

**ACTS**  
**OF THE**  
**FIFTY-SEVENTH**  
**GENERAL ASSEMBLY**

**OF THE**  
**STATE OF NEW JERSEY,**

**AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-  
THIRD DAY OF OCTOBER, 1832.**

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**BEING THE SECOND SITTING.**

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**TRENTON:**  
**PRINTED AT THE OFFICE OF THE NATIONAL UNION.**  
**1833.**

which this is a supplement, for receiving subscriptions to the original stock of said company: and the said company shall cause certificates to be issued to the subscribers for such additional stock, in like manner, and upon the same terms, as if the same had been part of the original stock of said company; and such new subscribers shall become members of the said corporation, and be entitled to the same rights and emoluments as the original stockholders.

SEC. 4. *And be it enacted*, That the said company shall complete the said road, and branch thereof, to the points or places above mentioned, within ten years from the time of the passage of this act, otherwise this act, and all the powers and privileges hereby granted, shall cease and become void and of no effect.

Limitation of act.

Passed February 8, 1833.

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#### AN ACT to incorporate the Orange Aqueduct Company.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That John M. Linsley, Stephen D. Day, Daniel Babbit, Allen Dodd, Henry B. Campbell, William Munn, and their associates, successors, and assigns, for the purpose of supplying the village of Orange with pure and wholesome water, shall be a body politic and corporate, in fact, law, and name, by the name, style, and title of "the Orange Aqueduct Company," and, by that name, have continued succession, and enjoy all the privileges and franchises incident to a corporation; and shall be capable of holding their capital stock, and the increase and profits thereof, in such manner and form as they shall think proper, and of disposing and using, and hiring or renting, the water which they may purchase or procure (by the mode herein after mentioned for ascertaining the value of such property, privileges, and damages) from the owner or owners of the soil whereon the spring or springs may be found, or through whose land the waters of such spring or springs may flow, and also of purchasing, taking, and holding, to them, their successors, and assigns, in fee-simple, all such lands, tenements, hereditaments, and real and personal estate, as shall be necessary and convenient to or for them in the prosecution of their works, and the same to sell and dispose of at their pleasure; and also, that they and their successors and assigns be, and shall be able and capable, in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in their said corporate name, in all courts of judicature whatso-

Style of incorporation.

Powers.

Proviso.

ever, and of doing all and every other matter, act, or thing which a corporation or body politic may lawfully do: *Provided*, that the real estate so to be holden shall be such only as may be requisite to promote and attain the objects of this incorporation, and be relative thereto; which objects are hereby declared to be, the bringing into, and supplying the village of Orange with pure and wholesome water.

May lay aqueduct through lands, compensating the owners.

SEC. 2. *And be it enacted*, That it shall and may be lawful for the said corporation to lay and extend the aqueduct to such places, and through any lands that may be, by their directors, hereafter chosen, thought necessary, first giving notice of their intention to the owner or owners, or persons interested, in writing, and making satisfaction for any damages that may be sustained by any person or persons interested in the lands, spring or springs of water which may be injured or affected by the construction of said aqueduct, and the diversion or use of the said water for the same, according to a reasonable agreement between the parties; but in case of disagreement between the parties, as to the value or sum to be paid for such damages, then and in such case it shall be the duty of the said parties, each, to choose a reputable freeholder, not stockholders in this corporation, and they two, a third, whose judgment, or the judgment of any two of them, made in writing, as to the amount to be paid to the owner or owners, by the said company, shall be conclusive; and in case such owner or owners, or persons interested, shall neglect or refuse, after notice in writing given, to choose a person, as aforesaid, then it shall be lawful, on the application of said company, or their officers, for any justice of the peace of the county of Essex, not interested, to issue his venire to any constable of said county, directing him to summon twelve good and lawful men of the county, not being members of this corporation, nor interested therein, who, having been duly sworn, upon examining the facts and premises, shall render such verdict thereon as to them shall appear just and right, which verdict shall be conclusive between the parties.

Proceedings on disagreement of company with owners.

May lay aqueduct through streets or highways.

SEC. 3. *And be it enacted*, That it shall and may be lawful for said corporation to lay and extend the said aqueduct through such of the highways or streets of the village of Orange, as they may think necessary; and, for that purpose, to dig up and remove so much of the earth in the said streets or highways as may be convenient and necessary for the purposes aforesaid: *Provided* the said earth be replaced, at the expense of the said company, in as good a condition as if the same had not been removed, as soon as compatible with a judicious prosecution of the work.

Proviso.

Capital stock.

SEC. 4. *And be it enacted*, That the capital stock of the said corporation shall be ten thousand dollars, with the privilege of increasing the same to twenty thousand dollars, divided into shares of twenty dollars each; and that subscriptions to the

said capital stock be received by John M. Lindsley, Allen Dodd, and Stephen Condit, or any two of them, who are hereby appointed commissioners for that purpose, and whose duty it shall be, as soon as convenient after the passage of this act, having given one month's previous notice of the time and place or places, by advertisement, in three of the most public places in the township, to open books of subscription at such place in the village of Orange as they may think proper, and continue the same open until the whole amount of the stock of the said company shall have been subscribed; whereupon it shall be the duty of said commissioners to call a meeting of the stockholders, by the same previous notice, of the time when, and place where such meeting shall be held, who shall proceed, in person or by proxy, to elect seven directors, to manage the affairs of said company; and the said directors, so chosen, shall elect, in the manner herein after prescribed, one of their number to act as president: and it shall be the duty of said commissioners to pay into the hands of the said directors, all moneys they or any of them may have received on account of subscriptions.

Commissioners to receive subscriptions.

President and directors to be chosen.

Sec. 5. *And be it enacted*, That the said directors shall hold their offices from the day of election until the first Monday in April following, or until others shall have been chosen; which choice of directors shall take place on the first Monday in April, in each year, at such place and time of day as the directors for the time being may or shall appoint; and notice shall be given by the said directors, not less than ten days previous to the time of holding said election, by advertisements, put up in three of the most public places in the township of Orange; and for the well ordering which election, the directors shall, previously thereto, appoint three stockholders, not being directors or candidates for directors, to be judges of election, who shall conduct and regulate the same; who, having been previously sworn faithfully to discharge the duties of their office, shall decide and declare who are elected directors: and the said election shall be made by such of the stockholders as shall attend for that purpose, in person or by proxy, and each stockholder shall be entitled to one vote for each share of stock he, she, or they shall have held in his, her, or their names, at least thirty days before the time of voting: all such elections shall be by ballot, and the persons who shall have the greatest number of votes shall be directors; and in case two or more have an equal number of votes, the directors in office at the time of such election shall determine, by plurality of votes, which of the said candidates so having an equal number of votes shall be director or directors, so as to complete the whole number; and the said directors shall forthwith thereafter proceed, by ballot, to elect one of their number to act as president; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, the same shall be filled, for the re-

Time and mode of annual election of directors.

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Vacancies how supplied.

mainder of the year, by such person or persons, being stockholders, as the remainder of the directors for the time being, or a majority of them, may appoint.

**Quorum.** SEC. 6. *And be it enacted,* That four directors, with the president, shall constitute a quorum for the transaction of business.

**Directors to appoint officers and fix their salaries.** SEC. 7. *And be it enacted,* That the directors for the time being, or a majority of them, shall have power to appoint a secretary, treasurer, and agents, and to employ workmen and laborers, as to them shall seem needful and proper; to make and prescribe such by-laws, rules, and regulations, as to them shall seem necessary, touching the government of said corporation, the management and disposition of its affairs, business, and effects; to have a common seal, and to alter the same, or change it at pleasure; and all such other matters as may appertain to the concerns of the said corporation; and to fix or allow such salaries or compensation to the officers of said corporation, workmen, and laborers, as to them shall seem meet: *Provided always,* that such by-laws, rules, and regulations be not repugnant to the provisions and requirements of this charter or to the constitution and laws of this state or of the United States.

**Proviso.**

**Stock forfeited on failure of payment of installments.** SEC. 8. *And be it enacted,* That one dollar shall be paid on each share, at the time of subscribing, to the persons herein before named as commissioners for the purpose, and the remainder to be paid in such installments, and at such times and place or places, and to such person or persons as the said president and directors may appoint, giving thirty days' previous notice in manner aforesaid; and if any stockholder shall neglect or refuse to pay up such instalment, all and every such share or shares, whereon there shall be such deficiency, and all moneys previously paid thereon, may be forfeited to the use of the company.

**Mode of transferring stock.** SEC. 9. *And be it enacted,* That the stock of said company shall be assignable and transferable according to such rules and subject to such restrictions and conditions as the board of directors may, from time to time, establish, and that the said stock shall be considered personal property.

**Dividends.** SEC. 10. *And be it enacted,* That it shall be lawful for the directors of said company to make dividends of so much of the profits of the company as shall appear advisable, from time to time.

**When company to organize.** SEC. 11. *And be it enacted,* That as soon as the first installment of one dollar on each share, shall have been paid in, and the company duly organized, they may proceed to the accomplishment of the objects of this incorporation.

**Funds not to be employed in banking.** SEC. 12. *And be it enacted,* That it shall not be lawful for the corporation hereby created, to use their funds, or any part thereof, in banking operations, or in any other business, except what has been clearly indicated in the previous sections of this act.

Passed February 7, 1833.