

A C T S
OF THE
SIXTY-NINTH LEGISLATURE
OF THE
STATE OF NEW JERSEY,
AND
FIRST SESSION UNDER THE NEW CONSTITUTION.



TRENTON:
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1845..

AN ACT to incorporate the Mount Holly Water Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Commissioners
to open books
of subscription.

SEC. 1. Subscription books to the capital stock of the Mount Holly Water Company may be opened, within six months after the passing of this act, by Abraham Brown, Charles Bispham, James Langstaff, Clayton B. Rogers, and Richard Jones, 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 the said books, in all the newspapers published in the county of Burlington.

Amount of capi-
tal stock.

SEC. 2. The capital stock of the said company shall be fifteen thousand dollars, with the privilege of increasing the same to twenty thousand, to be divided into shares of twenty dollars each; and when two hundred and fifty shares are subscribed for, the persons holding the same, their successors and assigns, shall be, and they are hereby incorporated into a company, by the name of "the Mount Holly Water Company;" and, by that name, shall be capable of purchasing, or of otherwise becoming seized and possessed of, holding and conveying, real and personal estate, and of using, selling, 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 incorporation, which is hereby declared to be the supplying the town of Mount Holly with pure and wholesome water.

Instalments,
how paid.

SEC. 3. At the time of subscribing for the said stock, two dollars 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 said commissioners in their discretion shall direct, which money and securities shall be paid and delivered over to the treasurer of said company, as soon as one shall be appointed; and the residue of the subscriptions shall be paid in such instalments, at such times and places, and to such person or persons, as the president and directors of the said company shall from time to time direct, by notices published for two weeks, successively, in such newspaper or newspapers as may be published in the town of Mount Holly aforesaid; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the share or shares

of each and every person so failing to pay the said instalments, or any or one of them, for the use of the said company.

SEC. 4. When two hundred and fifty shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, by advertising the same in the newspapers published in Mount Holly, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon elect, by ballot, seven directors, a majority of whom shall be residents in Mount Holly, to manage the affairs of the said company for one year, of which election some discreet person, to be chosen by the said commissioners, or by a majority of them, shall be the judge; and at the expiration of that term, and annually thereafter, at a day and time 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 Mount Holly as aforesaid; and in all cases of elections the stockholders may vote either in person or by proxy; and each stockholder holding one share shall have one vote, each stockholder holding five shares two votes, and an additional vote for each succeeding five shares.

Manner of annual election of seven directors.

SEC. 5. 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 be elected, and shall receive such compensation for his services as the said directors, or a majority of them, shall direct, and shall be the presiding officer at all meetings of the said directors, and have the casting vote when they shall be divided, shall have charge of the seal of the said company, and shall appoint the judge or judges of all elections by the stockholders; and in case of his death, absence, inability, or refusal 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.

Directors to elect president.

SEC. 6. If, from any cause, any election herein before named shall not be had at the time specified therefor, this charter shall not be avoided thereby, but the same may be made at any time, on 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.

Officers to hold offices until others are elected.

SEC. 7. Four directors, with the president, shall be a quorum for business; and the said directors, or a majority of them, shall have power to supply any vacancy in their body occurring

Powers and duties of directors.

between the annual elections, 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, respectively, 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 all 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, in order to regulate the use of the 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 the sum of five dollars; *and provided also*, the said by-laws and ordinances shall be published for two weeks, successively, in one or more of the newspapers published in Mount Holly, before any attempt shall be made to enforce the same; which penalties and forfeitures shall be recoverable in the name of the said company, before any justice of the peace of the county of Burlington, 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 general 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.

Proviso.

Proceedings when company and owners of land cannot agree on value.

SEC. 8. It shall and may be lawful for the said company to erect, upon the most eligible site, on either bank of the north branch of Rancocus creek, above the road leading from Mount Holly to Vincentown, all the works necessary to promote and effect the object of this incorporation, and to take from the said creek such and so much water as may be necessary for the purposes aforesaid; and to excavate, embank, and construct upon the mount near Mount Holly, or upon the lands adjacent, a reservoir of such size, capacity, and materials as the said directors, or a majority of them, may deem necessary, and the same to repair, alter, and extend, the consent of the owner or owners of the property to be taken to be first obtained; and to lay, sink, and extend their pipes, conduits, and branches through any lands that may be, by the said directors, or a majority of them, deemed necessary for the purposes aforesaid, and the same to repair, alter, and remove, first giving notice in writing of their intention to the owner or owners or persons interested,

or to the guardian or guardians of any minors who may be interested, and making satisfaction for any damages that may be sustained by any person or persons interested in the lands or waters that may be occupied, injured, or affected by the construction of the said works and reservoir, the laying, sinking, and extending of the said pipes, conduits, and branches, and the direction and use of the said waters, according to a reasonable agreement between the parties; but in case of disagreement between the parties, as to the value or sum to be paid for such damages, then and in such case it shall be the duty of the said parties, each, to choose a reputable freeholder, not stockholders in the said company, and they two a third, whose judgment, or the judgment of any two of them, made in writing, as to the amount to be paid for the damages aforesaid, shall be conclusive; and in case such owner or owners, guardian or guardians, or person or persons interested, shall neglect or refuse, for the space of fifteen days after such notice in writing given, to choose a person as aforesaid, or cannot be found in the state of New Jersey to be served with notice as aforesaid, then it shall be lawful, on the application of the said company or their officers, for any justice of the peace of the county of Burlington, not interested, to issue his venire, directed to any constable of said county, commanding him to summon twelve good and lawful men of the county, qualified to act as jurors, not being members or stockholders of the said company, nor interested therein, who, having been duly sworn, by and before the said justice, justly and truly to assess the said damages, upon examining the lands and premises, and the facts disclosed by the evidence produced before them by the said company, or its officers, in the presence of the said justice, shall find and assess such damages as to them shall appear just and reasonable; which assessment shall be entered by the said justice in his docket, and shall be conclusive between the parties.

SEC. 9. 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 highways and streets of the said town of Mount Holly 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 earth and soil in the said highways and streets as may be necessary for the objects and purposes aforesaid; *provided*, that 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 the said company, as soon as may be compatible with a judicious prosecution of the said work.

Company authorized to lay pipes through streets.

SEC. 10. 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 pay to the said company triple the amount of the damages sustained by the said company, to be by them recovered, with costs, in any court of competent jurisdiction.

Penalty for injuring works of company.

SEC. 11. 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.

Directors to make dividends.

SEC. 12. It shall not be lawful for the said company to use their funds, or any part thereof, in banking operations.

Restriction.

Act, when to take effect.

SEC. 13. This act shall go into operation immediately.

Approved, April 5, 1845.

A supplement to "An act constituting courts for the trial of small causes."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. In all suits in any court for the trial of small causes, where the debt, demand, or matter in dispute does not exceed the sum of fifty dollars, and a trial by jury is duly demanded by either of the parties, the justice shall issue a venire to summon a jury of six men, and no more.

Justice may summon jury of six men.

SEC. 2. When the plaintiff, in an action of debt, shall demand a jury of twelve men, and such jury shall find a sum in favour of such plaintiff, not exceeding fifty dollars, and not less than ten dollars, then such plaintiff shall pay one half of the costs of such jury; and if the sum found by such jury in favour of such plaintiff be less than ten dollars, then such plaintiff shall bear the whole costs of such jury.

Costs, how paid in certain cases.

SEC. 3. When the plaintiff, in an action of debt, shall demand a jury of six men, and such jury shall find a sum, in favour of such plaintiff, under ten dollars, such plaintiff shall bear the whole costs of such jury.

Plaintiff to pay costs in certain contingency.

SEC. 4. There shall be no stay of execution upon any judgment to be obtained in this court, unless the party or parties