performing any other things on their part to be performed.

Carrying out terms of settlement.

Conveyance.

6. The control and management of all the property, real and personal, conveyed and transferred to the State by the Lehigh Valley Railroad Company or the Morris Canal and Banking Company, or otherwise acquired, pursuant to the terms of this act, shall be vested in the said Board of Conservation and Development, subject to further action by the Legislature. If in order to carry out the terms of settlement and agreement made by the commissioners, it becomes necessary to condemn any of the shares of stock of the Morris Canal and Banking Company not owned by the Lehigh Valley Railroad Company, the proceedings for such condemnation shall be conducted by the Attorney-General at the request of the Board of Conservation and Development. Such proceedings shall be had under the provisions of the act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use" (Revision of 1900), and any supplement or amendments of said act so far as applicable and so far as consistent with the provisions of this act; *provided, however*, that the estate, right, title and interest of the Morris Canal and Banking Company and Lehigh

Control of canal vested in State board.

Condemnation of stock.

Procedure.

Proviso.

As to Lake
Hopatcong.

Valley Railroad Company, General Securities Company, or their successors or assigns, in and to the waters of Lake Hopatcong and the lands under the same, together with the lock and dam at the outlet of the lake, with the lands necessary for their maintenance, operation and control, shall be vested in the State, and shall be maintained as and for an aquatic public park for boating, bathing, fishing and winter sports, and the lake level shall be maintained for said purpose at the normal high water mark as now established, natural elements permitting.

7. This act shall take effect immediately.
Approved March 11, 1922.

CHAPTER 213.

A Supplement to an act entitled "An act concerning local boards of health and employees thereof in cities in this State, and for the relief of such employees," approved April second, one thousand nine hundred and thirteen.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Physical ex-
amination
necessary for
membership.

1. Any employee applying for membership in the association created under said act and the benefits thereof, shall have passed, at the time he entered service, a physical examination satisfactory to and conducted by a physician designated by the board of trustees of the Pension Fund, or he shall pass a physical examination satisfactory to and conducted by such a physician at the time of his application for membership in such association and the benefits of this act. Such applicant for membership shall produce a certificate of good health signed by such a physician before being admitted to such membership and the benefits of the act.

Certificate
produced.