

ACTS

OF THE

Ninety-fourth Legislature

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-SIXTH UNDER THE NEW CONSTITUTION



NEWARK, N. J.:

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1870.

vessels or boats, which shall arrive at and enter the said harbor or creek, and load, unload or make fast to any wharf therein, double the amount of fees above specified, according to the rates of tonnage or burden of said ships, vessels or boats, respectively, to be ascertained by their respective registers or other documents on board the same.

Penalty for non-payment of fees.

5. *And be it enacted*, That the master, owner or consignee of any ship, vessel or boat, subject to the payment of fees to the harbor master as aforesaid, shall, within forty-eight hours, after the arrival of such ship, vessel or boat, pay the fees so due thereon, at the office of the said harbor master, and in default of such payment, such master, owner or consignee, shall forfeit and pay double the amount of such fees, to be sued for and recovered by the said harbor master, and for his use in any court having cognizance thereof.

6. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXX.

An Act to authorize the President and Directors of the Hackettstown Aqueduct Company to convey their works and franchises to "The Inhabitants of the Town of Hackettstown," and to provide for the management of said works.

Preamble.

WHEREAS, "The Inhabitants of the town of Hackettstown" have purchased the whole of the capital stock of the Hackettstown Aqueduct Company, and have thus become the real owners of said works, but are compelled to manage and conduct the same pursuant to the provisions of the charter of the said company, in whom the legal title to said work is still vested; therefore,

May convey property to the town of Hackettstown

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Hackettstown Aqueduct Company, and they are hereby re-

quired, on or before the first day of May next, to convey unto "The Inhabitants of the Town of Hackettstown" all the real estate, works and property, and all the corporate rights, powers, franchises and privileges of said company, and that 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 Town of Hackettstown," 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 consist of six persons, to be appointed as hereinafter directed, and that all the authority, powers and duties relative thereto, now exercised and performed by the president and directors of said company shall be exercised and performed by said commissioners, except as is hereinafter provided, and in pursuance of this authority the said commissioners may appoint and employ all proper clerks, officers, agents and assistants, necessary or convenient for the purposes aforesaid, at such compensation as they may deem reasonable; *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.

Water works to be managed by a board of commissioners.

Proviso.

3. *And be it enacted*, That the real estate, works and property, hereby conveyed, or hereby authorized to be conveyed to "The Inhabitants of the Town of Hackettstown," and the income thereof shall be and remain liable in their hands for the payment of all debts heretofore contracted by the president and directors of the Hackettstown Aqueduct Company, and that for the purpose of paying such debts, and to provide for the further extension of said aqueduct or water works, it shall and may be lawful for the common council of said town, upon the written application of said commissioners, to issue the bonds of the town for an amount not exceeding twenty-five thousand dollars, which bonds shall have the town seal attached, and be signed by the mayor and treasurer of said town, and shall bear interest at the rate of seven per centum payable semi-annually, and shall not be liable to any tax which may hereafter be levied or assessed by order of the said common council, the principal of said bonds shall

Property and estate to be and remain liable for debts.

Proviso. be made payable at such time or times as the said common council may by ordinance prescribe; *provided*, that such bonds shall not be issued in any case unless a majority of the whole number of the common council shall concur therein, and no bonds shall be disposed of at less than their par value.

Proceeds of bonds, how applied. 4. *And be it enacted*, That the said bonds or the proceeds thereof when sold by the said commissioners, shall be applied first to the payment of the debts of the president and directors of the Hackettstown Aqueduct Company, and the balance shall constitute a fund for the future extension of said works, and shall be used exclusively for that purpose and no other, and said bonds shall constitute what shall be called the water bonds of the town of Hackettstown.

Rents and revenue, how appropriated. 5. *And be it enacted*, That the net rents and revenue received from the said water works or aqueduct 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 said bonds, and the balance thereof, if any, shall be set apart as a sinking fund for the payment of the principal of said bond, and that no part of said rents and revenues shall be appropriated or used for any other purpose whatever until the whole of said debt is paid and satisfied.

Statement of expenditures to be made. 6. *And be it enacted*, That the said commissioners shall on the last Monday of April, and the last Monday of October in each year, pay over to the treasurer of the town of Hackettstown the net rents and revenue of said aqueduct and water works, and at the same time exhibit to the common council of said town a full and detailed statement of all the expenditures of every kind and description made by them or under their order during the preceding six months, and also a full and detailed statement of all the rents, revenues and incomes of said commissioners during the said time, which statement shall be audited and approved by a majority of said common council.

Amount of deficiency to be raised by tax. 7. *And be it enacted*, That if at any time the net rents and revenues of said aqueduct or water works shall not be fully sufficient to pay the interest on the said water bonds of the town of Hackettstown, and the expenses of said aqueduct or water works, it shall be the duty of the said commissioners in the month of April in each and every year to certify to the common council of said town what deficiency it

will be necessary to raise to pay said interest and expenses, and thereupon the said common council may impose, assess and collect such an amount of tax as shall be sufficient with the revenues of said works or aqueduct to pay the interest on said bonds and the said expenses for that year, and the said common council are hereby empowered to add to the amount they now are and hereby may be authorized to raise in the general assessment such sums as shall be necessary for the purpose aforesaid, notwithstanding any limitations or restrictions contained in the charter of said town, or the supplements thereto.

8. *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 said town, and of any person or persons appointed by the said common council for that purpose, and the said commissioners shall also, once in every year, make a report to the said common council of the condition of the said aqueduct or water works, and a detailed statement of their receipts and expenditures shall be published with the annual statement of the town treasurer.

Statement of receipts and expenditures to be made annually.

9. *And be it enacted,* That all the contracts and engagements, acts and doings of the said commissioners within the scope of their duty and authority, shall be obligatory upon and be in law considered as done by the inhabitants of the town of Hackettstown, and any judgment recovered against the said commissioners in their official capacity, shall have the same force and effect as a judgment against the said town, 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 town of Hackettstown.

Contracts and engagements.

10. *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 town of Hackettstown," against any person or persons for money due for the use of the water, for the breach of any contract expressed or implied, touching the execution or management of the works or said aqueduct, or

General power.

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 connected with or belonging to said works or aqueduct, or for 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 corporate body.

Enforcement
of contracts.

11. *And be it enacted*, That all promises and contracts made by or with the president and directors of the Hackettstown Aqueduct Company, previous to the execution of the conveyance hereinbefore authorized, shall be binding on the said commissioners, and upon the other contracting party in the same manner, and to the same extent, as if said promise or contract had originally been made by or with said commissioners, and that all actions, suits and remedies, relative thereto, shall be brought, prosecuted and enforced in the manner specified in the last preceding section, as in full and ample a manner as the same might or could have been prosecuted or enforced by or against the president and directors of the Hackettstown Aqueduct Company, in case this act had not been passed.

Commissioners to regulate the use and supply of water, &c.

12. *And be it enacted*, That the board of commissioners for the time being, shall have power 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 the reference to the use and mode of drawing the water, the collection of water rents, and the mode of enforcing such collections, and they shall have power to impose such penalties in addition to the cutting off the water, as they may deem expedient, for the violations of such rules and regulations and restrictions.

Erection of fire plugs.

13. *And be it enacted*, That it shall be the duty of the commissioners to erect and maintain fire plugs in the public streets of said town through which water pipe shall have been laid in such numbers 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.

14. *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 or aqueduct 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.

15. *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. Treasurer and officers to give bonds.

16. *And be it enacted*, That John Shields, Isaac W. Crane, Redding Bell, Robert Rusling, Lewis J. Youngblood, William L. Johnson, 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 May next. First commissioners.

17. *And be it enacted*, That the common council of said city, shall in the month of April, eighteen hundred and seventy-one, 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 May 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 the common council shall be appointed a water commissioner, or act as such after his election as a member of said council. Commissioners to be elected annually. Provide.

18. *And be it enacted*, That all acts or parts of an act

Repealer. conflicting with this act, be and the same are hereby repealed.

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

Approved March 17, 1870.

CHAPTER DXXI.

An Act to incorporate the Weehawken Railway Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick H. Cossitt, William V. V. Mabin, John S. Schutze, George H. Brown, Denning Duer, A. Gracie King, Samuel B. Dod and William W. Shippen, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Weehawken Railway Company," and by that name they and their successors and assigns, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all the courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient for the objects of this corporation.

Corporate name.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, but said company may increase the same to an amount not exceeding one