

# ACTS

OF THE

EIGHTY-EIGHTH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

TWENTIETH UNDER THE NEW CONSTITUTION.



NEWARK, N. J.:

PRINTED BY E. N. FULLER, DAILY JOURNAL OFFICE.

1864.

township clerk of said township, at the next succeeding annual town meeting in said township.

5. *And be it enacted*, That if any road district in said township shall neglect or refuse to elect an overseer of the highways for said district, as required by this act, or if any such overseer shall remove or die, or become unable to discharge the duties of his office, or in case of a vacancy in such office from any other cause, it shall be the duty of the township committee of said township to appoint an overseer of the highways of said district from among the legal voters thereof, to serve during the unexpired term. Vacancy, how filled.

6. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Approved March 24, 1864.

## CHAPTER CCLXXXIV.

A Supplement to the act entitled "An act to incorporate the Washington Aqueduct Company," approved January twentieth, Anno Domini, eighteen hundred and thirty-one.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in order to enable the president and directors of the Washington Aqueduct Company to procure additional water, water courses, and necessary lands for reservoirs, and to lay down new pipes and erect such fixtures as may be necessary for the preservation and use of the water, it shall be lawful for the present stockholders of the said company to create a new stock to be divided into shares of twenty-five dollars each, and to increase the capital stock of said company to twenty thousand dollars. May create new stock.

2. *And be it enacted*, That the directors of the said company, or a majority of them, shall have power and authority to open books and receive subscriptions for the new stock so created, and dispose of the same, and to call upon the subscribers for such new stock for the payment of installments in such sums, at such times, and under such forfeitures, as a May open books.

Proviso.

majority of the directors may deem expedient, until the whole amount of shares subscribed for shall have been fully paid; *provided*, the said installments shall be at least fifteen days apart, and shall not be called for in larger sums at any one time than five dollars on each share of stock subscribed for, and ten days' previous notice, in writing, of the payment of each installment shall be given by putting up such notices signed by the president of said company in three of the most public places in the village of Washington.

New and old stock.

3. *And be it enacted*, That each share of the new stock so created and disposed of as aforesaid when the same shall have been fully paid up, shall be deemed of equal value to one share of the old stock now held by the stockholders of said company.

Proceedings in case company and owners cannot agree.

4. *And be it enacted*, That if it should become necessary in the opinion of the said directors to lay pipes through any private lands or the lands of any corporation in the county of Warren, or if any private lands shall be required for erecting reservoirs or other works thereon, and no agreement can be made with the owner or owners thereof as to the amount of compensation to be paid for the laying said pipes through the said lands, or the price of such lands, as the case may be, by reason of the unwillingness of said owners, or any of them, to accept such compensation or price as the said directors may deem reasonable, or by reason of the absence or legal disability of said owners, or any of them, and the said owners, or any of them, shall refuse to refer or submit the question of such compensation or damages to arbitration in the manner provided for in the eleventh section of the act to which this act is a supplement, it shall be the duty of either of the justices of the supreme court of this state, upon the application to him by said directors, or on their behalf, and after ten days previous notice in writing of such application to the persons or corporation interested, if known and in this state, or if unknown or out of the state, after publication thereof for any time not less than twenty days in a daily newspaper printed in the city of Trenton, to appoint three disinterested appraisers from the county of Warren, to determine the compensation to be paid for the laying said pipes through said land, or the price to be paid for said lands, as the case may be; and it shall be the duty of the said appraisers (after having taken an oath or affirmation faithfully and impartially to discharge the trusts herein reposed in them, and after having carefully viewed the premises) within

twenty days after their appointment, to deliver to said directors a written appraisement under the hands and seals of them, or a majority of them, of the award they have made, containing a full description of the lands through which the pipes are to be laid, or of the lands required for the erection of reservoirs or other works which appraisement the said directors shall cause to be recorded in the registry of deeds for the county of Warren; and upon payment or tender by the said directors to such owner or owners as aforesaid, or some one of them, of the sum awarded in such appraisement, if any, then the said directors shall have the right to lay said pipes through the lands aforesaid, or the said company shall be deemed seized in fee simple of the lands required for the erection of the said reservoirs or other works as aforesaid; and in case any owner or owners of such lands shall be a feme covert, under age, non compos mentis, or out of the state, then and in every such case it shall be sufficient for said directors to pay the amount which may have been appraised as aforesaid into the court of chancery of this state subject to the order of said court for the use of the party or parties entitled to the same; the costs of all such proceeding shall be taxed by the said justice of the supreme court, and paid by the said directors.

5. *And be it enacted*, That in case the said directors or the owner or owners of the said land shall be dissatisfied with the award of the appraisers mentioned in the preceding section, and shall apply to the justices of the supreme court, at the next term after filing the said award, the court shall have power, on good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next circuit court to be holden in said county of Warren upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or damages aforesaid sustained, and if they shall find a greater sum than the said appraisers shall have awarded in favor of the said owner or owners, then judgment therefor, with costs, shall be entered against the said company and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the directors shall have offered or the said appraisers awarded, then the said costs to be paid by said

Parties may  
appeal.

applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor as the court shall direct, but such application shall not prevent the directors from taking, or laying pipes through, said lands upon the award of the appraisers, the value or damages being first paid, or, upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

May make  
contracts, lay  
down pipes,  
&c.

6. *And be it enacted*, That for the purpose of effectually supplying with water the village of Washington, its vicinity and the inhabitants thereof, it shall and may be lawful for the said company, and they are hereby empowered, to make contracts with persons and corporations for the supply, use and preservation of water, and to erect, construct and maintain all works necessary and convenient for the purposes of this act and the act to which this act is a supplement, and to lay down pipes and other conduits, and to erect and construct hydrants and fire plugs in the streets, alleys, lanes and other places in the village of Washington, and in the highways of the township of Washington, in the county of Warren, and to do all things necessary to furnish the said village of Washington and its vicinity, and the buildings, streets and other places with water; *provided*, that the public travel upon the said highways, streets, lanes and alleys shall at no time be unnecessarily obstructed or impeded in the laying, altering or repairing of pipes, or the erection and construction of fire plugs or hydrants, or other necessary or proper work, and after the completion of any work the streets, side and crosswalks shall be left in as good condition as the same were before the commencement of any such work; and no private lands shall be in any way injured or defaced without permission from the owner or owners thereof.

Penalty for in-  
juring works.

7. *And be it enacted*, That if any person shall wilfully do or cause to be done any act or acts whatever to injure the water or any engine, machine, reservoir, pipe, fire plug, hydrant, structure or fixture whatsoever, or anything appertaining to the works of the said company, or whereby the same may be obstructed, stopped or injured, or shall wilfully and maliciously draw off or waste the water from any fire plug or hydrant, every person so offending shall be deemed guilty of a misdemeanor, and on being thereof convicted shall be punished by fine not exceeding five hundred dollars or imprisonment in the county jail for any time not exceeding six months, or both; *provided*, that such criminal prosecution

Provided.

shall in nowise impair the right of action for damages by civil suit, and the said company are hereby authorized to bring an action and recover damages by a civil suit for any such injuries aforesaid, by and in the corporate name of the said company, in any court in this state having cognizance of the same.

8. *And be it enacted*, That the president and directors of <sup>Dividends.</sup> the said company shall declare and make such dividends as they may from time to time deem prudent and proper out of the net profits of the said water works; and the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open, within the usual hours of business, for the inspection of the stockholders.

Approved March 24, 1864.

## CHAPTER CCLXXXV.

An Act to repeal the charter of "The Keyport Dock Company," approved February nineteenth, eighteen hundred and fifty-one, and to vest the property of said corporation in "The Keyport and Middletown Point Steamboat Company."

WHEREAS, the said "The Keyport and Middletown Point <sup>Preamble.</sup> Steamboat Company," have become by purchase and are now the owners of all the property, franchises and stock of said "The Keyport Dock Company," and whereas, it is inconvenient and unnecessary that two organizations should continue—therefore,

1. *BE IT ENACTED by the Senate and General Assembly of* <sup>Charter re-</sup> *the State of New Jersey*, That the charter of the said "The Keyport Dock Company," be and the same is hereby re-<sup>pealed.</sup>pealed.

2. *And be it enacted*, That all the property, franchises and privileges of the said "The Keyport Dock Company," be and the same are hereby vested in the said "The Keyport and Middletown Point Steamboat Company," which last mentioned company is authorized to demand, take, sue for, <sup>Transfer of</sup> <sup>property, &c.</sup>