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A C T S

*Law Inst  
& Law*  
OF THE

SEVENTY-SECOND LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

FOURTH SESSION UNDER THE NEW CONSTITUTION.



TRENTON:

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1848.

AN ACT to incorporate a company for the more effectually supplying the city of Trenton and borough of South Trenton with water.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That John McKelway, William Halsted, Samuel McClurg, Charles Wright, Xenophon J. Maynard, John Sager, and Alexander H. Armour be, and they are hereby appointed commissioners to receive subscriptions to the capital stock of the Trenton and South Trenton Aqueduct Company, and are hereby authorized to open books for that purpose, at such times and places as they, or a majority of them, may direct, giving at least fifteen days' notice thereof, in a newspaper printed in the city of Trenton, which books shall be kept open for three days, at least, during the usual hours of business; and in case a greater amount than the capital stock shall be subscribed, the said commissioners shall make a just and equitable apportionment thereof among the several subscribers, in proportion to their several subscriptions, but no apportionment shall be made of any subscription for not more than five shares.

Commissioners to open books of subscription.

2. And be it enacted, That the capital stock of said company shall be thirty thousand dollars, with the privilege of increasing the same to fifty thousand dollars, if necessary, to be divided into shares of fifty dollars each; and that as soon as three hundred shares of stock have been subscribed, on which five dollars a share shall be paid at the time of subscribing, the persons holding the same shall be, and they are hereby created a body politic and corporate, in fact and in law, by the name of "the Trenton and South Trenton Aqueduct Company," with all the powers, rights, and privileges useful and necessary for the purpose of supplying the city of Trenton and the borough of South Trenton, and their suburbs, and the inhabitants thereof, with water; and may sell and dispose of said water for such price or prices, or annual rent, and under such restrictions, as they may think proper.

Amount of capital.

3. And be it enacted, That as soon as fifteen thousand dollars of the capital stock of the said company shall have been subscribed, the said commissioners shall call a meeting of the stockholders, giving at least ten days' notice of the time and place of meeting, as herein before directed, at which meeting the stockholders shall proceed to elect seven directors, a majority of whom shall be residents of this state, one of whom shall be president, and such other officers as shall be necessary to manage the affairs of the said company for one year, of which election any three persons, appointed by said commissioners, shall be judges; and

Election of directors.

that at the expiration of said term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect the same number of directors, each share of stock to entitle the holder thereof to one vote, either in person or by proxy; and such directors, when chosen, may make and enforce such by-laws as they may think expedient for regulating the transfers of stock and for the general management and regulation of the affairs of the company: *provided*, the same be not contrary to the constitution or laws of this state or of the United States.

Installments,  
how paid.

4. *And be it enacted*, That the directors of said company shall have power to call on the stockholders from time to time for the residue of their subscriptions, by instalments not exceeding ten dollars on each share, by giving twenty days' notice thereof in one or more newspapers published in this city: and upon failure of payment thereof, as required, for thirty days' thereafter, the said directors shall have power to forfeit the shares of such delinquents to and for the use of said company.

Company  
authorized  
to construct  
aqueducts,  
&c.

5. *And be it enacted*, That it shall be lawful for the said company to use the water of the Delaware river, or the Assanpink creek, below the dam, and to raise the same, by means of water wheels or steam engines, or other means, into their reservoirs; and also to use the waters of any springs, streams, or rivulets, except as herein after provided, in the city of Trenton or borough of South Trenton, and in the townships of Ewing, Nottingham, and Hamilton, by conducting the same, as herein after provided, into their reservoirs; and, for this purpose, to enter upon any lands in the city of Trenton or the borough of South Trenton, and in the townships of Ewing, Nottingham, and Hamilton, in the county of Mercer, and search or bore for water, or examine the quality thereof, if thought necessary; and that any damages sustained by the owner or owners of the lands so entered upon shall be paid by the said company, as herein after provided; and also, that it be lawful for said company, by their agents or workmen, to lay and extend such aqueduct or aqueducts to such places in the city of Trenton and borough of South Trenton, and in the townships of Ewing, Nottingham, and Hamilton, in the county of Mercer aforesaid, as they shall deem proper, and through any lands that may be by them thought necessary, first giving notice, in writing, of their intentions to the owner or owners or the party in possession, and making satisfaction for any damages that may be sustained thereby, according to any reasonable agreement between the parties; and in case the said parties cannot agree, it shall be the duty of either of the justices of the supreme court, upon a notice to be given him

by the said corporation, or by the owner or owners of such land or real estate, to appoint three disinterested commissioners, from the county of Mercer, to determine the compensation and damages which the owner or owners of the said real estate or land have sustained by reason of the occupancy thereof by the said company; and it shall be the duty of the said commissioners (after having taken an oath or affirmation faithfully and impartially to discharge the trust herein reposed in them) to deliver to the said company a written statement, signed by them, or a majority of them, of the awards they shall make, containing a description of the lands or real estate appraised, to be recorded by said company in the office of the clerk of the county of Mercer; and upon payment or tender of such compensation as aforesaid, to the said owner or owners, then the said company shall be deemed seized and possessed in fee-simple of all such land or real estate; and in case any owner or owners of such land or real estate so appraised shall be feme covert, under age, non compos mentis, or out of the state, then and in such case the said corporation shall pay the amount which has been awarded as due to the last mentioned owners, respectively, into the court of chancery, subject to the order of said court, for the use of the said owner or owners; all which proceedings shall be had at the proper costs and charges of said corporation, to be determined by the said justice of the supreme court; *provided always*, that nothing herein contained shall be so construed as to prevent, or in any wise interfere with the said company, by their servants and agents, from entering upon any lands within the aforesaid limits, for the purpose of searching for or conducting water, and making all necessary examinations, by digging, boring, or otherwise, in relation thereto; and that the injury or damages sustained by the said owner or owners, by means of such examination, shall be paid by said company, in manner heretofore provided; *provided also*, that nothing contained in this act shall be so construed as to authorize said company to appropriate to its use any spring of water, without the consent of the owner or owners of the land where such spring rises, or to compel such owner or owners to submit to any arbitration concerning the same; and *provided further*, that nothing in this act contained shall authorize said company, directly or indirectly, to take away, divert, or in any manner injure or impair the supply of water in the fountains used by the Trenton Water Works Company.

6. *And be it enacted*, That the said company shall be, and they are hereby fully empowered to lay their water pipes beneath such public streets, avenues, or alleys as may be necessary for carrying out the purposes of this act, free of all

Proviso.

Company to lay water pipes.

charge, to be made by any person or persons whatever, for said privilege, doing no damage to public or private property thereby; *provided*, that the said pipes shall be laid at least three feet below the surface of said streets, avenues, or alleys, and shall not in any wise obstruct or interfere with the public travel along the same.

Company  
may build  
tanks, &c.

7. *And be it enacted*, That the said company shall be, and are hereby fully empowered, by and with the consent of the common council of the city of Trenton, and by and with the consent of the burgesses of the borough of South Trenton, respectively, to build, construct, keep, and maintain such and so many tanks, cisterns, reservoirs, and other necessary fixtures and appendages, in the streets of the city of Trenton and borough of South Trenton, respectively, as may be deemed necessary and proper for the purpose of more effectually supplying the said city of Trenton and borough of South Trenton with water, and of preventing the ravages of the destructive element of fire.

Water may  
be used for  
supply of  
fire plugs.

8. *And be it enacted*, That while the said company are laying down pipes for conducting water into and through the city of Trenton and borough of South Trenton, it shall be lawful for the common council of said city and the burgesses of the borough of South Trenton, at their own expense and under the direction of the superintendent of said company, to insert as many branches in the main pipes to supply such fire plugs as may be thought necessary to furnish water for the purpose of extinguishing fires, the same to be kept in order by the said corporations; for the use of which water no charge shall be made by the company.

Penalty for  
injuring  
works.

9. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act, whatsoever, whereby the said works, or any pipes, conduit, canal, watercourse, plug, cock, tank, cistern, reservoir, or any other thing appertaining to the same, shall be stopped, obstructed, or impaired, broken or injured, the person or persons so offending shall forfeit and pay to the said company triple the amount of the damages sustained by means of such offence or injury, to be recovered by such company, with costs of suit, in any court having cognizance of the same.

Company  
may sue on  
contracts.

10. *And be it enacted*, That it shall also be lawful for the said company, in their corporate name and capacity, to sue for and recover the amount of all contracts with said company for the use of the waters and works aforesaid.

Common  
council of  
Trenton and  
S. Trenton  
may sub-  
scribe for  
stock.

11. *And be it enacted*, That it shall and may be lawful for the common council of the city of Trenton to subscribe for and to hold, for the use and benefit of "the inhabitants of the



city of Trenton," any amount not exceeding the one half of the capital stock, and the burgesses of South Trenton to have a like privilege, to an amount not exceeding one-fourth of the capital stock of said company.

12. *And be it enacted*, That the corporation hereby granted shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in the act entitled, "An act concerning corporations," approved on the fourteenth day of February, in the year of our Lord one thousand eight hundred and forty-six. Restrictions and liabilities.

13. *And be it enacted*, That unless the said corporation shall commence operations necessary for carrying into effect the objects of this incorporation in good faith, within the term of two years from the date of this law, the same shall be null and void. When work to be commenced.

Approved February 29, 1848.

AN ACT to authorize the inhabitants of the township of New Hanover, in the county of Burlington, to vote by ballot at their annual town meetings.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of New Hanover, in the county of Burlington, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is: a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highway, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highway and pound-keepers as they may deem necessary and convenient, a town committee consisting of five persons, a town superintendent of common schools, as many justices of the peace as the said township may be constitutionally entitled to elect, one or two constables, and such other officers as are needed for said township. Officers to be elected by ballot.

2. *And be it enacted*, That at the hour of ten o'clock in the morning, the inhabitants of said township shall be called to order by any one of the township committee, and shall then Elections, how conducted.