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(New Brunswick)
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CHARTER

OF

The New Brunswick

WATER COMPANY,

AND THE

FURTHER SUPPLEMENTS THERETO.

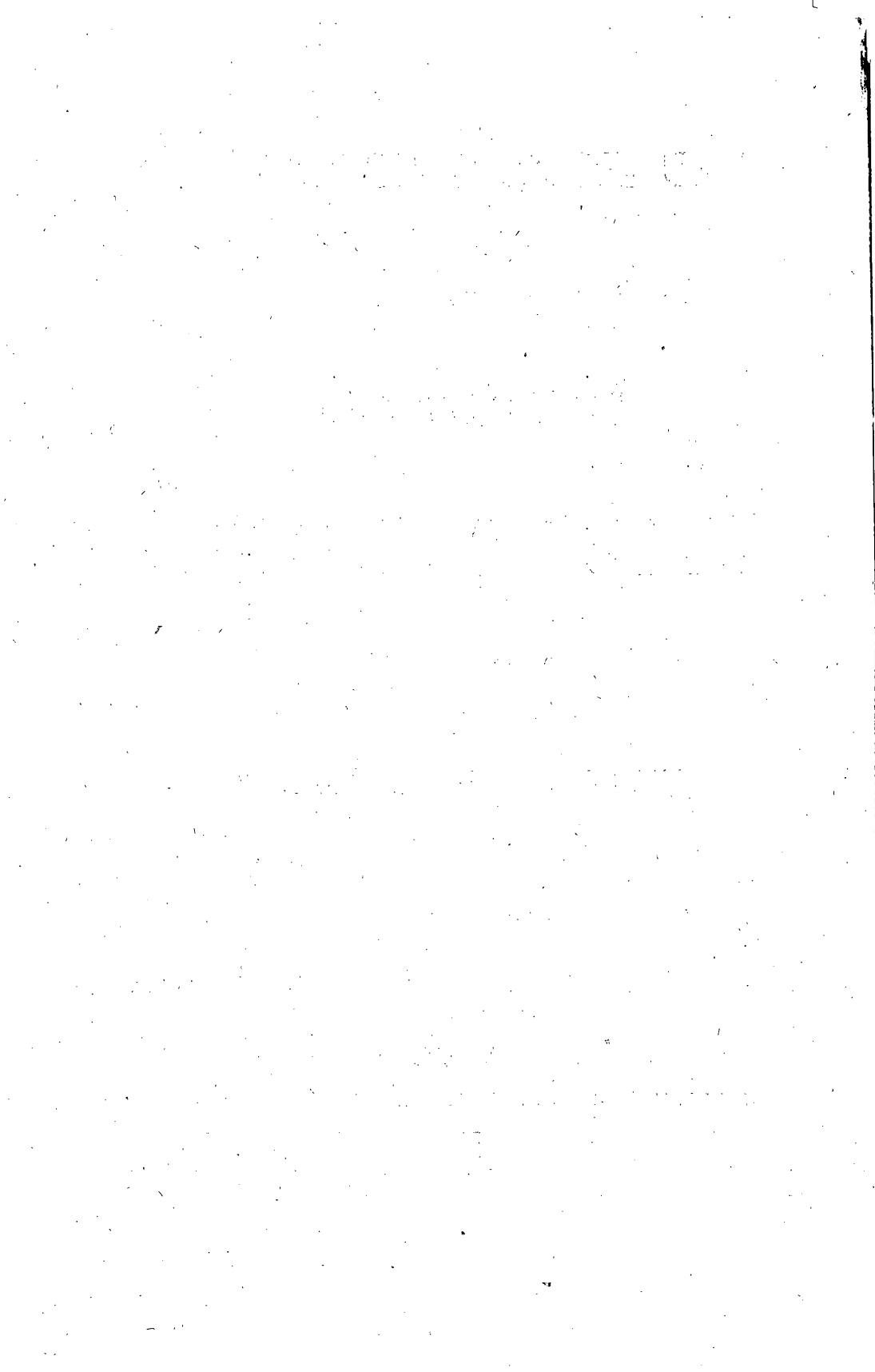


New Brunswick:

WILLIAM SAMPSON, PRINTER AND STATIONER.

1864.

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AN ACT TO INCORPORATE

THE

NEW BRUNSWICK WATER COMPANY.

1. *Be it therefore enacted by the Senate, and General Assembly, of the State of New Jersey,* That Henry L. Janeway, Ezekiel M. Patterson, A. D. Newell, P. V. D. Hoagland, Lyle Van Nuise, Christopher Meyer, James Bishop, Allen H. Robbins, and such other persons as may hereafter be associated with them, 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 New Brunswick Water Company." And they and their successors, by the same name and style, shall be capable of purchasing any real or personal estate necessary and expedient to the objects of this incorporation.

2. *And be it enacted,* That the capital stock of said Company shall be one hundred thousand dollars, with the privilege of increasing the same to three hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall, by their By-laws, direct.

3. *And be it enacted,* That the above-named persons, or a majority of them, shall be Commissioners, to open books to receive subscriptions to capital stock of said corporation, at such time or times, place or places, in the city of New Brunswick, as they, or a majority of them, may think proper; the

books for subscription shall be kept open for, at least, three days, from ten o'clock in the morning until five o'clock in the afternoon. Upon fifteen days' notice being given in both the newspapers published in New Brunswick, and at the time of subscribing, ten per cent. shall be paid on each share when subscribed for, to the Commissioners, or one of them; and, as soon as two thousand shares of the said stock shall be subscribed, such Commissioners shall give like publication for a meeting of the stockholders to choose seven Directors, a majority of whom shall reside within the present limits of the corporation of said city; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling the holder thereof to one vote. And the said above-named persons, or any three of them, shall be inspectors of the first election of Directors of the said incorporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books and money paid in to the said Directors, deducting a reasonable compensation for their own services. And the time and place of holding the first meeting of the Directors shall be fixed by said inspectors; and the said Directors shall, as soon as may be after the election, choose a President out of their own number, who shall reside within the aforesaid limits, and the Directors chosen at each annual meeting thereafter, on the second Monday in June, or on such other day as the Directors, for the time being, shall designate, by a publication in the papers as aforesaid, shall elect a President, as aforesaid; and in case of death, resignation, or removal of the President, or any Director, the vacancy may be filled by the Directors for the remainder of the year. And the said Company, when organized as aforesaid, shall have power to erect and maintain all necessary water-works, fountains, reservoirs, and conduits; and, also, to obtain and secure the right to use, divert, and appropriate any springs, streams, and ponds of water, or either, in the counties of Middlesex or Somerset, as they may deem necessary for the purposes hereby contemplated.

4. *And be it enacted,* That four Directors shall constitute a quorum, who shall be competent to transact all business of the said corporation ; the Directors shall have power to call in the remainder of the stock subscribed for, by installments of two dollars each, upon thirty days' notice, published in said newspapers : provided that not less than thirty days shall intervene between the payments of the respective installments. They shall have power to forfeit shares, upon which default shall arise, to and for the use of the Company, and, also, to appoint and remove such officers and workmen, and fix the salaries of their officers, as to them shall seem proper, and annually appoint inspectors of election for Directors.

5. *And be it enacted,* That the President and Directors of the said Company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey and lay out the site for one or more reservoirs, drains, ditches, conduits, aqueducts, pipes, fountains, water-wheels, force-pumps, and all other works and devices which they may deem necessary for supplying the city of New Brunswick, within the limits aforesaid, with water sufficient for extinguishing fires, culinary and other family uses, watering the streets, and all such other purposes as may conduce to the health and comfort of the citizens ; and it shall be lawful for the said President and Directors, or others in their employ, to enter, at all times, upon all lands or water in said counties, and survey, search, excavate, and bore for water, and examine the quality thereof, and locate all and singular the reservoirs, drains, ditches, aqueducts, pipes, fountains, water-wheels, force-pumps, and buildings, and all other necessary works and appendages thereto ; doing no unnecessary damage to private or other property. And when said locations shall have been determined on, the President and Directors shall cause a map to be made of all the lands (except streets now in use), which they require for the purposes aforesaid, and file the same in the office of the Clerk of Middlesex, and then it shall be lawful for the said Company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their

employ, to enter upon, take possession of, hold, have, use, occupy, excavate, erect reservoirs, water-wheels, wheel-houses, force-pumps, and do all other things which shall be suitable or necessary for completing the works hereby contemplated, as is hereinafter provided for.

6. *And be it enacted*, That, if the said Company, or its agents, can not agree with the owner or owners of such required lands, for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, the said Company shall give notice to the persons interested, if known, and in the State, or if unknown, or out of this State, by publication in both the New Brunswick papers that they intend to make application to one of the judges of the Court of Common Pleas, in said county, on a day and a place to be named in said notice, and not less than twenty days from the publication thereof, for the appointment of three Commissioners, and on the said day, and at the place named in said notice, the said judge shall make such appointment under his hand and seal. And it shall be the duty of said Commissioners (having first taken an oath or affirmation before some person authorized to administer the same) faithfully and impartially to examine the matter in question and make a true report, according to the best of their skill and understanding, to meet at such time and place as they shall designate, giving at least fifteen days' notice of their said meeting, as herein before directed; and on the day so appointed to proceed to view and examine the said lands, and make a just and equitable estimate of the value of the same, and assess the damages which will accrue from erecting said work; and the said Commissioners shall report in writing to the parties interested, the whole amount which the Company must pay each owner, stating in said report the metes and bounds of the land assessed, which said report the said Company shall file in the office of the Clerk of the County of Middlesex or Somerset, to remain of record therein, and a copy, certified by the clerk of said counties, shall at all times be considered as plenary evidence of the right of said Company to have, hold, use, occupy, possess, and enjoy the

land so described; and it shall be the duty of said Company to pay the said owner or owners the amount assessed as aforesaid, or in case the owner or owners refuse to receive the same, or live out of the State, or are incapacitated by law to receive the same, then said sum shall be paid and delivered to the Clerk of said County, to be by him retained for such owner, and upon making payment in either of the ways above stated, the title of the premises mentioned in said award, and so paid for, shall be vested in said Company.

7. *And be it enacted*, That if the said owners, or any of them, are dissatisfied with the report of the Commissioners named in the preceding section, the said party so dissatisfied may appeal to the Circuit Court of said county at its next term, whereupon the said court shall proceed to hear and determine the whole matter in the same manner as if such owner had summoned the said Company to appear before them; and if the jury, upon the trial of the cause, shall find a greater sum than the Commissioners have awarded, or the Company offered, in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the Company, which shall constitute a lien upon the premises in question, which said lien shall have priority over any other incumbrance which said Company may have given; but if the said jury shall find the same or less amount than the Company shall have offered, or the said Commissioners awarded, then the person appealing shall pay the cost, in such manner as the court shall direct.

8. *And be it enacted*, That if any person or persons shall willfully do, or cause to be done any act or acts whatever, thereby to injure reservoir, conduit, pipe, cock, machine, or structure whatsoever, or any thing appertaining to the works of the said corporation, whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and, being thereof convicted, shall be punished by fine, not exceeding three hundred dollars, or imprisonment, at hard labor, not exceeding two years, or both. Provided such criminal prosecution shall not in any wise im-

pair the rights of action for damages by a civil suit hereby authorized to be brought for any such injury as aforesaid, by and in the name of said corporation, in any court of this State having cognizance of the same.

9. *And be it enacted*, That said Company be, and they are hereby, fully authorized to lay their pipes beneath such public roads, streets, avenues, and alleys, as they may deem necessary for the purposes aforesaid; free of all charge to be made by any person or body politic whatsoever, for said privilege; and also such hydrants at the crossings or intersections of said streets and alleys. Provided that the said pipes shall be laid at least two feet below the surface of the same, and shall not in any wise unnecessarily obstruct or interfere with the public travel, or damage public or private property.

10. *And be it enacted*, That said Company may sell and dispose of the water issuing from reservoirs, aqueducts, or pipes, for such price or prices, or quarterly or annual rents, and such restrictions as they may think proper.

11. *And be it enacted*, That if the work of constructing said reservoirs and appendages, shall not be commenced in good faith, in four years from the date of the approval of this act, the same shall be null and void.

12. *And be it enacted*, That this act shall go into effect immediately.

Approved March 29, 1859.

S U P P L E M E N T

TO

An Act entitled, "An Act to Incorporate the New Brunswick Water Company." Approved March first, eighteen hundred and fifty-nine.

Whereas, it is believed that the objects of said incorporation would be more speedily and effectually attained, if the city of New Brunswick were empowered to subscribe for a portion of the capital stock of said Company, therefore,

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Common Council of the City of New Brunswick, to subscribe to the capital stock of the New Brunswick Water Company, to an amount not exceeding fifty thousand dollars, and to issue and to sell its bonds in payment, therefore,

2. *And be it enacted*, That in case the said Common Council shall so subscribe to, and pay for, said stock, they shall have the right to vote on the said shares of stock, or any of them by proxy, and shall be entitled to appoint as many Directors of said water-works as the shares held by the city shall be in proportion to the whole number of shares of said water-works. Provided, that no member of said Common Council shall be appointed such Director.

3. *And be it enacted*, That at the next annual election for the officers of said city of New Brunswick, the electors of said city shall vote upon the question of subscribing to said stock, and of issuing the bonds of said city, as authorized by this act ;

those in favor thereof depositing ballots with the words "For Water Loan," written or printed thereon, and those opposed thereto depositing ballots with the words, "Against Water Loan," written or printed thereon; and the result of such election shall be certified by the election officers to the President of Common Council at their next meeting; and if it shall appear that a majority of the electors of said city, voting for or against said loan at such election have voted in favor of such loan, then this act shall take effect immediately; but, if otherwise, then this act shall be void.

Approved March 15, 1861.

A FURTHER SUPPLEMENT

TO

An Act entitled "An Act to Incorporate the New Brunswick Water Company." Approved March first, one thousand eight hundred and fifty-nine.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That the time for the commencement and completion of the works of the Water Company, authorized by the act to which this is a supplement, be extended for five years from the time fixed by said act.

Approved March 28, 1862.

FURTHER SUPPLEMENT

TO

An Act entitled "An Act to Incorporate the New Brunswick Water Company." Approved March first, eighteen hundred and fifty-nine.

Whereas, The said Incorporation will be unable to commence the construction of their works as required by the eleventh section of their act of incorporation, and *whereas*, an extension of said limitation is necessary, therefore,

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the time for commencing the construction of said works be extended, and if the work of constructing shall not be commenced on or before the first day of March, eighteen hundred and sixty-seven, this act shall be null and void.

2. *And be it enacted*, That Henry R. Baldwin, James Hutchings, McRee Swift, Benjamin D. Stelle, Frederick Staat, Garret G. Voorhees, Lewis Hoagland, and Johnson Letson, be added to and associated with the corporators and Commissioners named in the first section of the act to which this is a supplement, and that said above-named persons, in connection with those named in said first section of said act, have the powers and perform the duties delegated and set forth in said act and the supplement thereto.

3. *And be it enacted*, That the amount of subscription of the city of New Brunswick to the capital stock of said Water

Company, authorized by a supplement approved March fifteenth, eighteen hundred and sixty-one, be limited to seventy-five thousand dollars.

4. *And be it enacted*, That, in order to expedite the construction of said water-works, the Mayor and Common Council of the City of New Brunswick be, and hereby are, empowered to appoint a special election, for the purpose of enabling the electors of said city to vote upon the question of subscribing to the stock of said Water Company, and of issuing the bonds of the said city in payment therefor. The said election to be conducted, in all other respects, as provided in the third section of the supplement to the act of incorporation above referred to.

5. *And be it enacted*, That all acts and parts of acts conflicting with this act be, and the same are hereby, repealed, and that this act shall take effect immediately.

Approved March 19, 1863.