

Law Association

ACTS

OF THE

Ninety-Seventh Legislature

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-NINTH UNDER THE NEW CONSTITUTION.



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CHAPTER CLXVI.

An Act to authorize the inhabitants of the City of Burlington to purchase the works and franchises of the Burlington Water Company.

City authorized to purchase water works.

Proviso.

To be conducted and managed by a board of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the city council of the said city of Burlington to purchase of the said "The Burlington Water Company" all the real estate, works and property, and all the corporate rights, powers, franchises and privileges of said company, for such sum as may be agreed upon, not exceeding thirty-eight thousand dollars; *provided*, that the said agreement be ratified and approved by a majority of citizens voting at an election to be held for the purpose of approval or disapproval, and upon the due execution of such conveyance the legal title to said real estate, works and property and all the corporate rights, powers, franchises and privileges of said company shall pass to and vest in the inhabitants of the city of Burlington, in as full and ample a manner as the same now are or heretofore have been held and enjoyed by the said company.

2. *And be it enacted*, That the said water works shall be conducted and managed exclusively by and through a board of commissioners to be appointed as hereinafter directed: who shall have powers and authority to regulate the supply and use of the water, to fix the prices for the same and the times of payment, to make and prescribe such rules, regulations, conditions and restrictions as they may deem necessary or expedient with reference to the use and mode of drawing the water, the collection of water rents and the mode of enforcing such collection; and they shall have power to impose such penalties in addition to cutting off the water as they may deem expedient for the violation of such rules, regulations and restrictions; and they shall have power to appoint and employ all proper clerks, officers.

agents and assistants necessary or convenient for the purposes aforesaid, at such compensation as they may deem advisable: *provided*, that the said commissioners shall have no power or authority to create loans or borrow money, and shall not be entitled to take or receive any compensation for their services. Proviso.

3. *And be it enacted*, That for the purpose of paying for said water works and provide for the improvement of the same and extension of the pipes, the common council are hereby authorized to issue bonds to the amount of said purchase money, not exceeding the sum stipulated to pay for the same; also for the extension and improvement thereof, upon the written application of said commissioners, to issue the bonds of the city for an amount not exceeding twelve thousand dollars, with lawful interest, payable semi-annually, and which are not to be disposed of for less than par value, and such bonds shall not be issued in any case, except by authority of said common council. Common council may issue bonds in payment for water works.

4. *And be it enacted*, That the net rents and revenues from said water works, after paying all expenses for maintaining the works and extending the pipes, and paying salaries, wages and incidental expenses, shall be appropriated: first to the payment of the interest on the bonds issued in the purchase of the water works, and also on the bonds issued pursuant to the provisions of this act, which shall be deemed part of said loan, and the balance thereof shall be set apart as a sinking fund for the payment of the principal of said bonds; and no part of said rents and revenue shall be appropriated or used for any other purpose whatever until the whole of said debt is paid and satisfied; *provided*, that the said commissioners shall not expend out of said water rents, in any one year, more than five hundred dollars for extending the pipes, and all extensions shall be charged to construction account, and they shall not make any such extension or improvement (necessary repairs excepted), the cost of which shall exceed said amount, in any one year, unless the common council shall have previously authorized the issue of city bonds for the purpose of paying therefor. Rents and revenues, how to be appropriated.

5. *And be it enacted*, That the said commissioners shall, on the last Monday of April, and on the last Monday of October, in each year, pay over to the treasurer of the city of Burlington so much of the net rents and revenue of said Interest to be paid semi-annually.

works for the preceding six months as will be sufficient to pay the semi-annual interest on the bonds mentioned in the last preceding section, and shall on the same day pay over the surplus, if any, to the treasurer as a sinking fund, to be invested and allowed to accumulate as a sinking fund for the payment of said bonds at maturity.

Treasurer to keep separate account of interest of water loan. Majority of commissioners shall be a quorum.

6. *And be it enacted*, That the city treasurer shall keep a separate account of all moneys received and paid by him on account of the interest of said water loan.

7. *And be it enacted*, That a majority of said commissioners shall constitute a quorum for the transaction of business, and they shall keep regular books of account and books for recording the whole of their official proceedings, and all such books shall be open at all times to the examination of any member of the common council of the city of Burlington, and of any person or persons appointed by said common council for that purpose; the said commissioners shall also on the first Tuesday in February of every year, make a report to the said common council, of the condition of said water works, accompanied by a detailed statement of their receipts and expenditures on account of the same, an abstract of which shall be published with the annual statement of the city treasurer.

Acts of the commissioners to be obligatory as if done by the inhabitants of the city.

8. *And be it enacted*, That all contracts and engagements, acts and doings of the said commissioners within the scope of their duty or authority, shall be obligatory upon, and be in law considered as done by the inhabitants of the city of Burlington, and any judgment recovered against the said commissioners in their official capacity, as provided in the next succeeding section, shall have the same force and effect as a judgment against the city, and shall be enforced by the same process and in the same manner as if the same had been rendered in an action brought against "the inhabitants of the city of Burlington."

Commissioners may sue and be sued in the name of "the water commissioners of the city of Burlington."

9. *And be it enacted*, That the said commissioners may sue and be sued and prosecute or defend any action or process at law or in equity by the name of "the water commissioners of the city of Burlington" against any person or persons for money due for the use of water, for the breach of any contract expressed or implied, touching the execution or management of the works, or the distribution of the water, or of any promise or contract made to or with them, and also for any injury, trespass or nuisance, done or suffered

to the water reservoirs, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or of any improper use or waste of the water, and any vacancy or the filling of any vacancy in the board of commissioners either before or after any cause of action arises, or suit is commenced shall not change the right of said commissioners as a body to commence, maintain or defend such action or suit, but for such purposes and in such cases they shall be considered from the time of the organization of the board as a body corporate.

10. *And be it enacted*, That it shall be the duty of said commissioners to erect and maintain fire plugs in the public streets of said city, through which water pipes shall have been laid in such number and locations as the common council may from time to time direct, and to supply the same with water; and such plugs shall be under the control and direction of the common council, who are hereby authorized by ordinance to make the necessary rules and regulations respecting the use thereof, and to prescribe penalties for their violation and the mode of collecting such penalties.

Fire plugs to be under the control of common council.

11. *And be it enacted*, That the said commissioners shall elect annually one of their number to be president of the board, who shall, under their direction, have the general superintendence of the water works and the business of the board; the president, or in his absence, one of the commissioners appointed by the board for that purpose, shall sign all contracts and all orders on the treasurer for the payment of moneys which may be authorized by the said commissioners.

Election of president, his powers and duties.

12. *And be it enacted*, That the said commissioners shall require and take from their treasurer and such officers and agents as they may appoint, such bonds and securities for the faithful performance of their duties as they may deem proper.

Commissioners may require bonds from treasurer, &c.

13. *And be it enacted*, That Samuel W. Earl, J. Howard Pugh, M. D., Franklin Gauntt, M. D., Richard F. Mott, George I. Miller and John Mitchell, shall constitute the first board of water commissioners, and shall, at their first meeting, determine by lot or otherwise, the terms during which they shall hold their offices, and these shall be as follows: two of them shall remain in office one year, two of them two years and two of them three years, all to be computed from the first day of July next.

Names of first board of commissioners.

Annual elec-
tion of com-
missioners.

14. *And be it enacted*, That the common council of said city shall, in the month of June, at their regular monthly meeting in the year one thousand eight hundred and seventy-four, and in the same month in every year thereafter, elect two commissioners, who shall hold their office for three years, to be computed from the first day of July next ensuing their election; and any vacancy that may occur in said commission by death, resignation or otherwise, shall be filled by the common council, at a regular monthly meeting, but the person appointed to fill such vacancy shall hold his office only for the residue of the term for which he may be appointed; *provided*, that no member of common council shall be appointed water commissioner, or act as such after his election as a member of said council.

Proviso.

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

Approved March 11, 1873.

CHAPTER CLXVII.

An Act to confirm the Proofs and Acknowledgments of Deeds and other Writings of Daniel P. Naylor, late Commissioner.

Preamble. WHEREAS, it is represented that Daniel P. Naylor, of the township of Burlington, in the county of Burlington, and state of New Jersey, late commissioner, appointed and duly commissioned to take the proof and acknowledgments of deeds and other writings, under misapprehension as to the time when his term of office commenced, took the proof and acknowledgments of certain deeds and other writings after his term of office expired; therefore,

Acts legal-
ized and
made valid

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the acknowledgments of deeds and other writings taken and certified to by the said Daniel P. Naylor after his term of office expired, be and the same are hereby declared and made valid and effectual in law, and shall in all courts be held, taken and adjudged