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# ACTS

WILLIAM L. BROWN  
GOVERNOR  
TREASURER

OF THE

## SEVENTY-SIXTH LEGISLATURE

OF THE

# STATE OF NEW JERSEY,

AND

## EIGHTH SESSION UNDER THE NEW CONSTITUTION.



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## CHAPTER CXLIV.

AN ACT to incorporate the Hackettstown Aqueduct Company.

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 Hackettstown Aqueduct Company may be opened within six months after the passing of this act, by William Rea, Robert Stelle, Lewis C. Cook, William L. Johnson and Robert Rusling, 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 said books, in five public places in Hackettstown and vicinity.

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 dollars, to be divided into shares of twenty 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 Hackettstown Aqueduct Company, and by that name shall be capable of purchasing, or otherwise becoming seized and possessed of, holding and conveying real and personal estate, and of using, hiring and renting, and otherwise disposing of the water they may raise and procure; shall have power to make and 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 Hackettstown with pure and wholesome water.

3. *And be it enacted*, That at the time of subscribing for said stock, one dollar 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 said subscriptions shall be paid in such instalments, at such times and places, and to such person or persons as the president and directors of said company shall from time to time direct, by notice being posted in three of the most public places in said town of Hackettstown; 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 said instalments, or any one of them, to the use of the said company.

**Election of directors.**

4. *And be it enacted*, That when one hundred shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice, by posting in three public places in said town of Hackettstown, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon elect by ballot five directors, a majority of whom shall be resident in Hackettstown, to manage the affairs of said company for one year, of which election some discreet person to be chosen by said commissioners, or a majority of them, shall be judge, and at the expiration of that term, and annually thereafter, at a day and hour 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 Hackettstown as aforesaid; and in all cases of elections, the stockholders may vote either in person or by proxy, and each stockholder shall have a vote for each and every share he holds.

**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 have been elected, and shall receive such compensation for his services as the said directors, or a majority shall direct, and shall be the presiding officer at all meetings of said directors, and have the casting vote when they shall be divided; shall have charge of the seals of said company, and shall appoint the judge or judges of all elections by the stockholders; and in case of his absence, death, refusal or inability 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.

6. *And be it enacted*, That if from any cause any election hereinbefore named, shall not be held at the time specified therefor, this charter shall not be avoided thereby, but the same may be made at any time upon 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.

Corporation not dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That three directors, of whom the president shall be one, shall be a quorum for business, and the said directors, or a majority of them, shall have power to fill any vacancy in their body occurring between the annual elections, occurring 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 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 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, or who may be benefitted by the use of said water, in order to regulate the use of 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 ten dollars; *and provided also*, the person offending shall have notice two weeks before an action is brought, which penalties and forfeitures shall be recoverable in the name of the said company, before any justice of the peace of the county of Warren, 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 gen-

Duties and powers of directors.

Provide.

Provide.

**Proviso.**

eral government of the company and the management of its affairs; *provided*, the same be not repugnant to the constitution and laws of this state or of the United States.

**Company authorized to convey water into Hackettstown.**

8. *And be it enacted*, That it shall be the duty of the president and directors, as soon as may be after the company shall have been organized, to proceed to bring and convey into the town of Hackettstown, by means of pipes, conduits, forcing pumps or other machinery, water from the Musconetcong river, or from some spring or springs, the right to which and to the stream or streams flowing from the same, shall have been previously vested in said company; also to provide proper cisterns or reservoirs, the site or sites for which shall have been previously vested in the said company; to dig ditches and lay pipes or conduits, and to alter and repair the same, and for this purpose to enter upon and through such lands and enclosures as may be deemed necessary, doing as little damage as possible, and paying for any damage done to the said lands and enclosures; and in case of disagreement between the parties, as to the sum to be paid for such damage, it shall be the duty of the said parties, each to choose a respectable freeholder, (not a stockholder in the company,) and they shall choose a third, whose judgment, or the judgment of any two of them, shall be final.

**Dividends.**

9. *And be it enacted*, That the stock of the said company 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.

**Company authorized to lay down pipes.**

10. *And be it enacted*, That it shall and may be lawful for the said company to lay, sink and extend their said pipes, conduits and branches, through such of the streets and highways of said town of Hackettstown, 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 said company, as soon as may be compatible with a judicious prosecution of the said works.

11. *And be it enacted*, That if any person or persons 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 be deemed guilty of a misdemeanor, and upon conviction thereof, shall pay a fine of triple the amount of damages, or imprisonment in the county jail for a term of not less than thirty days, nor more than one year, or both together, with the costs thereon, at the discretion of the court having competent jurisdiction.

12. *And be it enacted*, That this act shall be deemed and taken for a public act, and go into effect immediately.

Approved March 10, 1853.

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## CHAPTER CXLV.

A further supplement to the act entitled "An act to incorporate the Paterson Fire Association," passed November thirtieth, eighteen hundred and twenty-one.

WHEREAS, by a supplement to said act, approved March seventh, eighteen hundred and forty-eight, the officers of the Paterson Fire Association, and the members of the fire department of said association are exempted from service of jury-men in all courts of the county of Passaic, during their term of service in the said association and fire department; and whereas, said supplement contains no mode of ascertaining the names of the persons thereby exempted from such service; therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the president of the said Paterson Fire Association shall, within twenty days after his election, in each and every year, cause to be filed with the clerk of the county of Passaic, a list of the officers of the Paterson