

New Jersey. Laws, statutes, &c.
ACTS

2790

OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF NEW JERSEY,
AND
FIFTH SESSION UNDER THE NEW CONSTITUTION.



TRENTON:
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1849.

AN ACT to incorporate the Passaic Water Company.

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That William Cundell, John Hopper, Cornelius S. Van Wagoner, William Crosset, Stephen Allen, Patrick Maginnis, and Abraham Godwin, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Passaic Water Company;" and by that name they and their successors shall and may have continued 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 shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing any real or personal estate necessary and expedient to the objects of this incorporation.

Names of
corporators.

Style of in-
corporation
and general
powers.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Amount of
capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, in the town of Paterson, as they, or a majority of them, may think proper; the books for subscription shall be kept open for at least three days, from ten o'clock in the morning until five o'clock in the afternoon, upon fifteen days' notice being given, in both the newspapers published in Paterson; and, at the time of subscribing, ten per cent. shall be paid on each share subscribed for to the commissioners, or one of them; and as soon as six hundred shares of the said stock shall be subscribed, such commissioners shall give like publication for a meeting of the stockholders to choose seven directors, a majority of whom shall reside within the present limits of the Paterson Fire Association; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of

Commission-
ers to open
books of sub-
scription.

Election of
directors.

those persons duly elected, and deliver over the subscriptions, books, and money paid in, deducting a reasonable compensation for their own services, to the said directors; and the time and place of holding the first meeting of the directors shall be fixed by the said inspectors; and the said directors shall, as soon as may be after their election, choose a president out of their own number, who shall reside within the aforesaid limits; and the directors chosen at each annual meeting thereafter, on the second Monday in June, or on such other day as the directors for the time being shall designate, by a publication in the papers as aforesaid, shall elect a president as aforesaid; and in case of the death, resignation, or removal of the president or any director, the vacancy may be filled by the directors for the remainder of the year; and the said company, when organized as aforesaid, shall have power to erect and maintain all necessary waterworks, fountains, reservoirs, and conduits, and also to obtain and secure the right to use, divert, and appropriate any springs, streams, and ponds of water, or either, in the county of Passaic, as they may deem necessary for the purposes hereby contemplated.

Duties and powers of directors.

4. *And be it enacted*, That four directors shall constitute a quorum, who shall be competent to transact all business of the said corporation; the directors shall have power to call in the remainder of the stock subscribed for, by instalments of two dollars and fifty cents each, upon thirty days' notice, published in said newspapers; *provided*, that not less than thirty days shall intervene between the payments of the respective instalments; they shall have power to forfeit shares upon which default shall arise to and for the use of the company, and make and prescribe such by-laws, rules, and regulations, not inconsistent with the constitution or laws of this state or of the United States; and also to appoint and remove such officers and workmen, and fix the salaries of their presidents, as to them shall seem proper, and annually appoint inspectors of election for directors.

President and directors to erect reservoirs.

5. *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 one or more reservoirs, drains, ditches, conduits, aqueducts, pipes, fountains, water wheels, force pumps, and all other works and devices, which they may deem necessary for supplying the town of Paterson and village of Manchester, within the limits aforesaid, with water sufficient for extinguishing fires, culinary and other family uses, watering the streets, and 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 water, in said county, and survey, search, excavate, and bore for water, and examine the quality thereof, and locate all and singular the reservoirs, drains, ditches, aqueducts, pipes, fountains, water wheels, force pumps, and buildings, and all other necessary work and appendages thereto, doing no unnecessary damage to private or other property; and when said locations shall have been determined on, the president and directors shall cause a map to be made of all the lands (except streets now in use) which they require for the purposes aforesaid, and file the same in the office of the clerk of Passaic; and then it shall 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, excavate, erect reservoirs, water wheels, wheel houses, force pumps, and do all other things which shall be suitable or necessary for completing the works hereby contemplated, and keeping them in repair, subject to such compensation as is herein after provided for.

6. *And be it enacted*, That if the said company or its agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, the said company shall give notice to the persons interested, if known, and in the state, or if unknown, or out of this state, by publication in both the Paterson papers, that they intend to make application to one of the judges of the court of common pleas in said county, on a day and at a place to be named in said notice, and not less than twenty days from the service or publication thereof, for the appointment of three commissioners; and on the said day, and at the place named in said notice, the said judge shall make said appointment under his hand and seal; and it shall be the duty of said commissioners (having first taken an oath or affirmation before some person authorized to administer the same) faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at such time and place as they shall designate, giving at least fifteen days' notice of their said meeting, as herein before directed, and on the day so appointed, to proceed to view and examine the said lands, and make a just and equitable estimate of the value of the same, and assess the damages which will accrue from erecting said works; and the said commissioners shall report in writing, to the parties interested, the whole amount which the company must pay each owner, stating, in said report, the metes and bounds of the lands assessed, which said report the said company shall file in the office of the clerk

Proceedings
in case com-
pany and
owners of
land cannot
agree.

of Passaic, to remain of record therein; and a copy thereof, certified by the clerk of the said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the land so described; and it shall be the duty of said company to pay the said owner or owners the amounts assessed as aforesaid, or, in case the owner or owners refuse to receive the same, or live out of the state, or are incapacitated by law to receive the same, then said sum shall be paid and delivered to the clerk of said county, to be by him retained for such owner; and upon making payment in either of the ways above stated, the title of the premises mentioned in the said award, and so paid for, shall be vested in the said company.

Parties aggrieved may appeal.

7. *And be it enacted*, That if the said owners, or any of them, are dissatisfied with the report of the commissioners named in the preceding section, the said party so dissatisfied may appeal to the circuit court of said county, at its next term, whereupon the said court shall proceed to hear and determine the whole matter, in the same manner as if such owner had summoned the said company to appear before them; and if the jury, upon the trial of the cause, shall find a greater sum than the commissioners have awarded, or the company offered, in favour of the said owner or owners, then judgment thereon, with cost, shall be entered against the company, which shall constitute a lien upon the premises in question, which said lien shall have priority over any other encumbrance which said company may have given; but if the said jury shall find the same or a less amount than the company shall have offered, or the said commissioners awarded, then the person appealing shall pay the costs, in such manner as the court shall direct.

Penalty for injuring works.

8. *And be it enacted*, That if any person shall wilfully and maliciously injure any of the said works of the said corporation, such person or persons shall forfeit and pay therefor, to the said company, three times the amount of damages sustained by means of such injury, to be recovered by said corporation, with costs of suit, in an action of debt, in any court having cognizance thereof.

Company may lay pipes beneath streets &c.

9. *And be it enacted*, That the said company be, and they are hereby fully authorized and empowered to lay their pipes beneath such public roads, streets, avenues, and alleys as they may deem necessary for the purpose aforesaid, free of all charge, to be made by any person or persons, or body politic whatsoever, for said privilege, and also such hydrants at the crossings or intersections of the said streets and alleys; *provided*, that the said pipes shall be laid at least two feet below

the surface of the same, and shall not in any wise unnecessarily obstruct or interfere with the public travel, or damage public or private property.

10. *And be it enacted*, That the said company may sell and dispose of the water issuing from said reservoirs, aqueducts, or pipes, for such price or prices, or annual rent, and under such restrictions, as they may think proper. May sell water.

11. *And be it enacted*, That if the work of constructing said reservoirs and appendages shall not be commenced in good faith within the term of two years from the date of the approval of this act, the same shall be null and void. Time of commencement of work.

12. *And be it enacted*, That this act shall go into effect immediately.

Approved February 13, 1849.

AN ACT for the relief of the President, Directors, and Company of the State Bank at Morris.

WHEREAS the President, Directors, and Company of the State Bank at Morris, in course of their business, have been compelled to take real estate and stock of the bank, to a large amount, in satisfaction of debts, and thereby been deprived of the use of a great portion of their capital, and have sustained losses which have reduced the value of the stock; and whereas the said the President, Directors, and Company of the State Bank at Morris have not made any discounts or paid out any bills of said bank for more than a year past, and have petitioned for a reduction of the par value of the shares of stock, and a remission of tax on their capital stock— Preamble.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the shares of stock into which the capital is divided be twenty dollars each, and that the directors of said bank be authorized to open books of subscription for the stock owned by the bank, ten days' previous notice of the time and place of opening said books having been given in the newspapers published in Morristown, and that the stockholders have the exclusive right of subscribing for the same for the space of five days from the opening of said books, in proportion to the number of shares owned by them, respectively, Directors to open books of subscription.

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