

*Free a Service*

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**ACTS**

OF THE

WILLIAM L. BROWN  
GOVERNOR  
TREASURER

**SEVENTY-SIXTH LEGISLATURE**

OF THE

**STATE OF NEW JERSEY,**

AND

**EIGHTH SESSION UNDER THE NEW CONSTITUTION.**



WILLIAM L. BROWN

**SOMERVILLE:**

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**1852.**

penses requisite for keeping the said tract of land enclosed as aforesaid, it shall be lawful for the managers to make such new allotment, and the same, when made, shall be entered in manner aforesaid, and shall be proceeded upon, in all respects, as herein before mentioned and directed.

Books of proceedings to be evidence.

21. *And be it enacted*, That the said books of their proceedings, to be kept by said managers, as herein before mentioned, shall be received in all courts and places as evidence of all the proceedings of said managers and of the said annual meetings, by this act directed to be entered in said books of proceedings; and that in all proceedings where the service or setting up of notice or notices, in pursuance of the provisions of this act, shall come in question, the testimony of said managers shall be deemed competent touching the service or setting up of such notice or notices, notwithstanding they, or any of them, shall be parties to such proceedings.

Former acts repealed.

22. *And be it enacted*, That all acts of incorporation, which may have been passed relating to the enclosure of the aforesaid tract of land, are hereby repealed.

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

Approved March 4, 1852.

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## CHAPTER LX.

AN ACT to incorporate the Somerville Aqueduct Company.

Commissioners to open books of subscription.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That subscription books to the capital stock of the Somerville Aqueduct Company may be opened within six months after the passing of this act, by George H. Brown, William G. Steele, Culver Barcalow, Hugh M. Gaston, and Joshua Doughty, who are hereby appointed commissioners to receive subscriptions of the

said stock, at such times and places as they, or a majority of them, shall direct, giving notice thereof, at least twenty days prior to the opening of the said books, in all the newspapers in the county of Somerset.

2. *And be it enacted*, That the capital stock of the said company shall be ten thousand dollars, with the privilege of increasing the same to twenty thousand, to be divided into shares of fifty dollars each; and when two hundred shares are subscribed for, the persons holding the same, their successors and assigns, shall be, and they are incorporated into a company, by the name of "the Somerville Aqueduct Company;" and, by that name, shall be capable of purchasing, or of otherwise becoming seized and possessed of, holding, and conveying, real and personal estate, and of using, selling, hiring, and renting, and otherwise disposing of, the water they may raise and procure; shall have power to make, use a common seal, and the same to alter; and by said corporate name to sue and be sued; and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, and necessary to promote and effect the object of this corporation, which is hereby declared to be the supplying the town of Somerville with pure and wholesome water.

3. *And be it enacted*, That at the time of subscribing for the said stock, two dollars on each share shall be paid, or secured to be paid, to the said commissioners, or to some one of them, in such mode as the commissioners, in their discretion, shall direct, which money and securities shall be paid and delivered over to the treasurer of the said company, as soon as one shall be appointed; and the residue of the subscriptions shall be paid in such instalments, at such times and places, and to such person or persons, as the president and directors of the said company shall from time to time direct, by notices published for three weeks, successively, in such newspaper or newspapers as may be published in the town of Somerville aforesaid; and upon failure of payment thereof, as so directed, the president and directors shall have power to forfeit the share or shares of each and every person so failing to pay the said instalments, or any one of them, for the use of the said company.

Annual elec-  
tion of direc-  
tors.

4. *And be it enacted*, That when two hundred and fifty shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, by advertising the same in the newspapers published in Somerville; at which meeting, the subscription books shall be laid before the stockholders, who shall thereupon elect, by ballot, seven directors, a majority of whom shall be residents in Somerville, to manage the affairs of the said company for one year, of which election some discreet person, to be chosen by the said commissioners, or by a majority of them, shall be the judge; and at the expiration of that term, and annually thereafter, at a day and time to be designated, and upon like notice to be given by the said directors for the time being, or a majority of them, the said stockholders shall elect the same number of directors, a majority of whom shall be residents in Somerville, as aforesaid; and in all cases of elections, the stockholders may vote either in person or by proxy, and each stockholder holding one share shall have one vote, each stockholder holding five shares two votes, and an additional vote for each succeeding five shares.

Election and  
duties of  
president.

5. *And be it enacted*, That within twenty days after each annual election, as aforesaid, the said directors shall elect, from their own body, a president of the said company, who shall hold his office for one year or until another shall be elected, and shall receive such compensation for his services as the said directors, or a majority of them, shall direct, and shall be presiding officer at all meetings of the said directors, and have the casting vote when they shall be divided, shall have charge of the seal of the said company, and shall appoint the judge or judges of all elections by the stockholders; and in case of his death, absence, inability, or refusal to act, the said directors, or a majority of them, shall appoint, from their body, a suitable person in his place, who, for the time being, shall possess the same power and authority, and perform the duties herein prescribed.

Charter not  
avoided for  
failure to  
elect on day  
prescribed.

6. *And be it enacted*, That if, from any cause, any election herein before named shall not be had at the time spe-

cified therefor, this charter shall not be avoided thereby, but the same may be made at any time, on notice as aforesaid, and until such election is had, the officers previously elected by the stockholders shall continue to hold their respective offices until others are elected in their stead.

7. *And be it enacted*, That four directors, with the president, shall be a quorum for business; and the said directors, or a majority of them, shall have power to supply any vacancy in their body occurring between the annual elections, by death, removal, or refusal to act; and to appoint a treasurer and all other officers, engineers, agents, superintendents, and servants that may be required to transact the business of the company, with such compensation, respectively, as they may determine on, and to exact from them, respectively, due security; to regulate and assess the tolls, taxes, and water rates to be paid to and levied by the said company; to have the superintendence and direction of all the effects, receipts, disbursements, and other affairs of the said company, and to make, prescribe, and enforce such ordinances and by-laws as they may deem necessary and expedient to govern the conduct of all persons with whom they may contract for a supply of water from their works, in order to regulate the use of the said water, and to preserve the same from waste, and, by such ordinances and by-laws, to impose penalties and forfeitures for a breach thereof, or for a neglect or refusal to comply therewith; *provided*, such penalty or forfeiture shall not in any one case exceed the sum of five dollars; *and provided* also, the said by-laws and ordinances shall be published, for two weeks successively, in one or more newspapers published in Somerville, before any attempt shall be made to enforce the same; which penalties and forfeitures shall be recoverable, in the name of the said company, before any justice of the peace of the county of Somerset, with costs, in an action of debt, as well from any stockholder of said company as from any other person; and to enable, prescribe, and enforce such by-laws and ordinances as they may deem expedient for regulating the transfer of stock and for the general government of the company and the management of its affairs; *provided*, the same be not re-

Powers and duties of directors.

Proviso.

Proviso.

Proviso.

pugnant to the constitution and laws of this state or of the United States.

Company  
authorized  
to construct  
works.

8. *And be it enacted*, That it shall and may be lawful for the said company to erect, upon the most eligible site, all the works necessary to promote and effect the object of this incorporation, and to take from the same so much water as may be necessary for the purposes aforesaid; and to excavate, embank, and construct a reservoir of such size, capacity, and materials, as the said directors, or a majority of them, may deem necessary, and the same to repair, alter, and extend, the consent of the owner or owners of the property to be taken to be first obtained; and to lay, sink, and extend their pipes, conduits, and branches through any lands that may be, by the said directors, or a majority of them, deemed necessary for the purposes aforesaid, and the same to repair, alter, and remove, first giving notice in writing of their intention to the owner or owners, or persons interested, or to the guardian or guardians of any minors who may be interested, and making satisfaction for any damages that may be sustained by any person or persons interested in the lands or waters that may be occupied, injured, or affected by the construction of the said works and reservoirs, the laying, sinking, and extending of the pipes, conduits, and branches, and the direction and use of the said waters, 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 the said company, 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 for the damages aforesaid, shall be conclusive; and in case such owner or owners, guardian or guardians, or person or persons interested, shall neglect or refuse, for the space of fifteen days after such notice in writing given to choose a person as aforesaid, or cannot be found in the state of New Jersey to be served with notice as aforesaid, then it shall be lawful, on the application of the said company or their officers, for any justice of the peace of the county of Somerset, not interested,

Proceedings  
in case of  
disagree-  
ment be-  
tween par-  
ties.

to issue his venire, directed to any constable of said county, commanding him to summon twelve good and lawful men of the county, qualified to act as jurors, not being members or stockholders of the said company, nor interested therein, who, having been duly sworn, by and before the said justice, justly and truly to assess the said damages, upon examining the lands and premises, and the facts disclosed by the evidence produced before them by the said company or its officers, in the presence of the said justice, shall find and assess such damages as to them shall appear just and reasonable; which assessment shall be entered by the said justice in his docket, and shall be conclusive between the parties.

9. *And be it enacted*, That it shall and may be lawful <sup>Pipes, &c., may be laid through etc.</sup> for the said company to lay, sink, and extend their said pipes, conduits, and branches through such of the highways and streets of the said town of Somerville, as the said directors, or a majority of them, may deem advisable and necessary; and for that purpose, and whenever it may be necessary to alter, remove, or repair the same, to dig, excavate, and remove so much of the said soil and earth as may be necessary to restore the said streets and highways to their former condition, shall be replaced at the expense of the said company, as soon as may be compatible with a judicious prosecution of the said work.

10. *And be it enacted*, That if any person or persons <sup>Penalty for injuring works.</sup> shall wilfully injure, destroy, or obstruct the pipes, conduits, branches, machinery, fixtures, or works of the said company, such person or persons so offending shall pay to the said company triple the amount of the damages sustained by the said company, to be by them recovered, with costs, in any court of competent jurisdiction.

11. *And be it enacted*, That the stock of the said com- <sup>Dividends.</sup>pany shall be considered personal property; and it shall be lawful for the said directors, or a majority of them, to make dividends of so much of the profits of the said company as shall appear advisable from time to time.

12. *And be it enacted*, That it shall not be lawful for <sup>Not to engage in banking.</sup> the said company to use their funds, or any part thereof, in banking operations.

**Limitation.** 13. *And be it enacted,* That this act shall go into effect immediately, and continue for twenty years, unless sooner repealed.

Approved March 5, 1852.

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## CHAPTER LXI.

A supplement to an act entitled, "An act for the relief of creditors against corporations."

Actions not  
to abate by  
reason of  
dissolution  
of corpora-  
tion.

1. **BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey,* That in any action, now depending or to be commenced in any court of record of this state, against any corporation now or heretofore existing, or that may be created hereafter, if said corporation become dissolved, by the expiration of its charter or otherwise, before final judgment obtained therein, the said action shall not abate by reason thereof; but the dissolution of said corporation being suggested, and the names of the trustees of said corporation being entered upon the record, the said action shall proceed to final judgment against the said trustees, by the name of the corporation.

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

Approved March 5, 1852.