

# ACTS

PASSED

AT THE FIRST SESSION

OF THE

*Fourteenth General Assembly*

OF THE

STATE OF OHIO,

*ENACTED AND HELD IN THE TOWN OF CHILlicothe*

DECEMBER 4, 1815;

AND IN THE FOURTEENTH YEAR OF SAID STATE.

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CHILlicothe:

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.....  
1816.

Proviso.

or the whole of said section shall be subject to pay the six per cent. on the first valuation, agreeably to the provisions of the act, entitled. An act, for leasing section number twenty-nine, adjoining the town of Gallipolis, in the county of Gallia passed February the ninth, eighteen hundred and eight: *Provided however*, That nothing herein contained shall prevent any future legislature after the year eighteen hundred and forty-three, to amend, alter or repeal this section.

MATTHIAS CORWIN,

Speaker of the house of representatives.

PETER HITCHCOCK,

Speaker of the senate.

February 25, 1816.

## CHAPTER LXVII.

An act, to incorporate an aqueduct company, in the town of Kendal, Stark county.

Style of the corporation.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That Thomas Roich and his associates, be and they are hereby created a body corporate in deed and in law by the name, style and title of the 'Kendal Aqueduct company,' and by the said name, they and their successors shall have and enjoy all the privileges and franchises incident to a corporation; and shall be and they are hereby made able and capable in law, to have, purchase, enjoy, retain to them and their successors, goods, chattels, lands, tenements and hereditaments of what nature, kind and quality soever; and the



same to sell, demise, alien, and dispose of so far as may be necessary and convenient for said company (to carry into full and complete effect the object herein after provided, and for no other purpose whatever;) and also to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of law and chancery having competent jurisdiction; also to make have and use a common seal and the same to break alter and renew at their pleasure; also to ordain establish and put in execution such by laws, ordinances & regulations, as shall seem necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this state, and generally to do and execute all and singular, such acts, matters and things, necessary and convenient to the design of said corporation: *Provided*, That nothing in this act contained shall be so construed as to authorize the said company to employ their funds or any part thereof in any banking transaction, or to strike or issue bank paper, but if the said company shall at any time engage in any banking business then and in that case all the privileges granted by this act shall cease and determine. *Provided always*. That the legislature of this state shall at any time, have power to amend or alter this act.

Their powers defined.

Proviso.

Sec. 2. *Be it further enacted*, That to enable the said corporation to supply the town of Kendal with good and wholesome spring water they shall have power and they are hereby authorized to enter upon, dig, excavate, and trench the streets, alleys and public squares in the said town, in suitable and convenient places for

Authority given to dig and trench the streets &c



erecting, building and maintaining cisterns and reservoirs, and for laying suitable aqueducts, conduits or pipes: *Provided* The same be done with as little detriment, hindrance and obstruction to public travel and convenience as the nature of such works will admit.

Officers to be  
elected on the  
1st Monday  
of November  
annually.

Sec. 3. *BE it further enacted*, That on the first Monday in November in each year, there shall be elected by said corporation, a president, clerk and treasurer, together with such other officers as they shall think necessary to conduct the business of said company for one year, and until their successors shall be chosen and qualified; such elections to be holden at such places and conducted in such manner as may be prescribed by the laws of said company: *Provided always*, That in case any office in said company shall be vacant by death, resignation or otherwise, the present or in his absence the clerk shall have power to call a special meeting of said company, at which meeting such vacancy may be filled.

Penalty on  
members for  
failing to pay  
instalments  
when required  
in a regular  
manner.

Sec. 4. *BE it further enacted*, That if any member of said company, after due notice of the time and place appointed for the payment of any portion or instalment of the monies necessary to be raised by said company for carrying on and completing their works, which shall be duly assessed by said company, shall refuse or neglect to pay such proportion or instalment at the place appointed, for the space of ten days after the time appointed for the payment thereof; every such member of said company shall, in addition to the instalment called for, pay at the rate of five per centum per month, for every such delay of payment; and if the said instalment and said additional penalty shall remain

unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid by such member, on account of his share and interest in the said company, such share shall be forfeited to the use of the said company, and may be sold by them, to any person or persons willing to purchase the same, for such prices as can be obtained therefor; or in default of payment by any member of any instalment as aforesaid, the said company may at their election, cause suit to be brought in any court having competent jurisdiction for the recovery of the same together with the penalty aforesaid. *Provided always,* That the sum recovered in any such suit shall in no case exceed the amount of such instalment or instalments as may be due, together with such accumulated penalty, at the rate as shall be equal to the sums before paid by the member against whom such suit may be brought.

Sec. 5. *BE it further enacted*, That the clerk of said company, shall keep a fair, true and accurate account of all monies expended by said company in the purchase of lands, springs or materials for building cisterns or reservoirs or for aqueducts, conduits or pipes for the hire and wages of laborers, and every thing necessary and proper, in and about conducting the water works of said company; and when said water works shall be carried through any one of the streets of said town, according to such plan and in such manner as may be agreed on by said company, the president of said company shall give notice thereof to two of the justices of the peace of said county who shall not be shareholders in said aqueduct company, that at a cer-



rain time and place to be therein specified, the clerk of said company will produce the books of accounts of said company to them, and will prove by regular vouchers the truth and correctness of said accounts; and the justices of the peace aforesaid are hereby authorized at the request and expense of said company to examine the accounts to be exhibited; and the said justices being satisfied that the accounts so exhibited are just and true may enter and record a certificate thereof, under their hands and seals in the books aforesaid, which certificate shall also state the whole amount of the monies so expended by said company; and the certificate of such justices so as aforesaid made and recorded shall be and remain full and complete evidence of the subject matter thereof, and such shall be received and admitted in any court in this state; and for the extension of said water works for the accommodation of the inhabitants of said town as the case may require, the said company shall, in like manner, notify two justices of the peace of said county to examine the books and certify therein as aforesaid.

Sec. 6. *BE it further enacted*, That it shall be the duty of said company to erect at suitable and convenient distances a suitable number of conduits at the discretion of said company, to supply and accommodate the inhabitants of said town of Kendal, with water, and from time to time to maintain and keep the said conduits in good repair; and the said company shall have a right and they are hereby authorized and empowered, to charge, demand and receive such sum of each and every householder using the water in said town as may be the just and reasona-

Power of the  
company to  
erect conduits  
& sell water.



ble proportion of such housholder, for the use of said water; and on the neglect or refusal of any such householder using said water to pay such sum to such officers of said company as may be appointed by said company to receive the same, said company may by action of debt sue and recover the same, before any court of competent jurisdiction: *Provided always*. That the aggregate amount of the sums charged to such persons as may use said water shall in no case exceed twelve per centum per annum on the amount of monies expended by said company on said water works so as aforesaid proven and certified: *And provided also*, That if at any time any conduit shall fail to supply a sufficiency of water for the inhabitants in its vicinity, accustomed to take water therefrom, said company shall not be entitled to charge, demand or receive for such time any sum or sums for the use of the water from such inhabitants.

Sec. 7. *And be it further enacted*. That if any person or persons shall wilfully and maliciously dig up, cut off, or otherwise destroy or injure any pipe or pipes, conduit or conduits laid by the said company for the conveyance of water or shall wilfully and maliciously obstruct any spring of water owned by said company, such person so offending shall forfeit and pay a sum not exceeding one hundred dollars for every such offence, to be recovered by indictment before the court of common pleas for the use of the county, and shall moreover pay to the use of said company their damages.

MATTHIAS CORWIN,

Speaker of the house of representatives.

PETER HITCHCOCK,

February 20, 1816.

Speaker of the senate.