

AN ACT

RELATING TO

THE JERSEY CITY

Water and Drainage


WORKS.

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STATE OF NEW JERSEY.

A N A C T

Relating to the Jersey City Water and Drainage Works.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the Mayor and Common Council of Jersey City be, and hereby are authorized in the manner hereinafter provided, to take and convey into and through Jersey City, and such other places adjacent thereto, as may desire the same, such portion of the water of Passaic river flowing between the villages of Acquackanonk and Belleville, as may be required to furnish the inhabitants of the said places, with a sufficient quantity of pure and wholesome water for domestic and other purposes.

Authority to take water from Passaic river.

2. *And be it enacted*, That all authority granted or given by this act, shall be exercised exclusively by and through a board of commissioners to be appointed as hereinafter directed; and in pursuance of this authority, the said commissioners may employ all proper engineers, surveyors, clerks, and other agents and assistants, necessary or convenient for accomplishing the purpose contemplated by this act, and may enter upon any land or water for the purpose of making surveys and examinations for the same.

Authority to be exercised by water commissioners.

3. *And be it enacted*, That the said commissioners shall, for and in the name of "the Mayor and Common Council of Jersey City," take and hold any lands or other real estate necessary for the construction of any canals, aqueducts, reservoirs, or other works for conveying or containing water, or for the erection of any buildings or machinery, or for laying any pipes or conduits for conveying the water into or through

Land may be taken.

the said places, or for the construction of the sewerage works provided for in this act, or to secure and maintain any portion of the works; and in general to do any other act necessary or convenient for accomplishing the purposes contemplated by this act; and may distribute water throughout the corporate limits of Jersey City, and through such portions of the counties of Hudson and Bergen as the inhabitants thereof may desire.

Water may be distributed.

4. *And be it enacted*, That in case of any disagreement between the commissioners and the owners of any lands or water rights which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or a married woman, or unknown, or insane, or shall be absent from this state, the circuit court in and for the county of Hudson shall, on the application of either party, nominate and appoint three disinterested persons, to examine such property, and estimate the value thereof, or damage sustained thereby; and who shall, after reasonable notice to the parties, of the time and place where they will be heard in relation to the matter, proceed without delay to make their report thereon, and deliver the same to the court at the next session thereof, which shall be held in the said county.

How disagreement about land to be settled.

5. *And be it enacted*, That whenever such report shall be confirmed by the court aforesaid, the commissioners shall, within two months thereafter, pay to the said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be; and thereupon the Mayor and Common Council of Jersey City shall become seized in fee of such property so required, and shall be discharged from all claim by reason of such damage; but no claim shall be made or allowed after the expiration of three years from the time the land is taken, or the damage suffered.

Money therefor paid into court.

6. *And be it enacted*, That the commissioners in behalf of the Mayor and Common Council of Jersey City, and all

Works may be built under roads.

persons acting under their authority, shall have the right to use the ground or soil under any road, railroad, highway, street, lane, alley, or court, within this state, for the purpose of constructing the works contemplated by this act, on condition that they shall cause the surface of such road, railroad, highway, street, lane, alley, or court, to be restored to its original state, and all damages done thereto to be repaired.

7. *And be it enacted*, That all contracts for materials, or for the construction of the work, shall be made in writing, and of each contract three copies shall be taken, which shall be numbered with the same number and endorsed with the name of the contractor, and a summary of the work to be done or materials furnished; one of such copies shall be deposited with the comptroller of Jersey City, or such other officer as the Common Council may direct, and one shall be retained by the commissioners.

Contracts to be in writing.

8. *And be it enacted*, That public notice shall be given of the time and place at which sealed proposals will be received for entering into contracts, by publishing the same in two newspapers published in the county of Hudson for at least twenty days; and all proposals for contracts shall be for a sum certain, as to the price to be paid or received; and no proposition which is not thus definite and certain, or which contains any alternative, condition or limitation as to price, shall be received or acted upon; nor shall more than one proposition be received from any one person for the same contract, directly or indirectly; and all the propositions of any person offering more than one, shall be rejected; and every person or persons proposing as aforesaid, shall accompany such proposition with a bond, to be approved by the commissioners, conditioned to faithfully carry into effect his or their proposition, if accepted.

To advertise for proposals.

9. *And be it enacted*, That every person who shall enter into any contract with the commissioners, for the supply of materials or the performance of any work or labor, shall give satisfactory security for the faithful performance of his contract, according to its terms; and no commissioner shall be interested, directly or indirectly, in any contract relating to said work.

Contractors to give security.

No commissioner to be interested.

Materials
exempt
from execu-
tion.

10. *And be it enacted*, That all materials procured, or partially procured, under contract with the commissioners, shall be exempt from execution; but it shall be the duty of the commissioners to pay the moneys due to such contractor, for such materials, to the judgement creditor of the contractor, under whose execution such materials might otherwise have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held as valid payment on the contract.

Stock au-
thorized.

11. *And be it enacted*, That for the purpose of defraying all the expenses and the cost of such lands as shall be taken or purchased for the purposes of this act, and for constructing all works necessary to the full accomplishment thereof, and all expenses incidental thereto, said board of commissioners shall have authority to issue in the name of the said Mayor and Common Council of Jersey City, notes or scrip, or certificates of debt, to be denominated on the face, "Jersey City Water Scrip," to an amount in the whole not exceeding two millions of dollars, including the amount already issued, bearing an interest not exceeding seven per cent. per annum, and said interest shall be payable semi-annually, and the principal of said debt shall be payable at periods not less than fifteen, or more than fifty years from date; and the commissioners may sell the same, at public or private sale, at par or above, at such time as the proceeds thereof may be required for the construction of the works, or may pledge the same, for money borrowed at a higher rate of interest, if in their opinion, the necessities of the work require such proceeding; provided, that no higher rate of interest be paid for any sum of money borrowed on a pledge of said scrip than at the rate of seven per cent. per annum and the payment of all interest accruing beyond the amount which may be paid from the rents received for the use of the water, shall be provided for and paid by the Mayor and Common Council of Jersey City, who are hereby authorized and required to raise and assess for that purpose, by tax, such amount as may be necessary, above the other taxes authorized by law. All certificates issued as aforesaid, shall be

signed by the commissioners, or a majority of them, and countersigned by the mayor of Jersey City; and a record of all certificates issued or disposed of shall be kept by the commissioners, and copies of such record shall be made and delivered to the treasurer of Jersey City; all moneys received by the commissioners shall be deposited by them in some bank or banks of good credit in the state of New Jersey or in the city of New York, and be made payable to the joint order of the president, and at least two other members of the board only.

12. *And be it enacted*, That the commissioners shall keep regular books of accounts, and books for recording the whole of their official proceedings; and the said commissioners, and the clerks employed in their service, shall be sworn to the faithful performance of their duties; and all such books shall be open to the examination of any person or persons appointed for that purpose by the Mayor and Common Council of Jersey City; the commissioners shall also on the first Tuesday in January, in every year, make a report to the said Mayor and Common Council of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

Commis-
sioners to
keep books.

To make
reports.

13. *And be it enacted*, That the board of commissioners, for the time being, shall regulate the distribution and use of the water, in all places, and for all purposes, where the same may be required, and from time to time shall fix the price for the use thereof, and the times of payment; and may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used; all which they may change at their discretion.

Commis-
sioners to
regulate use
of water
and fix
price.

14. *And be it enacted*, That the water commissioners of Jersey City shall from time to time fix the prices to be charged for the use of Passaic water where the same is taken and used, and the owner and occupier of any house, lot or tenement, shall each be liable for the payment of the price so fixed; and the said commissioners shall also from time to time fix a sum, to be assessed annually upon all vacant lots, and

Who to pay
for water.

Shall assess.

lots with buildings thereon, in which Passaic water is not taken, if the same are situated upon any road, street, avenue, lane, alley, or court, in Jersey City, through or in which pipes for distributing the water are laid, which prices and sums so fixed and assessed shall be denominated "water rents;" and the said water commissioners shall from time to time determine and give public notice of the times and places at which the said water rents shall be due and payable, and the penalties to be charged for delaying the payments beyond the times so fixed; and the said water rents shall, until paid, be liens upon the property charged therewith: and the water commissioners may at any time after the twentieth day of December, in each year, deliver to the Mayor and Common Council of Jersey City, an account certified under the hands of the president, of all such water rents and penalties for delinquency, as were due before said twentieth day of December, and remain unpaid, with the name of the owner or occupier of the lot liable to said rent, or whereon the water was used, for which such rent was charged, and a description or designation of such lot, and such certified account, shall be filed in the office of the city clerk, and recorded in a book to be kept for that purpose; the said account and book, and duly certified copies thereof, shall be evidence of the facts contained therein, and the said Mayor and Common Council may, and shall, upon receiving said certified account, cause said lands to be sold for the payment of said water rents and penalties, and the interest thereon from said twentieth day of December, at the rate of twelve per centum per annum, and also costs, charges and expenses of advertising and sale, in the same manner as said Mayor and Common Council are, or may be, authorized by law to sell lands in said city for the payment of taxes thereon, and said proceedings, and the effect thereof, shall be the same in all things as if the said lands were sold for taxes; and said Mayor and Common Council shall, upon receiving the rents, penalties and interest from such sale, immediately pay over the same to said water commissioners, and until such sale said water commissioners shall have power to collect and receive said

A lien.

water rents and penalties, with interest thereon, at the rate of twelve per centum per annum from such twentieth day of December, and the costs that may have accrued thereon, and shall, before such sale, certify to the city clerk what rents, penalties and interest thereon, contained in such certified account, have been since paid.

15. *And be it enacted*, That the said commissioners shall make no contracts for the price of using water, for a longer term than three years, and at the expiration of any term or lease, the price for the use thereof shall be adjusted according to the regulations then established. Contracts
for water.

16. *And be it enacted*, That the water commissioners of Jersey City shall fix the aforesaid water rents or prices for water and assessments upon property situated where distributing pipes are laid, with reference to paying from the proceeds thereof the interest and principal of the "Jersey City water scrip," or bonds, as they respectively fall due; and such portions of the monies received by the said commissioners as may remain, after paying all expenses for extending and maintaining the works and raising and distributing the water, and salaries, wages and incidental charges, shall be applied. first, to the payment of interest upon the debt created for the construction of the works; and next, to the purchase of the "scrip" or bonds issued therefor, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by the said water commissioners, and allowed to remain as a sinking fund, to be applied to the payment of scrip at its maturity. Water
rents, &c.,
how ap-
plied.

17. *And be it enacted*, That if the occupier of any tenement, or lot, for the use of water, upon which any water rent may become due while the same is occupied by him, shall refuse or neglect to pay the same when due, the owner of such tenement, or lot, may pay said rent and the penalties thereon, with interest, and may recover the same with lawful interest thereon, from such payment of such occupier, by action, or in case such occupier is the tenant, or sub-tenant, of such owner, by action or distress, to be made and conducted in the same manner as a distress for rent for said pre- Landlord
and tenant.

mises, such distress to be levied in six months after such payment, and not to be levied for more than one year, with rent and penalties, and interest thereon, and such rent, penalties, and interest, shall in no case be recovered by such owner, of such occupier, unless, as between said owner and occupier, such occupier shall be by law bound to pay the same.

Quorum.

18. *And be it enacted*, That a majority of the said commissioners shall constitute a quorum for the transaction of any business allowed or required by the powers or duties of their commission, and all contracts and engagements, acts and doings of the said commissioners within the scope of their duty or authority, shall be obligatory upon and be in law considered as done by the Mayor and Common Council of Jersey City; and the said Mayor and Common Council, and all real estate within Jersey City, and all goods and chattels within said city belonging to residents thereof, shall be liable for the payment of the principal and interest that may become due on the scrip or bonds to be issued by virtue of this act.

Commis-
sioners may
sue.

19. *And be it enacted*, That the said commissioners may prosecute or defend any action or process of law or in equity, by the name of the "Water Commissioners of Jersey City," against any person or persons, for money due for the use of the water; for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them; and also for any injury, or trespass, or nuisance done or suffered to the water courses, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water; and any vacancy, or the filling 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 or maintain such action or process at law or in equity; but in all such cases they shall be considered from the time of the organization of the board as a corporation.

20. *And be it enacted*, That if any person or persons shall maliciously or wilfully divert the water or any portion thereof from the said works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, conduit, machinery, or other property, used or required for procuring or distributing the water shall in any manner wilfully or maliciously destroy, injure, or obstruct any works connected with the drainage of Jersey City, or shall unnecessarily or maliciously open any gates belonging thereto, or otherwise let off or waste the water, to the injury of any part of the said works, or shall, in any way, hinder or impede any of the operations intended to be accomplished thereby, he, she or they so offending, shall be considered guilty of misdemeanor, and on being convicted thereof shall be punished by fine or imprisonment, or both, at the discretion of the court in which such conviction shall be had; provided such fine shall not exceed the sum of fifty dollars, nor the imprisonment the term of one year; and such criminal prosecution shall in no case impair the right of action for damages by a civil suit which may be brought by the water commissioners of Jersey City.

Penalty for
injuring
works.

21. *And be it enacted*, That for the security and proper management of the Jersey City water works and drainage works, and to prevent the waste or improper use of water, the water commissioners of Jersey City shall have power to make such by-laws, rules and regulations respecting the introduction of Passaic water into houses, tenements, and manufactories, or other places where the same may be required, and may from time to time regulate the use thereof in such manner as shall seem to them necessary and proper; and also to fix and determine of what size and forms, and of what materials, and in what manner private drains shall be laid and connected with the sewers or drain pipes in the streets or thoroughfares in the city, and may fix the penalties to be recovered for breaches or evasions of all such rules; provided such rules, regulations and by-laws are not inconsistent with the constitution and laws of the state of New Jersey, or of the United States, and that the penalty imposed in any one case shall not exceed the sum of fifty dollars.

Commis-
sioners can
make rules.

22. *And be it enacted*, That the water commissioners of Jersey City, and all engineers, superintendents or inspectors in their service, are hereby authorized and directed to enter at all reasonable hours any dwelling or other place where Passaic water is taken or used, or where unnecessary waste thereof is known or suspected, and examine and inquire into the cause thereof; and the said commissioners, engineers, superintendents and inspectors shall have full power to examine all service pipes, stop-cocks and other apparatus connected with the water supply or drainage works, for the purpose of ascertaining whether the same are of the character and dimensions, and fixed in the manner directed in the permits issued therefor; and if any person or persons shall refuse to permit such examination, or oppose or obstruct such officer in the performance of such duty, he, she or they so offending shall be liable to such penalty, not exceeding ten dollars for each offence, as the water commissioners may impose, and the supply of water shall also be shut off until the required examination is made, and such alterations and repairs are completed as may be found necessary.

23. *And be it enacted*, That if any person shall place any stones, bricks, lime, sand, lumber, or any other article in such situation in any street, avenue, lane, or alley, as to prevent access to any water pipe, stop-cock, or fire hydrant, belonging to the Jersey City water works, or to any man hole, side culvert, or gully of any sewer or drain, or in such situation as to interfere with the regular action of such works, the owner or owners of such materials shall forfeit and pay for each offence the sum of twenty-five dollars, and ten dollars for each day such articles are suffered to remain in such situation after written notice from the water commissioners to remove the same.

24. *And be it enacted*, That all fines, forfeitures, and penalties imposed by or under authority contained in this act, may be sued and recovered by an action of debt instituted in the name of the "Water Commissioners of Jersey City," before any justice of the peace, or in any court having cognizance in similar cases.

Commissioners may enter and examine.

Penalties.

Penalties for obstructions to works.

Fines, &c., how recovered.

25. *And be it enacted*, That any lands or real estate taken, held, or occupied or used for the Jersey City water works, or any of the purposes thereof, shall be assessed and taxed in the manner prescribed by law, at the value of the land, exclusive of any pipes, buildings, machinery, or works of any kind placed thereon; and the whole of the said works, exclusive of the land, shall be exempted from taxation, and that within the county of Hudson the land as well as the works shall also be exempt.

Exemptions
from tax-
ation.

26. *And be it enacted*, That the water commissioners of Jersey City are hereby authorized and empowered to construct the sewerage works described in a plan submitted by them to the Mayor and Common Council of Jersey City, in the year 1853, and by them approved, and at such time as the Mayor and Common Council shall decide that the several parts are required for the benefit or convenience of the citizens, or the promotion of the public health.

Sewerage
plan.

27. *And be it enacted*, That when application shall be made to the Mayor and Common Council of Jersey City to have a sewer or drain made or constructed in any street, avenue, lane or alley in said city, by any one or more of the owners of lots fronting on any part of the line of the proposed sewer or drain the same preliminary proceedings shall be had in relation thereto as are now authorized and directed by the charter, when applications are made for the construction of sewers; and if the Mayor and Common Council, after considering the application and objections thereto, if any are made, shall decide that the sewer or drain applied for ought to be constructed, they shall give notice in writing of such decision to the water commissioners, who shall thereupon proceed and construct the said sewer or drain, and connect therewith the drain pipes required for draining the adjacent streets, the whole to conform in all essential particulars to the before mentioned plan.

Application
for sewers.

28. *And be it enacted*, That the sewers authorized to be constructed in Jersey City by the water commissioners of said city shall not be constructed on the plans heretofore adopted and authorized in that part of said city east of Pro-

Deviations
from sewer-
age plan.

vost street, and between Pavonia avenue and North Fifth street ; and no sewer shall be constructed in that part of said city except as hereinafter provided, but shall be so constructed as to drain the parts of said city lying west of Provost street, and between Pavonia avenue and North Fifth street, and along North First street west of Meadow street, as effectually and completely as could be done by the plan heretofore authorized and adopted, and that for that purpose the sewers authorized to be constructed in North Second, North Third, North Fourth, and North Fifth streets, shall, at Provost street, intersect and discharge into a sewer of sufficient dimensions, to be constructed in Provost street to North Fifth street, and thence along North Fifth street easterly to the Hudson river, and at such a descent as will carry off the water at ordinary low tide, with the same flow as it would have run along the sewers designed by the plans heretofore adopted.

Assessment
on Long
Dock Com-
pany.

29. *And be it enacted*, That in assessing the expenses for constructing any sewer authorized by this act, which in any respect differs from the sewers authorized and established by the existing plan, the water commissioners of Jersey City shall not assess upon any lands except the lands east of Provost street, and between Pavonia avenue and North Fifth street, now owned by the Long Dock Company, any greater expense than said lots would have been subject to if said sewers had been constructed on the plans now authorized and adopted ; and any excess of such cost and expense over and above what would have been the cost if constructed on the present plans, shall be assessed upon and collected from the land lying east of Provost street, and between Pavonia avenue and North Fifth street, which are now owned by the Long Dock Company ; and such assessment may be made upon, and levied and collected from said lands, by such proceedings and sale as now are, or may be hereafter authorized by law to assess, levy and collect the costs and expenses of other sewers upon and from the lands in said city made subject thereto.

30. *And be it enacted*, That for the purpose of effectually

executing and carrying out the plan of sewerage and drains, Street grades. adopted as hereinbefore indicated, that all such parts of the charter of Jersey City, approved March eighteenth, eighteen hundred and fifty-one, and all such amendments thereto as relate to the alteration of the grade of streets, and all other parts of said charter or the amendments thereto, as contravene or are inconsistent with the true intent and meaning of the provisions of this act, be and the same are hereby repealed, and the water commissioners shall within six months file in the city clerk's office of Jersey City, a map or maps showing the proper height of all points in the streets of said city, with such alterations from time to time as shall become necessary to suit any changes which shall be made in the grades of sewers, which map and alterations shall be the authorized grade map of Jersey City; provided that no alteration shall be made in any grade unless with the consent of the Common Council after daily publication of the same in two of the city papers for the space of thirty days, and not otherwise than in the manner provided in the charter and supplements incorporating Jersey City.

31. *And be it enacted*, That it shall be lawful for the board of water commissioners to cause improvement certificates to Improve-
ment certi-
ficates. be issued, under the hand of their president, attested by the signature of the registrar to said board, in such sums as may seem to them necessary, in payment for the construction of sewers or their appurtenances, now or hereafter to be authorized to be constructed by them, and that the same shall be made payable, with such rate of interest, not to exceed Interest. seven per cent. per annum, as they may deem best, which said certificates shall be paid out of the moneys realized How paid. from the assessments imposed for such sewers and appurtenances, and in default of the collection of the same, within eighteen months of the date thereof, they, the said water commissioners, will, on thirty days' written notice by the holder, cause the same to be paid, with the interest which shall accrue on the same.

32. *And be it enacted*, That the said certificates shall be made transferable, by endorsement, and be of like validity Certificates
transfer-
able.

as to the security for their payment, as the other evidences of indebtedness authorized to be issued by this act.

33. *And be it enacted*, That when any sewer and the drain pipes, and other work connected therewith shall be completed, the water commissioners shall ascertain the whole cost thereof, and the number and sizes of all lots or separate parcels of ground drained thereby, and shall fix the amount to be paid for each in proportion to their dimensions, without reference to their situation or value; and to the whole ascertained cost the commissioners shall add interest at the rate of seven per cent. per annum upon all payments made on account of the work during its progress, from the time of payment until thirty days after the first publication of the notice hereinafter directed, and such interest shall be added to and constitute a part of the cost of the work; and when the proportion of the whole cost chargeable to each lot or parcel of ground is ascertained in the manner before directed, public notice shall be given by an advertisement, containing a full statement thereof, which shall be inserted one week in two newspapers printed in Jersey City, and notice shall also be given in the same manner of the place where payment will be received, if tendered within thirty days next succeeding the date of such notice.

34. *And be it enacted*, That when the whole cost of any sewer, and the works therewith connected, shall be ascertained and the interest added, and the amount to be paid for each lot fixed, the same shall be a lien upon said lots respectively; and if the same shall not be paid at the end of the thirty days from the first publication of the notice provided for in the preceding section, then the said water commissioners shall make out and deliver to the Mayor and Common Council of Jersey City, an account thereof, and certify that the same remains due and unpaid, and the Mayor and Common Council shall thereupon order and direct the collector of revenue to proceed and collect the amount due, in the same manner that arrears of taxes and assessments are collected, and with interest thereon, from the end of the said thirty days, at the same rate, and the

Assessment
on comple-
tion of
sewer.

Notice to be
given.

Assessment
a lien.

Arrears,
how col-
lected.

said collector shall thereupon proceed and collect the same in such manner.

35. *And be it enacted*, That if any assessment made by the Water Commissioners of Jersey City for the cost of the construction of any sewer, and the drains and works connected therewith shall have been set aside by themselves or any other competent tribunal, said water commissioners may make a new assessment of said cost, according to law, and the same shall be as valid and of the same effect as if it had been the first assessment, and shall be made, collected, and enforced in the same manner.

Assessments may be corrected.

36. *And be it enacted*, That when any old sewer in Jersey City is wholly or in part taken up, to benefit other lots, by building a new sewer for the use of other lots not otherwise properly drained, instead of assessing to the lots heretofore assessed for the old sewer, their full share of the cost as now required by law, it shall be optional for the assessor to assess said costs and charges on the lots requiring such extension and use of such sewer and tributaries; or such proportion on the city and on the lots before assessed, for the old sewer, as in their judgement will be equitable and proper.

Assessing for replacing old sewers.

37. *And be it enacted*, That the water commissioners may permit parties owning lots off the line of any main sewer or lateral to drain the said land into the said sewer or lateral, upon payment of such an assessment as may be deemed just; and provided however, that no assessment for this purpose shall be made or annual sum paid on any lot or parts of lots, the owners of which have heretofore paid an annual sum for the drainage of said lots or parts of lots into said sewer; and provided also, that where the construction of any such sewer or lateral shall obstruct the natural drainage of any lot or lots, the commissioners shall provide an outlet for said water, or permit the owner or owners of any such lots to drain into said sewer, under certain restrictions or until they provide a sewer.

Private drains.

38. *And be it enacted*, That the water commissioners of Jersey City shall have exclusive power over and take full charge of the repairing and cleansing of all public sewers,

Commissioners to have exclusive charge of sewers.

Annual tax
for repairs
and clean-
ing.

and the necessary parts thereof, constructed in Jersey City, and that for the purpose of enabling the said commissioners to pay the expenses incident to such repairs and cleansing, they are hereby authorized to impose upon each lot of land in said city, embracing twenty-five hundred square feet of land or less, an annual tax not exceeding fifty cents, which said tax shall be a lien upon said lot, and shall be assessed and collected at the same time and in the same manner as water rents are now assessed and collected.

Survey of
route of ca-
nal or cross
sewer to be
filed.

39. *And be it enacted*, That before the canal or other receptacle for flushing water, forming a part of the aforesaid plan for draining Jersey City, with the approval of the Common Council, shall be made or commenced, the water commissioners of Jersey City shall cause the route for the same to be carefully surveyed and distinctly marked, and a correct map made thereof, and shall obtain detailed estimates of the probable cost of constructing the same; and the said water commissioners shall give public notice by an advertisement published at least two weeks in all the newspapers printed in the county of Hudson, of the time at which they will present certified copies of the said map and estimates to the circuit court, at a regular session thereof, to be held in and for the county of Hudson, and ask for the appointment of commissioners hereinafter directed; and the said court, after receiving and considering the said map and estimates, and hearing the parties interested in the matter, shall appoint three judicious disinterested men, not residents of the county of Hudson, as commissioners to apportion and assess the estimated cost of said canal upon all such real estate lying in Jersey City, or adjacent thereto, as will in their opinion be benefited thereby.

Commis-
sioners.

Notice of
meeting to
be given.

40. *And be it enacted*, That the commissioners so appointed shall give public notice to all concerned of the time and place at which they will meet for the purpose of performing the duties herein directed, by causing the same to be published at least two weeks in each newspaper printed in the county of Hudson; and they shall personally examine the route of the proposed canal surveyed and marked as

hereinbefore directed ; and after hearing such parties as claim to be interested therein, and considering all matters relating thereto, shall make out and present to said court a report in writing, containing a list of all such land as in their opinion ought to be assessed for the payment of the cost of the said canal and the proportion of the whole cost which ought to be charged to each separate parcel thereof. Report.

41. *And be it enacted*, That if the report so made and presented shall be approved and confirmed by the said court, the county clerk of the county of Hudson shall give notice thereof to the water commissioners of Jersey City, by delivering to them a certified copy of said report, with the action of the court in relation to the matter endorsed thereon ; and the said water commissioners shall, on a receipt thereof, be authorized to proceed and construct the said canal ; and when completed shall ascertain the whole cost of the same, and collect the amount so ascertained from the owners of the land described in the report of the commissioners of appraisal, and in the proportions fixed therein, together with the legal interest accruing thereon from the time the amount is ascertained until the day of payment ; and if the whole or any part of the sum or sums so ascertained and assessed shall remain unpaid for a longer time than thirty days after the date of a notice to be published by said water commissioners, that the canal or other work is completed, and payment is due therefor, the same measures shall be pursued to enforce the payment thereof, as are directed in the thirty-fourth section of this act. Report to be delivered to water commissioners.
Who to construct canal.
Assessment.
Arrears.

42. *And be it enacted*, That it shall be lawful for the Common Council of Jersey City, whenever in their estimation the public good will be promoted thereby, and application shall be made to them as directed in the twenty-seventh section of this act for such purpose to direct, in the manner provided in said section, the water commissioners of Jersey City to take up any sewer or sewers constructed prior to the adoption of the plan named in this act ; whether directed in said plan to be taken up or not, or any sewer or sewers, or parts thereof, which may have been constructed, or ordered Reconstruction of sewers.

to be constructed, according to said plan, and which may have proved in the estimation of said water commissioners, inoperative for the purposes for which the same were intended, and to rebuild the same in conformity with the said plan, whereupon it shall become the duty of the said water commissioners to take up and rebuild said sewers in the manner now authorized for other sewers in said city.

Reconstruction bonds.

43. *And be it enacted*, That for the purpose of enabling the said water commissioners to pay the costs and expenses incident to the taking up and rebuilding the sewer or sewers, or parts thereof, in the forty-second section of this act mentioned, it shall be lawful for the said commissioners to issue bonds from time to time as occasion may require payable in not less than five years, and at such rates of interest not exceeding seven per cent. per annum as they may deem expedient; and impose upon each lot of land in said city, embracing twenty-five hundred square feet or less, an annual tax not exceeding one dollar, which shall be appropriated in their discretion to the payment of the interest and principal of said bonds as the same shall become due, and appropriated to no other purpose, which said tax shall be a lien upon said lots of land respectively, and shall be assessed and collected in the same manner as water rents are now assessed and collected.

Tax.

May invest proceeds of tax.

44. *And be it enacted*, That it shall be lawful for the said water commissioners, from time to time, to invest the proceeds of the tax provided for in the preceding section of this act in such manner as to them may seem advisable and judicious, and to change such investment when in their judgment the interest of the public may demand the same, to the end that the amount so levied may be increased by the cumulation of interest thereon; provided, that nothing in this section contained shall be construed as restraining the said commissioners at any time from appropriating any part of said proceeds to the payment of the interest or principal on said bonds, as prescribed in the said section of the act.

Bonds to be negotiable.

45. *And be it enacted*, That the bonds authorized to be issued in the forty-third section, shall be of the same force

and effect, and as valid for all the purposes directed by law, as the other bonds or scrip authorized by this act, and that the same may be negotiated and pledged in the same manner and on the same terms as directed for the bonds heretofore authorized.

46. *And be it enacted*, That Andrew Clerk, Noah D. Taylor, George McLaughlin, and Patrick Reilly, together with the President of the Board of Aldermen of Jersey City, for the time being, shall constitute the Board of Water Commissioners, and that the term of office of one commissioner shall expire on the first Monday in May in each year, following the order in which they are above named.

Names of
commis-
sioners.

47. *And be it enacted*, That at the charter election to be held in said city, in the year eighteen hundred and sixty-nine, and every year thereafter, there shall be elected one commissioner, who shall hold his office for four years next ensuing such election; and any vacancies that shall occur in said commission by death, resignation or otherwise, shall be filled by the Common Council of Jersey City, until the next annual charter election for officers in said city, when the same shall be filled by an election by the people for the unexpired term; and in no case shall a water commissioner be an alderman, except the president of the board *ex officio*; and each of said commissioners, except the president of the board of aldermen, who are appointed by this act, or who shall be elected or appointed under the provisions of this act, before entering upon the duties of his office shall give a bond of twenty thousand dollars, with two good and sufficient sureties, to the Mayor and Common Council of Jersey City, and to be approved by said Mayor and Common Council, for the faithful performance of their duties as such commissioners.

Election at
expiration
of term of
office.

Vacancies
to be filled
by common
council.

Bonds to be
given.

48. *And be it enacted*, That the said commissioners so appointed and elected, shall be citizens of this state, residents of Jersey City, of the age of at least thirty years, and shall have been residents of said city for at least three years next before their appointment; and that they shall, before entering upon their duties as commissioners, each take and

Qualifica-
tions of
commis-
sioners.

subscribe an oath faithfully to perform the duties of water commissioners of Jersey City according to law, which oath shall be administered by any notary public of this state, or the city clerk of Jersey City, and filed by said city clerk in his office.

Duties of president.

49. *And be it enacted*, That it shall be the duty of the president of the board of said water commissioners to take the general charge, supervision, and direction of the Jersey City water and drainage works, and of all officers, agents, overseers, inspectors, workmen, and others employed in the care and management of the same, subject to the special direction and general rules of the board; and it shall also be the duty of said president and at least one of the other commissioners to visit the engine house and inspect the pumping engines and other machinery, the reservoirs and other parts of the water works, once in each month, or oftener, if necessary; and to make and preserve, in a book to be provided for that purpose, a record of all such visits, with remarks upon the condition in which the several parts of the water works were found, and upon the conduct of those having charge thereof.

Salary.

50. *And be it enacted*, That the salary of the president of said board of water commissioners shall not exceed the sum of one thousand dollars per annum to be paid out of any money belonging to said board.

Commissioners may be removed.

51. *And be it enacted*, That the Mayor and Common Council of Jersey City shall at any time remove any commissioner, provided it shall satisfactorily appear, after reasonable notice to the parties, and hearing the causes of complaint and answers thereto, if any shall be offered, that the commissioner whose removal is sought, has been guilty of such mal-administration, or such neglect of the duties of his office, that his removal will be right and proper; and two-thirds of all the members elected to the said Common Council shall concur in such removal.

Repealing clause.

52. *And be it enacted*, That the act entitled "An Act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water," and

the several supplements thereto, and all acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved April 2, 1869.



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