

A C T S
OF THE
FIFTY-SECOND
GENERAL ASSEMBLY
OF THE
STATE OF NEW-JERSEY,

AT A SESSION BEGUN AT TRENTON ON THE TWENTY-THIRD DAY OF OCTOBER,
ONE THOUSAND EIGHT HUNDRED AND TWENTY-SEVEN,
AND CONTINUED BY ABJOURNMENTS.

BEING THE FIRST SITTING.



TRENTON:
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1827.

XWZ

AN ACT to repeal certain provisions in the act entitled, "An act to constitute and make Crosswicks creek a good and lawful fence, from the place known by the name of Watson's ferry, down to the mouth of the same," passed June twentieth, one thousand seven hundred and sixty-five.

WHEREAS certain provisions in the act entitled, "An act to constitute and make Crosswicks creek a good and lawful fence, from the place known by the name of Watson's ferry down to the mouth of the same," have been considered injurious to the interests of the persons concerned therein, and the cause of their enactment having wholly ceased—
For reason whereof, Preamble.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all the following clause of the said act, to wit: "nevertheless any owner or owners of the said marsh and meadow, or person or persons leasing or renting under him or them, shall have full liberty to turn on their horses and cattle any time between the first day of September and the first day of March, not exceeding two cattle or horses to each acre of cleared or improved marsh or meadow the owner or possessor," be, and the same is hereby repealed, and the meadows mentioned in said act are hereby declared to be upon the same footing as all other lands of this state, and that they are subject to the present laws and regulations respecting fencing, draining, and all other matters and things, as if the said act had never been passed: *Provided always*, that nothing herein shall be considered as intending to repeal the provision in said act constituting and making Crosswicks creek a good and lawful fence from the place known by the name of Watson's ferry, down to the mouth of the same. Certain specified part of a former act repealed.
Proviso.

C. February 16, 1828.

SUPPLEMENT to the act entitled, "An act to incorporate the Somerville Aqueduct Company," passed November eighteenth, one thousand eight hundred and seven.

WHEREAS a number of the inhabitants of the county of Somerset, and of the vicinity of Somerville, in said county, together with the said aqueduct company, have represented to the legislature, that large sums of money have been ex- Preamble.

pended in completing the works for supplying the village of Somerville with water, and that a full and sufficient supply was effected, and the inhabitants of the county and village much accommodated by the convenience, said place being nearly central of the county, as well as the state of New-Jersey; but said company are not enabled any longer to continue this great privilege, although six or seven thousand dollars have been expended, and must eventually be lost, the logs which had conducted the water, decayed, and the inhabitants of a considerable county town are suffering much every year for the supply of said indispensable necessary of life—Therefore,

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all such persons as now are, or hereafter shall become stockholders of the said company, shall be, and they are hereby created a body corporate and politic, in name and in fact, by the name and style of “the Somerville Aqueduct and Insurance Company,” and, by that name, they and their successors may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and may have a common seal, and may change, alter, and renew the same at their pleasure, and by the same name shall be, and hereby are made capable in law of purchasing, holding, and conveying any estate, real or personal, in addition to the privileges already granted by the act to which this is a supplement: *Provided*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as may be necessary for its immediate accommodation for the transaction of its business, or such as shall have been bona fide mortgaged to it by way of security for loans or contracts made and conveyed to it in full or in part satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments for the purpose of bona fide securing any debt or debts to the said corporation, and completing said aqueduct with more permanent conductors of water: *And provided also*, that it shall not be lawful for the said company to use or employ any part of the stock, funds, or moneys thereof for or in any banking operations, or in the purchase or sale of any stock or funded debt created or to be created under any law of the United States, or of any particular state, or to emit any notes, or bills, or securities, for the payment of money, except under the seal of the said company; but it shall nevertheless be lawful for the said company to purchase and hold any such stock or funded debt, for the purpose of investing therein any part of their capital stock, funds, or moneys, and also to sell and transfer the

Style of the company.

Powers and privileges.

Proviso.

same, and again to renew such investments, when and as often as the exigencies of the said company, or a due regard to its interest shall require, and also to make loans of their capital stock, funds, or moneys on bonds and mortgages, and the same to call in and re-loan, as occasion may render expedient.

Sec. 2. *And be it enacted,* That the capital stock of the said corporation shall be fifty thousand dollars, divided into shares of twenty-five dollars each, and that subscriptions to the said capital stock be received by John Frelinghuysen, John J. Gaston, and John Torbert, or any two of them, who are hereby appointed commissioners for that purpose, and whose duty it shall be, as soon as convenient after the passing of this act, having given two weeks' previous notice of the time and place, in a paper printed in Somerville, and in one of the papers printed in New-Brunswick, and by advertisements placed up at ten of the public places in the county of Somerset, to open books of subscription at the house of John Torbert, in Somerville aforesaid, and at George Follett's, in New-Brunswick, and continue the same open until the whole amount of the stock of the said company shall have been subscribed, (giving to citizens, actual residents of this state, the privilege of subscribing for at least two-thirds of the said stock, if application be made for the same within one month from the opening of the said books of subscription) whereupon it shall be the duty of the said commissioners to call a meeting of the stockholders, by the same previous notice of the time when, and the place where, such meeting will be held, who shall proceed, in person or by proxy, to elect thirteen directors, two-thirds of whom shall always be citizens and freeholders of the state of New-Jersey, to manage the affairs of the said company; and the said directors shall proceed, in the manner herein after prescribed, to elect one of their number to act as president; and it shall be the duty of the commissioners aforesaid, to pay into the hands of the directors, all money they or any of them have received on account of subscriptions.

Amount of capital stock.

Commissioners, their duty, &c.

Sec. 3. *And be it enacted,* That the said directors shall hold their offices from the day of election until the first Monday of May following, or until others shall have been chosen, which choice of electors shall take place on the said first Monday of May in each year, or as soon thereafter as may be, at the house where such company may do their business, at such time of day as the board of directors for the time being shall appoint, and notice shall be given by the said directors, not less than twenty days previous to the time of holding the said election, by advertisements set up in three of the public places in Somerville, and to be inserted in one of the newspapers published in the city of New-Brunswick,

Annual election, when to be held, and manner of conducting the same.

and in the newspaper published in Somerville; for the well ordering of which election, the directors shall, previously thereto, appoint three stockholders, not being directors or candidates for directors, to be judges of the election, who shall conduct and regulate the same; after having been sworn or affirmed well and faithfully to discharge the duties of their office, the said judges shall determine whether the persons voted for are duly qualified to be elected directors, and, after the conclusion of the ballot, shall decide and declare who are elected directors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock, not exceeding ten, and one vote for every five shares over and above that number, which he, or she, or they, shall have held in his, her, or their name or names, at least sixty days before the time of voting; and all such elections shall be by ballot, and the persons who shall have the greatest number of votes shall be directors: and if it should so happen at any such election that two or more persons should have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed, by ballot and by plurality of votes, to determine which of the directors so having an equal number shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed, in like manner, to elect one of their number, by ballot, to be their president; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint.

Vacancies, how to be filled.

Quorum.

Sec. 4. *And be it enacted*, That seven directors, with the president, shall constitute a quorum for the transaction of business.

Directors, their powers.

Sec. 5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to appoint a secretary and such other officers, clerks, servants, and agents, as to them shall appear needful and proper; to make and prescribe such by-laws, rules, and regulations, as to them shall seem necessary, touching the government of said corporation, the management and disposition thereof, business and effects thereof, the duties and conduct of the officers, clerks, servants, and agents employed therein, the election of directors, and all such other matters as may appertain to the concerns of the said corporation, and with such salaries and allowances as to them shall seem meet: *Provided always*, that such by-laws, rules, and regulations shall not be repug-

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nant to the provisions or requirements of this charter, or to the constitution and laws of the United States, or of this state.

Sec. 6. *And be it enacted*, That five dollars be paid on each share, at the time of subscribing, to the persons heretofore named as commissioners for the purpose, and the remainder to be paid in such instalments, at such times, to such person or persons, and at such place or places as the president and directors may appoint, giving twenty days' previous notice, in manner aforesaid; and if any stockholder shall, for the space of thirty days thereafter, neglect or refuse to pay up such instalment or instalments, all and every such share or shares whereon there shall be such deficiency, and all moneys previously paid thereon, shall be forfeited to the use of the company.

Instalments, and when to be paid, on forfeiture of shares.

Sec. 7. *And be it enacted*. That it shall and may be lawful for the said company to insure houses or buildings of any description, and also personal property contained therein, of whatsoever kind, against loss or damage by fire, and shall be liable to make good all losses sustained by fire, agreeably to such terms and conditions as shall be contained in the policy of insurance.

Insurance powers, &c.

Sec. 8. *And be it enacted*. That all policies, or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president, or president pro tempore, or by such other officer as may be designated for the purpose by the by-laws of said corporation, and attested by the secretary, and, being so subscribed and attested, shall be binding and obligatory upon the said company, according to the tenor, intent, and meaning of this act, and of such policies or contracts; and all such policies and contracts may be so made, subscribed, attested, and executed, and the business of the said company may be otherwise conducted and carried on, without the presence of the board of directors, by committees or otherwise, and the same shall be binding and obligatory on the said company.

How policies may be made.

Sec. 9. *And be it enacted*, That the stock of the said company shall be assignable and transferable, according to such rules, and subject to such restrictions and conditions as the board of directors may from time to time establish, and that the said stock shall be considered personal property.

Stock assignable.

Sec. 10. *And be it enacted*, That as soon as the first instalment of five dollars on each share shall have been paid in, and the company duly organized, they shall proceed to relay the aqueduct with good and sufficient cast iron or leaden pipes, or both, of not less than two inches in diameter in the clear, for the main conveyance from the fountain to Somerville, yet leaden pipes only shall be admitted in the main

Aqueduct, how re-laid, &c.

conductor where the water is active and running, and the branch pipes of such size or sizes as may be most convenient for conveying the water to such of the inhabitants of said village as shall from time to time contract for the same, and keep the whole in good repair; and the whole of the main pipes shall be re-laid within two years from the organization thereof; and the company shall be further authorized to commence making insurance against loss or losses by fire, as aforesaid; *Provided*, that thirty thousand dollars shall be actually paid to the treasurer of the company before any policy be issued, or insurance effected.

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Rights of John Allen, Sec. how to be invested.

Sec. 11. *And be it enacted*, That all the rights and interests of the present aqueduct company, as owned, possessed, and enjoyed by John Allen, sole proprietor thereof, and one of the applicants for this supplement, shall be the right and property of the company hereby created, with all the privileges, and subject to all the restrictions in said original act: *Provided* he, the said John Allen, consent in writing thereto; and that upon the condition of his receiving for his rights and interests such sum in money, or in the stock of the company hereby created, as three such men as may be agreed upon by the commissioners for receiving subscriptions to the stock and the said Allen may appraise his rights to be worth.

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Dividends, the manner of making.

Sec. 12. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of the profits of the company as shall appear advisable; and the said dividends shall be paid out semi-annually to the stockholders, or their legal representatives; but the dividends shall at no time exceed the amount of clear profits made by the company, but the capital stock shall be, and remain unimpaired;—and if the said directors shall at any time knowingly make a dividend of the capital stock as aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them, or any of them, their heirs, executors, or administrators, in any court of record of this state, by any creditor of said company, and may be prosecuted thereon to judgment and execution; and each director present when such dividend shall be declared shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give further notice to the stockholders of the declaring of such dividend.

Annual meeting of directors.

Sec. 13. *And be it enacted*, That at the annual meeting for the choice of directors, a statement of the affairs and business of the company for the preceeding year shall be made out, and shewn for the general satisfaction of the stockholders.

Oaths of office.

Sec. 14. *And be it enacted*, That each director and secretary shall, before he enters on the duties of his office, take

the following oath or affirmation, as the case may be :—“ I do swear, or affirm, that I will faithfully execute the duties of ^{agrecably to the provisions of the law, and the trust reposed in me, to the best of my skill and understanding.”}

Sec. 15. *And be it enacted*, That this act shall continue in force for the space of twenty years; but it shall and may be lawful for the legislature, at any time hereafter, to alter, amend, or repeal the same. Limitation.

C. & A. February 16, 1828.

AN ACT to incorporate the Raritan Coal Mining Company.

WHEREAS John N. Simpson, John T. Duyckinck, Joshua Forman, and others, their associates, have, by their petition, set forth, that they are engaged in searching for mineral coal on the margin of the Raritan river, in the county of Middlesex, with a fair prospect of finding it; that it is their intention, should it be discovered, to open and work the same; and have requested the legislature to pass an act incorporating them for the purpose of enabling them to search for coal mines any where in this state, and if discovered to work them, they first purchasing or leasing the premises.—AND WHEREAS it is for the public interest that such mines and minerals should be brought to light, and worked—Therefore, Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same.* That John N. Simpson, John T. Duyckinck, Joshua Forman, and their present and future associates, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of “the Raritan Coal Mining 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 courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and they and their successors may have a common seal, and change and alter the same at pleasure, and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, goods, and chattels, wares, and Name of the company, their powers and privileges.