

# ACTS

OF

## A LOCAL NATURE,

PASSED AT THE FIRST SESSION

OF THE

## THIRTY-THIRD GENERAL ASSEMBLY

OF

## THE STATE OF OHIO,

BEGUN AND HELD IN THE CITY OF COLUMBUS

DECEMBER 1, 1834.

IN THE THIRTY-THIRD YEAR OF SAID STATE.

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VOL. XXXIII.

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Columbus:

JAMES B. GARDINER,

PRINTER TO THE STATE.

1835.

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Sec. 23. That the Directors shall, annually, or semi-annually, as they may determine, declare and make such dividend of the net profits from the tolls to be received, according to the provisions of this act, as they may deem advisable and proper, after deducting therefrom, the necessary current and contingent expenses, to be divided among the proprietors of the stock of the road company in proportion to their respective share.

Sec. 24. That at all annual meetings of the stockholders of said company, it shall be the duty of the President and Directors in office, for the preceding term, to exhibit a concise and distinct statement of the affairs of the company for the inspection of all persons interested.

Sec. 25. That said company shall commence said road within five years, and complete the same within fifteen years; otherwise the powers and privileges of said company to cease and determine.

Sec. 26. That the Commissioners, or a majority of them, shall determine at their first meeting, at what point, either in Hamilton or Rossville, said road shall commence; and the stock shall be thereafter subscribed with a view to such point being the place of the commencement of said road.

JOHN M. CREED,  
*Speaker of the House of Representatives.*

C. ANTHONY,  
*Speaker of the Senate.*

March 7, 1835.

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AN ACT

To incorporate the Richmond Watering Company.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That George Everitt, Thomas Richmond, Wilmot Oakley, Wm. H. Byron and John Weaver, together with such other persons as may hereafter be associated with them, be, and they are hereby constituted a body politic and corporate, with perpetual succession, for the purpose of supplying the village of Richmond, in the county of Geauga, with water, by the name and style of "The Richmond Watering Company," and by that name, they shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts having competent jurisdiction; and to make, use and have a common seal, and the same to use and alter at pleasure.

Sec. 2. That the stock of said company shall be divided into shares of twenty-five dollars each, and that for the purpose of obtaining subscriptions to the stock of said company, any three of the above named persons may open the books for subscriptions, at such place and on such a day, as they shall deem proper, after having given ten days' previous notice, by putting up written notices in at least three public places of the town; and whenever in their opinion, a sufficient amount shall have been subscribed to complete the object, the books shall be closed by them: *Provided,* That if at any subsequent period it shall be found necessary to increase the capital stock by subscriptions, they may re-open the books

and receive subscriptions to such amount as may be necessary for the objects of the corporation.

Sec. 3. That whenever sufficient stock shall have been subscribed, and the books for subscription closed, they shall notify the subscribers to the stock, ten days previous to the day of meeting, either personally or by notices written and posted up in three public places in the town, to meet at such place and time as they shall designate, to choose three Directors to manage the affairs of said company, who shall hold their offices until the first Monday of the next succeeding June, and until their successors are qualified; and the said stockholders shall meet annually thereafter, at such place as the President shall direct, and elect the Directors, which Directors, after the first, shall hold their offices for one year and until their successors are chosen and qualified.

Sec. 4. That the Directors of said company, shall forthwith after their election, choose one of their number for a President, and appoint, when they deem it proper, a Treasurer, and such other officers as they shall think advisable, and may require of them such surety, oath or affirmation as they may think necessary for the security of said company.

Sec. 5. That the Directors shall have power to fix and establish such rules, regulations and by-laws as they shall deem necessary for the government and management of said company: *Provided*, They shall be consistent with the Constitution and laws of this State and the United States.

Sec. 6. That at all meetings of the stockholders each share shall entitle the holder thereof to one vote, and a plurality of votes shall be sufficient for the decision of any question, or the election of any officer; and that in case it should so happen that the election should not be held on the first Monday of June, the corporation for this cause shall not be dissolved, but an election may be held at any time thereafter, by notice being posted up by the President at least ten days previous, stating the object, the time and place.

Sec. 7. That the said Directors shall have power to lay aqueducts or pipes, for the purpose of carrying the water across any lands and to any spring, brook, or fountain of water, that they may think desirable, and to take water from any such spring, brook or fountain, having first obtained the consent of the owner of such spring, brook or fountain, sufficient for the purpose and objects of this corporation: *Provided*, That the said corporation shall pay all damages the owners of the land may sustain by reason or in consequence of such pipes or aqueducts crossing such lands or connecting and receiving water from such spring, brook or fountain.

Sec. 8. That if the parties should not agree as to the amount of damages provided for in the 7th section of this act, then the party claiming damages may apply to one of the Judges of the county, who shall thereupon appoint three disinterested freeholders in said county, to appear upon the premises where damages are claimed, on such day as he shall appoint, there to appraise such damages; and shall make up their inquest and return the same to the said Judge, who shall pass the same over to the party to whom the damages are due, which inquest when received, shall be a good and valid claim against said company, and be collectible before any court in this state, having jurisdiction thereof.

Sec. 9. That the said company shall have the right to, and be capable of holding personal, mixed or real estate, not exceeding twenty-five thousand dollars, and may receive and convey the same at pleasure: *Provided*, That no part of the funds of said company shall be used for banking purposes.

Sec. 10. That if any person or persons shall knowingly, wilfully or maliciously injure in any way or manner, any of the works or property of said company, such person or persons shall, on being duly convicted thereof, be fined a sum not exceeding fifty dollars, and shall, moreover, be liable to the suit of the company for all damages sustained by said company in consequence of the injury done as aforesaid, with costs.

JOHN M. CREED,

*Speaker of the House of Representatives.*

C. ANTHONY,

*Speaker of the Senate.*

March 7, 1835.

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**AN ACT**

To incorporate the town of Marietta.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town lots of Marietta, and their appendages, as recorded in the records of Washington county, volume seven, page two hundred and thirty-eight, and also the stone quarry tracts, near point Harmar, given by the Ohio Company, are hereby constituted a town corporate, to be known and distinguished as the town of Marietta: and all additions thereto, which shall hereafter be laid out and recorded, shall become a part of, and subject to the laws of said town.

Sec. 2. That the said town shall be divided into three wards: so much thereof, as lies east of the Muskingum river, and south of Market Square run, to constitute the first; so much as lies west of said river, the second; and so much as lies east of said river, and north of said run, the third ward.

Sec. 3. That elections shall be held in the several wards for the choice of a Mayor and Marshal, and also of Trustees to represent the wards in Town Council, on the first Monday of March, annually; notice of ward elections shall be given at least ten days previous, in such manner as the Council shall direct; and they shall be conducted in the same manner as elections for township officers, the Trustees of each ward being judges of election.

Sec. 4. That electors of State Representatives, having resided in the town one year next previous to any ward election, shall be voters in their respective wards.

Sec. 5. That the Mayor and Trustees shall be householders and have the qualifications of ward electors; and the Trustees shall be inhabitants of their respective wards.

Sec. 6. That at the first ward election, after the taking effect of this act, there shall be elected three Trustees for each ward, of whom one shall be for three years, one for two years, and one for one year; at every