

*Free a Service*

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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.



BY GEORGE L. BROWN

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1852.

any manner operate so as to invalidate or prejudice any mortgage heretofore executed by the said Jesse Cole and Keziah B. Cole upon the said land and premises.

Approved March 24, 1852.

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## CHAPTER CXXXII.

A supplement to the act entitled, "An act to incorporate the Proprietors of the Trenton Water Works," passed the twenty-ninth day of February, A. D. one thousand eight hundred and three.

WHEREAS the president and directors of the Trenton water Preamble.  
works have represented, that the increase of population in the city of Trenton has been so great, that the springs from which said company have heretofore supplied said city with water, are no longer adequate to furnish the necessary quantity—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Company authorized to use the waters of the river Delaware.  
*of the State of New Jersey,* That the said the President and Directors of the Trenton Water Works, are hereby authorized and empowered to take the water which they may require, either in part or in whole, from the Delaware river, and, to that end, they are hereby invested with all the powers necessary to enable them to purchase and hold such real estate, and to construct, keep up, and maintain such reservoirs, aqueducts, and apparatus for elevating water, and such erections in the Delaware river, not obstructing the navigation thereof, and such other works, establishments, and fixtures, as may, in their opinion, be required to effectuate the objects of this act, and to lay all pipes under the streets or through private property, that may be needed to conduct said water from the river to their reservoirs, and from the reservoirs to such parts of the city and its vicinity as they may deem expedient.

Proceedings  
in case com-  
pany and  
owners of  
land cannot  
agree.

2. *And be it enacted*, That if it shall become necessary, in the opinion of said president and directors, to lay pipes through any private lands in said city, or if any private lands shall be required for erecting reservoirs or other works thereon, and no agreement can be made with the owner or owners thereof, as to the amount of compensation to be paid for laying said pipes through said lands, or the price to be paid for said lands, as the case may be, by reason of the unwillingness of said owners, or any of them, to accept such compensation or price as said president and directors may deem reasonable, or by reason of the absence or legal incapacity of said owners, or any of them, it shall be the duty of either of the justices of the supreme court, upon application in writing of said president and directors, with a map of the lands through which it is deemed necessary to lay said pipes, or a map and description of the lands so needed for said reservoirs or other works, and after ten days' previous notice in writing of such application to the owner or owners of said lands, to appoint three disinterested appraisers to determine the compensation to be paid for the laying of said pipes through said lands, or the price to be paid for said lands, as the case may be; and it shall be the duty of said appraisers, after having taken, before said justice, an oath or affirmation faithfully and impartially to discharge the duties of their appointment, and after having carefully viewed the premises, within twenty days after their appointment, to deliver to said president and directors a written appraisalment, under the hands and seals of them, or a majority of them, of the award they may have made; which map, description, and award the said president and directors shall cause to be recorded in the registry of deeds for the county of Mercer, and upon payment or tender, by or on behalf of the said president and directors, to such owner or owners as aforesaid, or some one of them, of the sum awarded in such appraisalment, if any, then the said president and directors shall have the right to lay said pipes through the lands aforesaid, or shall be deemed seized in fee simple of the lands so required for the erection of said reservoirs or other works as aforesaid; and in case any owner or owners of such lands shall be feme covert, under

age, non compos mentis, or out of the state, then and in that case it shall be sufficient for said president and directors to pay the amount of said appraisement into the court of chancery, subject to the order of said court, for the use of the party or parties entitled to the same, the costs of all which proceedings shall be taxed by the said justice of the supreme court, and paid by said president and directors.

3. *And be it enacted*, That in case the said president and directors, or the owner or owners of the said land, shall be dissatisfied with the award of the appraisers provided for in the preceding section, and shall apply to the supreme court, at the next term after filing said award, the court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next circuit court to be holden in the county of Mercer, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or damages sustained; and if they shall find the same or a greater sum than the said appraisers shall have awarded in favor of the said owner or owners, then judgment therefor, with costs, shall be entered against said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the said president and directors may have offered or the said appraisers awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking or laying pipes through said lands upon the award of the appraisers, the value or damages being first paid, or upon a refusal to receive the same, upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

Parties ag-  
grieved may  
appeal.

Company  
may enter  
on lands for  
purposes of  
repairs, &c.

4. *And be it enacted*, That whenever it shall become necessary to make any repairs or alterations in any pipes

which may have been laid through any private lands, either by virtue of the preceding section or by agreement with the owner or owners thereof, it shall be lawful for said president and directors, with their workmen and agents, and with necessary vehicles, tools, and implements, to enter upon said lands, and make the necessary repairs and alterations, doing no unnecessary damage; but nothing herein shall be so construed as to protect the said president and directors, or their workmen or agents, from any action that may be brought against them, individually, by the owner or owners, occupant or occupants, of said lands, for any damage which they may have wilfully or unnecessarily done.

Water rents  
to draw in-  
terest.

5. *And be it enacted*, That the rents for the use of the water which said company may supply, shall draw interest from the time they become due.

Penalty for  
adulterating  
water.

6. *And be it enacted*, That if any person shall wilfully pollute or adulterate the water in any reservoir belonging to said company, he or she, so offending, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding five hundred dollars, or by imprisonment at hard labor, not exceeding three years, or both, at the discretion of the court before whom such conviction may be had.

Rights, pow-  
ers, and pri-  
vileges.

7. *And be it enacted*, That the said the President and Directors of the Trenton Water Works shall continue to have and possess all the rights, powers, franchises, and privileges which they now have and possess by virtue of the act to which this is a supplement, or the agreement referred to in said act, or the act entitled, "An act to authorize Stephen Scales to convey the water from his spring, through the several streets of the city of Trenton," passed the third day of December, A. D. one thousand eight hundred and one; and that said rights, powers, franchises, and privileges shall be deemed to be enlarged, so as to embrace the rights, powers, franchises, and privileges given to said corporation by this act, to all intents and purposes as if the same had been conferred on said company at the time it was first established.

8. *And be it enacted*, That the capital stock of said com-

pany shall be deemed to be twenty thousand dollars, divided into shares of fifty dollars each, as fixed by the stockholders thereof, at a meeting held on the tenth day of June, A. D. one thousand eight hundred and thirty-nine; and that the stockholders of said company may, from time to time, increase said capital stock to any sum not exceeding one hundred thousand dollars, in order to carry into effect the objects of this act.

Approved March 24, 1852.

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## CHAPTER CXXXIII.

A supplement to an act entitled, "An act to incorporate the Salem County Mutual Fire Insurance Company," passed February twenty-eighth, eighteen hundred and forty-nine.

WHEREAS there is nothing in the act, to which this is a supplement, defining in express terms the powers of the company incorporated thereby, by reason whereof doubts may arise concerning the nature and extent of those powers—

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Salem County Mutual Fire Insurance Company shall have power to insure houses and other buildings, and all kinds of personal property, against loss or damage by fire; and that all such insurances heretofore effected, and all acts done by the said company, shall be deemed as valid and effectual as if the powers herein mentioned had been expressly conferred by the act to which this is a supplement.

Approved March 24, 1852.