

OPINIONS

OF THE

ATTORNEY GENERAL

OF

OHIO

FOR THE

PERIOD FROM JANUARY 1, 1947
TO DECEMBER 31, 1947

PAGES 1-820
INDEX 667-820
OPINIONS 1464-2555

F. J. Heer Printing Company
Columbus, Ohio
1948
Bound at State Bindery

ATTORNEYS GENERAL OF OHIO

HENRY STANBERY	1846-1851
JOSEPH McCORMICK	1851-1852
GEORGE E. PUGH	1852-1854
GEORGE W. McCOOK	1854-1856
FRANCIS D. KIMBALL	1856-1857
C. P. WOLCOTT	1857-1861
JAMES MURRAY	1861-1863
LYMAN R. CRITCHFIELD	1863-1865
WILLIAM P. RICHARDSON	1865-
CHAUNCEY N. OLDS	1865-1866
WILLIAM H. WEST	1866-1870
FRANCIS B. POND	1870-1874
JOHN LITTLE	1874-1878
ISAIAH PILLARS	1878-1880
GEORGE K. NASH	1880-1883
D. A. HOLLINGSWORTH	1883-1884
JAMES LAWRENCE	1884-1886
JACOB KOHLER	1886-1888
DAVID K. WATSON	1888-1892
JOHN K. RICHARDS	1892-1896
F. S. MONNETT	1896-1900
J. M. SHEETS	1900-1904
WADE H. ELLIS	1904-1908
U. G. DENMAN	1908-1911
TIMOTHY S. HOGAN	1911-1915
EDWARD C. TURNER	1915-1917
JOSEPH McGHEE	1917-1919
JOHN G. PRICE	1919-1923
C. C. CRABBE	1923-1927
EDWARD C. TURNER	1927-1929
GILBERT BETTMAN	1929-1933
JOHN W. BRICKER	1933-1937
HERBERT S. DUFFY	1937-1939
THOMAS J. HERBERT	1939-1945
HUGH S. JENKINS	1945-

THE STAFF OF THE OFFICE OF THE ATTORNEY GENERAL

1947

Hugh S. Jenkins	Attorney General
John P. Walsh	First Assistant Attorney General
E. G. Schuessler	Chief Counsel
R. Brooke Alloway	Assistant Attorney General
Harold M. Baron	" " "
Thomas A. Beil.... <i>Appointed September 1, 1947</i>	" " "
Clifford H. Bernard.....	" " "
Lotus Bliss	" " "
James A. Bope.... <i>Appointed February 1, 1947</i>	" " "
William T. Burgess	" " "
A. A. Cartwright..... <i>Deceased April 17, 1947</i>	" " "
R. D. Colmery	" " "
Albertus B. Conn.....	" " "
George Costello	" " "
Harry G. Fitzgerald, Jr.....	" " "
Joseph Fodor	" " "
Joseph Ford	" " "
Milan E. Frase.. <i>Appointed September 14, 1947</i>	" " "
Joseph S. Gill	" " "
Merritt W. Green	" " "
Victor A. Ketcham.... <i>Appointed April 21, 1947</i>	" " "
Ralph D. Klapp	" " "
Roland B. Lee..... <i>Appointed March 6, 1947</i>	" " "
Nathan Lefton	" " "
George A. Lutz	" " "
Richard P. Niehoff.... <i>Resigned March 15, 1947</i>	" " "
Robert J. Odell.....	" " "
Frederick L. Orum	" " "
William J. Petro	" " "
Gertrude Polcar	" " "
Robert E. Scheck..... <i>Resigned May 8, 1947</i>	" " "
Maurice L. Schellenger	" " "
Charles G. Schnur	" " "
Edward A. Schott	" " "
W. Lee Shield, Jr.... <i>Resigned January 13, 1947</i>	" " "
Morris Sokolsky	" " "
Daronne R. Tate	" " "
C. Robert Tatgenhorst.. <i>Appointed April 1, 1947</i>	" " "
Paul R. Van Such	" " "
Edgar L. Weinland	" " "
Aubrey A. Wendt	" " "
John M. Woy	" " "
C. G. L. Yearick..... <i>Resigned April 1, 1947</i>	" " "
Henry S. Zwolinski	" " "
Kenneth L. Sater	Special Counsel, Freight Rate Cases
Miles E. Evans	Special Counsel, Cleveland District

INDEX

1947

OHIO STATE Associations	}	SEE STATE
Boards		
Bureaus		
Colleges		
Commissions		
Departments		
Elective Officers		
Institutions		
Penal Institutions		
Public Welfare		
Retirement Systems		

ABSENCE—

- | | <i>Page</i> |
|---|-------------|
| 1. Judge, court of common pleas—Accepted commission from United States Government—Officer, army of United States—Ipsa facto forfeited and vacated office—Article IV, section 14, Constitution of Ohio. | |
| 2. Where such judge served in World War II, Army of United States, commissioned officer and was discharged from military service—Reassumed position on bench—Not entitled to receive salary of office for services performed after discharge..... | 26 |

ABSENT VOTER—

- | | |
|---|-----|
| Elections—Primary—Special—Registration—Absent voting—Fourth Congressional District—September 8, 1947 last day for registration..... | 482 |
|---|-----|

ACCIDENT—

- | | |
|--|-----|
| 1. Death from accident—Hospital—Duty of physician and any other person who has knowledge of fact to immediately notify coroner of time, place, manner and circumstances. | |
| 2. Maternity hospital, lying-in hospital or other hospital which maintains maternity ward—Death of mother or infant—Procedure under sections 6268, 6269 G. C.—Physician—Coroner—Dead body. | |
| 3. Stillborn child—Child alive at birth—Sections 6268, 6269 G. C. apply to each | 156 |
| Motor vehicle—Operator who was convicted of or pleaded guilty to violation of section 12606 G. C., not amenable to provisions of section 6298-1 G. C. for refusal, upon request, to identify himself after stopping at scene of accident | 144 |

ACCOUNTANT—CERTIFIED PUBLIC—

Page

1. Certified public accountant—Application or admission to examination and permission to practice—On file with State Board of Accountancy—Pending proceeding within meaning of section 26 G. C.—House Bill 84, 97 General Assembly, which amended section 1375 et seq., G. C. contains no express provisions to contrary—Sections in force and effect at time application filed are controlling.
2. Applicant for certificate as certified public accountant who is a non-resident of state and employed without state may if approved for examination by State Board of Accountancy prior to September 26, 1947, be admitted to examinations held subsequent to that date.
3. Status where applicant paid examination fee \$25.00 with application filed prior to September 26, 1947—Not required to pay additional fee to take examination—May again take examination if he failed—Limitation eighteen months—No further fee required..... 519

ADVANCE FEES—

- Common pleas court, clerk—Without legal authority to require resident or non-resident plaintiff to advance fees clerk authorized to charge and collect for issuance of execution on judgment—Proceeding, damages sought for personal injuries 249

ADVERTISEMENT—BID—

Real estate, county owned:

1. Not needed for public use—May be leased to anyone other than municipalities or other governmental subdivisions for term not more than one year without advertising and competitive bidding—Sections 2447, 2447-1 G. C.
2. Easements—County-owned real estate—May be granted only to municipalities and other governmental subdivisions..... 244

AFFIDAVIT—

- County commissioners—Without authority to allow claim for loss or injury to animals or poultry unless duplicate statement is filed within sixty days from discovery of injury—Section 5840 G. C..... 71

Mortgage, chattel—On motor vehicle—In absence of “affidavit of claim,” “affidavit of good faith” or “sworn statement”—Entitled to be noted as a lien on certificate of title to motor vehicle, the subject of the mortgage.... 364

AGE LIMITATION—

Retirement system, public employees:

1. General Assembly—Has power to change by amendment conditions upon which members may retire—Receive allowances provided by law—Sections 486-32 to 486-75 G. C.
2. Member who has established membership prior to amendment of sections 486-33a, 486-47 G. C., Senate Bill 57, 97 General Assembly, is governed by those sections as amended as to his right of retirement and as to retirement allowance he may receive.

AGE LIMITATION—Concluded

Page

- 3. Member who reaches age of seventy years immediately before or since amendments aforesaid is subject to their provisions as to right of retirement and retirement allowance..... 594

Retirement system, public employes—Latest date a member over seventy years of age may make application to continue in service—August 31, 1948—Latest date to continue in service—June 30, 1949—Section 486-59 G. C.—Senate Bill 7, 97 General Assembly..... 608

AGENCY—PRIVATE—

Child welfare board:

- 1. Placement of child—Must consider need of placement—Ability of parents to pay for cost and care—Investigation—Approval of juvenile court—Request of parents or legal custodian of child.
- 2. Status, privately operated day care center—Private agency—Cost of care.
- 3. Need of child for public care or protective services—Best interests of child—Board may provide facilities for care and collect from parents amount it determines they are able to pay..... 42

AID TO THE BLIND—

- 1. County commissioners—Capacity, administrators of such aid, required to list names of recipients in such manner identity not disclosed by record of proceedings open to general public—Section 2968 G. C.
- 2. County auditor required to maintain records in such manner recipients may not be readily identified by persons not connected with administration of aid to the blind..... 77

AIR CRAFT—

Aviation—Maximum speed limit, fifteen miles per hour, section 479, rule 45 G. C., as to boats and water craft of all kinds upon state reservoir, public park and pleasure resort and penalties, section 479-1 G. C. do not apply to operation of aircraft landing upon and taking off from such waters..... 228

ALLOWANCE—DISABILITY—

Retirement system, public employes—Member retired for disability—Maximum allowance member would be entitled to receive had retirement been deferred to age of sixty years—Calculated to date when such member would reach age of sixty years, not to end of then current quarter—Section 486-63, paragraph b G. C..... 613

ALLOWANCE—INCREASE—

- 1. Retirement system, public employes—Increased allowance provided by section 486-59b G. C. to members who retired prior to April 2, 1947 effective June, 1947, payable as part of allowance for July, 1947.
- 2. To determine amount of increase allowance, consider total number of years and fractions to the credit of superannuate.

ALLOWANCE—INCREASE—Concluded

Page

3. Public employes retirement board has authority to make rules not inconsistent with law to establish basis to determine "total service credit" of any member or pensioner—Sections 486-30 to 486-75, 486-34 G. C.
4. Six months' contribution—To claim benefit of increased allowance, member entitled to include period covered by back payments made pursuant to section 486-33b—486-59b G. C.
5. When superannuate at time of retirement has selected option, increased retirement allowance shall be allocated between pensioner and designated beneficiary in same proportion as stipulated in original election—Sections 486-67, 486-59b G. C.
6. Beneficiary under option selected by former member, deceased prior to enactment of section 486-59b G. C. can receive no benefit from extra allowance under that section..... 324

AMBULANCE SERVICE—

1. Fire department—Municipality—Moneys received from licenses and other fees—Inspection—Credited to firemen's relief and pension fund—Exception, fees received from other subdivisions for fire protection—Section 4607 G. C.
2. Fees—Services by city fire department, ordinances, operating set of city scales, operating emergency ambulance service—Paid into firemen's relief and pension fund.
3. Fees for making electrical inspections as a means of fire protection, properly paid into firemen's relief and pension fund..... 586

AMENDMENT—REFERENCE STATUTE—

1. When statute adopts part of another statute by specific reference, part adopted as it exists at time of adoption becomes part of reference statute—Any subsequent amendment or repeal of adopted language has no effect on adopting or reference statute.
2. Effect of amendment on reference statute—Re-enactment of statute.
3. Occupational disease cases—Limitation—Six months after date of death to file claim—Two years after date of death to file claim—Exception—Silicosis or any other occupational disease of respiratory tract—Section 1465-68a (22) G. C..... 347

AMENDMENT—RETIREMENT SYSTEM, PUBLIC EMPLOYES—

1. General Assembly—Has power to change by amendment conditions upon which members may retire—Receive allowances provided by law—Sections 486-32 to 486-75 G. C.
2. Member who has established membership prior to amendment of sections 486-33a, 486-47 G. C., Senate Bill 57, 97 General Assembly, is governed by those sections as amended as to his right of retirement and as to retirement allowance he may receive.
3. Member who reaches age of seventy years immediately before or since amendments aforesaid is subject to their provisions as to right of retirement and retirement allowance..... 594

AMUSEMENT—PLACE OF—

Page

1. Minor—It is immaterial whether minor is directly employed or permitted or suffered to work in or about a place of amusement—Sections 12996, 13007-3 G. C.
2. Minor under sixteen years of age employed, permitted or suffered to work in or about place of amusement required to have age and schooling certificate—Exception, when employed in irregular service—Section 12993-1 G. C.
3. Place of amusement—Stadium, park or other place used to play baseball games, football games or other sports.
4. Sections 12993, 13007-3 G. C. not in conflict—Interpretation—Section 6064-1 G. C.—Application as to intoxicating liquors sold in place of amusement.
5. Boy under age of eighteen years—Girl under age of twenty-one years: Shall not be employed, permitted or suffered to work in, about or in connection with a place of amusement before six o'clock in the morning or after ten o'clock in the evening—Boy under sixteen or girl under eighteen—Shall not be employed in place of amusement before seven o'clock in the morning or after six o'clock in evening..... 333

ANIMALS—WILD—

1. Imprisonment for failure to pay fines and costs assessed—Sections 13451-9, 13451-15 G. C. general in nature—No application in violation of laws dealing with taking, protection, preservation, possession or propagation of wild animals.
2. Default, payment of fines and costs assessed—Violation General Code provisions dealing with taking, protection, preservation, possession or propagation of wild animals—Person entitled to credit of only one dollar for each day confined in county jail or workhouse because of such default..... 419

ANNEXATION—TERRITORY—

- Municipal corporation—Annexation of territory—Board of elections required to place question on ballot and submit it to electors of unincorporated portion of township—Section 3561-1 G. C.—Question should be submitted before proceedings of county commissioners authorized by section 3561 G. C. are held..... 500

APPLICATION—CERTIFIED PUBLIC ACCOUNTANT—

1. Certified public accountant—Application for admission to examination and permission to practice—On file with State Board of Accountancy—Pending proceeding within meaning of section 26 G. C.—House Bill 84, 97 General Assembly, which amended section 1375 et seq., G. C. contains no express provisions to contrary—Sections in force and effect at time application filed are controlling.
2. Applicant for certificate as certified public accountant who is a non-resident of state and employed without state may if approved for examination by State Board of Accountancy prior to September 26, 1947, be admitted to examinations held subsequent to that date.

APPLICATION—CERTIFIED PUBLIC ACCOUNTANT—Concluded	<i>Page</i>
3. Status where applicant paid examination fee \$25.00 with application filed prior to September 26, 1947—Not required to pay additional fee to take examination—May again take examination if he failed—Limitation eighteen months—No further fee required.....	519
APPOINTMENT—	
Public Works, Director—Quo warranto action—Supreme Court of Ohio—Appointee de facto officer pending court decision—De jure officer—Sections 154-3, 404 G. C.....	15
APPROPRIATION—	
1. Bridge—Acquired and operated by State Bridge Commission of Ohio—Becomes toll free—When all outstanding bonds have been paid and all operative expenses, any surplus from tolls collected on bridge should be paid into state treasury.	
2. Sandusky Bay Bridge—Pomeroy-Mason Bridge—Any remaining funds may not be applied to repay loan made by emergency board to meet payments on bonds of East Liverpool-Chester Bridge—Appropriation provided by House Bill 484, 96 General Assembly.	
3. Commission not liable to pay and without authority to pay any bills presented by state highway department for repairs on any bridge acquired pursuant to section 1084-1 et seq., G. C.....	169
Child welfare board, county—Section 3070-36 G. C. provides county commissioners shall make sufficient appropriations for board to perform functions under section 3070-1 et seq., G. C.—Mandatory sufficient funds should be appropriated to pay salary of executive secretary and necessary expenses of office.....	214
Taxing authority of each subdivision :	
1. To prepare budget for ensuing fiscal year for submission to county budget commission, should furnish required detailed information in good faith—Section 5625-21 G. C.	
2. Procedure when information required by section 5625-21 G. C. is not furnished.	
3. Appropriations made from particular fund—Should not exceed amount available as set forth in county budget commission's official or amended certificate of estimated resources.	
4. County auditor and county budget commission—Duty where fixing tax rates for subdivisions to take into consideration taxes shall not be levied at rate greater than necessary to provide necessary funds.	
5. "Tax budget"—Interpretation—Sections 5625-22, 5625-23, 5625-26 G. C....	260
AREA—STAGE—	
Stage performances—Area ordinarily occupied by stage is so constructed no area is available for stage performances—Theater does not contain stage within meaning of section 12600-6 G. C.—Proscenium wall not required....	296

ARMORY—LEASE—

Page

Armories, lease—Adjutant General authorized to enter into contracts of lease for periods in excess of two years—Section 5238 G. C..... 132

ARTICLES OF INCORPORATION—

Secretary of state—Where in exercise of discretion he properly finds the name of a corporation, applicant to file articles of incorporation, is not distinguishable from a trade name properly registered and the public may be misled, he may properly refuse to accept such articles for filing—Section 6240-11 G. C..... 185

ASSESSMENT—

1. Imprisonment for failure to pay fines and costs assessed—Sections 13451-9, 13451-15 G. C. general in nature—No application in violation of laws dealing with taking, protection, preservation, possession or propagation of wild animals.
2. Default, payment of fines and costs assessed—Violation General Code provisions dealing with taking, protection, preservation, possession or propagation of wild animals—Person entitled to credit of only one dollar for each day confined in county jail or workhouse because of such default..... 419

ATTORNEY—POWERS OF—

Powers of attorney—Recording powers of attorney dealing with personal property—Section 8538 G. C. has not been repealed by implication or made inoperative by amendment of section 2757 G. C.—Such powers of attorney, when filed with county recorder should be recorded in separate record book. 503

AUCTIONEER—

1. Duly licensed and appointed—Engaged by dealer in motor vehicles to auction motor vehicles—Required to be licensed as motor vehicle salesman—Sections 5868, 6302-1 G. C.
2. Registrar of motor vehicles—May not issue another license as salesman of motor vehicles to one whose license is in force and effect..... 406

AUDITOR—CITY—DEPUTY AUDITOR—

1. Municipal library—Clerk, board of trustees—Ex officio treasurer of all funds of library—Such funds will no longer be deposited with treasurer of such municipality—Clerk must be elected and qualified, section 7627 et seq., G. C.
2. Until election and qualification of such clerk, treasurer of municipality will continue to be custodian of library funds.
3. Neither auditor of city which has a municipal library, nor a deputy auditor may be elected clerk of board of trustees of such library under section 7627 G. C..... 639

AUTHORITY—

Page

- Automobiles—County commissioners—Without statutory authority to sell automobiles and road machinery owned by county, purchased by them under sections 2412-1, 7200 G. C..... 107
1. Automobile—County commissioners have authority with approval, common pleas court judge, to purchase automobile for their own use, for relief director and other employes in administration of relief to needy blind and general poor relief—Sections 2412-1, 2412-2 G. C.
 2. Cost should be paid out of general funds of county—No authority to pay cost out of poor relief funds or funds provided for relief of needy blind... 198
 1. Bridge—Acquired and operated by State Bridge Commission of Ohio—Becomes toll free—When all outstanding bonds have been paid and all operative expenses, any surplus from tolls collected on bridge should be paid into state treasury.
 2. Sandusky Bay Bridge—Pomeroy-Mason Bridge—Any remaining funds may not be applied to repay loan made by emergency board to meet payments on bonds of East Liverpool-Chester Bridge—Appropriation provided by House Bill 484, 96 General Assembly.
 3. Commission not liable to pay and without authority to pay any bills presented to state highway department for repairs on any bridge acquired pursuant to section 1084-1 et seq., G. C..... 169
- Coal—Authority and duty to purchase for various institutions of state under department of public welfare, vested in division of purchases and printing of department of finance—Purchases must be made by competitive bidding—Rules of director of finance..... 153
- Common pleas court, clerk—Without legal authority to require resident or non-resident plaintiff to advance fees clerk authorized to charge and collect for issuance of execution on judgment—Proceedings, damages sought for personal injuries..... 249
- Health, state department of—To establish standards to determine qualifications of laboratory to give standard serological test for syphilis has authority to make and enforce reasonable rules relative to equipment, supervision and personnel—Sections 1243-6, 11188 G. C..... 291
- Recorder, county—Without statutory authority to cancel or expurge record of a soldier's discharge which had been recorded under section 2770 G. C.—Discharge was erroneously issued and recorded after soldier's death..... 162

AUTHORITY—RULES—

1. Retirement system, public employes—Increased allowance provided by section 486-59b G. C. to members who retired prior to April 2, 1947 effective June, 1947, payable as part of allowance for July, 1947.
2. To determine amount of increase allowance, consider total number of years and fractions to the credit of superannuate.
3. Public employes retirement board has authority to make rules not inconsistent with law to establish basis to determine "total service credit" of any member or pensioner—Sections 486-30 to 486-75, 486-34 G. C.

AUTHORITY—RULES—Concluded

Page

- 4. Six months' contribution—To claim benefit of increased allowance, member entitled to include period covered by back payments made pursuant to section 486-33b—486-59b G. C.
- 5. When superannuate at time of retirement has selected option, increased retirement allowance shall be allocated between pensioner and designated beneficiary in same proportion as stipulated in original election—Sections 486-67, 486-59b G. C.
- 6. Beneficiary under option selected by former member, deceased prior to enactment of section 486-59b G. C. can receive no benefit from extra allowance under that section..... 324

AUTHORITY—

Superintendent of Purchases and Printing:

- 1. Has authority to waive defects in form of bid, section 196-7 et seq., G. C. when no prejudice will result to right of any other bidder or of public.
- 2. Where bids invited for certain supplies, section 196-7 et seq., G. C. and form issued calls for written proposals on form, signed by bidder, telegraphic bid submitted within time limited, clearly referring to specifications, may be considered to determine lowest and best bid..... 269

AUTOMOBILE—SEE MOTOR VEHICLE—

AVIATION—

- Maximum speed limit, fifteen miles per hour, section 479, rule 45 G. C., as to boats and water craft of all kinds upon state reservoir, public park and pleasure resort and penalties, section 479-1 G. C. do not apply to operation of aircraft landing upon and taking off from such waters..... 228

BAKERY—

- 1. Bakery maintained and operated in connection with department store, grocery store or food market—May be located in basement or cellar if vendor or proprietor were engaged in business there prior to effective date of section 1012 G. C., May 28, 1943.
- 2. Establishment operated strictly as bakery cannot conduct baking operations in cellar or basement.
- 3. Department of Industrial Relations—Responsible to enforce law prohibiting operation of bakeries in cellars or basements..... 313

BANK, INTERNATIONAL FOR RECONSTRUCTION AND DEVELOPMENT—STATE—

- 1. Not a corporation within meaning of section 710-111 (i) G. C.
- 2. State bank—Member of Federal Reserve System—Permitted to invest in investment securities evidencing indebtedness of International Bank for Reconstruction and Development..... 436

BASEMENT—CELLAR— 313

BEAUTY SHOP—

Licensed—Moved to new location—Owner must apply for another shop license
 —Second branch of syllabus, opinion 4416, Opinions Attorney General,
 1935 page 801, overruled..... 357

BEDDING—MATERIAL—MANUFACTURE—

“Material”—Means such material as is customarily and generally used in
 manufacture of bedding—Sections 1038-25 through 1038-36 G. C.—
 Mattress—Inspection of bedding—Penal statutes..... 589

BELL—WHISTLE—SIREN—

1. Vehicle—Classified as emergency vehicle—Must be equipped with siren,
 whistle or bell—Type approved by director of highways—Section 6307-93
 G. C.
2. Volunteer fireman—Not entitled to privilege granted to driver of emer-
 gency vehicle unless provisions of section 6307-93 G. C. are observed.
3. Volunteer firemen—Not peace officers—Do not possess police powers..... 486

BID—ADVERTISEMENT—

Real estate, county owned:

1. Not needed for public use—May be leased to anyone other than munici-
 palities or other governmental subdivisions for term not more than one year
 without advertising and competitive bidding—Sections 2447, 2447-1 G. C.
2. Easements—County owned real estate—May be granted only to munici-
 palities and other governmental subdivisions..... 244

BID—COMPETITIVE—

Coal—Authority and duty to purchase for various institutions of state under
 department of public welfare, vested in division of purchases and printing
 of department of finance—Purchases must be made by competitive bidding—
 Rules of director of finance..... 153

1. Municipal university, directors—Not required to advertise for and receive
 competitive bids as condition to making contracts in behalf of university—
 No such provision in section 4328 or any other section of General Code.
2. Under Article XVIII, Constitution of Ohio, municipality would have power
 to require its officers in charge of municipal university to advertise for
 competitive bids in connection with contracts..... 424

BID—

Superintendent of Purchases and Printing:

1. Has authority to waive defects in form of bid, section 196-7 et seq., G. C.
 when no prejudice will result to right of any other bidder or of public.
2. Where bids invited for certain supplies, section 196-7 et seq., G. C. and
 form issued calls for written proposals on form, signed by bidder, tele-
 graphic bid submitted within time limited, clearly referring to specifications,
 may be considered to determine lowest and best bidder..... 269

BID—Concluded

Page

Where bidder on project to be let by department of highways submits bid in excess of amount for which he was previously qualified—Section 1178-53 et seq., G. C.—Director required to reject bid even though it appears financial status of bidder has improved since time of certificate of pre-qualification was issued..... 299

BLIND—AID TO THE—

1. Aid to the blind—County commissioners—Capacity, administrators of such aid, required to list names of recipients in such manner identity not disclosed by record of proceedings open to general public—Section 2968 G. C.
2. County auditor required to maintain records in such manner recipients may not be readily identified by persons not connected with administrations of aid to the blind..... 77

BLIND—NEEDY—

1. Automobile—County commissioners have authority with approval, common pleas court judge, to purchase automobile for their own use, for relief director and other employes in administration of relief to needy blind and general poor relief—Sections 2412-1, 2412-2 G. C.
2. Cost should be paid out of general funds of county—No authority to pay cost out of poor relief funds or funds provided for relief of needy blind.... 198

BOARD OF EDUCATION—SEE EDUCATION—

BOATS—LICENSING—

Licensing boats—Enforcement of law—Rules and regulations—Section 479 G. C. applicable to lands and waters set aside for public park and recreational purposes—Mosquito Creek Reservoir..... 277

BOATS—RESERVOIR—

Aviation—Maximum speed limit, fifteen miles per hour, section 479, rule 45 G. C., as to boats and water craft of all kinds upon state reservoir, public park and pleasure resort and penalties, section 479-1 G. C. do not apply to operation of aircraft landing upon and taking off from such waters..... 228

BONDS—

1. Bridge—Acquired and operated by State Bridge Commission of Ohio—Becomes toll free—When all outstanding bonds have been paid and all operative expenses, any surplus from tolls collected on bridge should be paid into state treasury.
2. Sandusky Bay Bridge—Pomeroy-Mason Bridge—Any remaining funds may not be applied to repay loan made by emergency board to meet payments on bonds of East Liverpool-Chester Bridge—Appropriation provided by House Bill 484, 96 General Assembly.
3. Commission not liable to pay and without authority to pay any bills presented by state highway department for repairs on any bridge acquired pursuant to section 1084-1 et seq., G. C..... 169

BOND ISSUE—

Playgrounds, swimming pools and indoor recreation centers:

- 1. Moneys may be transferred from county general fund, sections 5625-13a to 5625-13g G. C. and from county bond retirement fund, section 5625-13 paragraph c, G. C. to acquire lands and buildings, section 4065-1 et seq., G. C.
- 2. Question, bond issue—May be submitted to electors at special election at any time prior to August 31, 1947 under Amended Senate Bill 296, 96 General Assembly..... 1

BOND—SURETY—

Auditor, county—Not liable for loss occasioned to third person by act of deputy county auditor who stole securities while making an inventory of a lock box after death of owner..... 139

BRIDGE—GRADE CROSSING—RAILROAD—

- 1. Bridge or other structure separating grade crossing of railroad and state highway—Not constructed pursuant to sections 8863 et seq., or 6956-22 et seq., G. C., which was laid out and opened after construction of railroad, may be widened, realigned and reconstructed—Sections 1182 et seq., 1182-20 G. C.—Railroad company may be required to bear part of expense—Section 1182-9 G. C.
- 2. Such designated bridge or structure may, when necessary for safety or convenience of traveling public, be relocated and reconstructed by director of highways under sections 1182 et seq., 1182-20 G. C.—Railroad company may be required to bear part of expense—Section 1182-9 G. C.
- 3. Bridge built by railroad company—Separation, grade of tracks over or under state highway—When railroad company must comply with obligation imposed by section 1182-20 G. C.
- 4. Status where construction prior to Highway Act passed April 21, 1927, 112 O. L., 430—Statutes then in force later repealed—When railroad company may be required to replace structures to provide safe, adequate and sufficient crossing..... 652

BRIDGES—

- 1. Roads, township—Statutes confer power and impose duties on township trustees to keep in repair all township roads within townships, including bridges.
- 2. Duty of county commissioners to keep in repair all necessary bridges over streams and public canals within county on all public highways, including township roads—Section 2421 G. C..... 92

BRIDGE—TOLL—

- 1. Bridge—Acquired and operated by State Bridge Commission of Ohio—Becomes toll free—When all outstanding bonds have been paid and all operative expenses, any surplus from tolls collected on bridge should be paid into state treasury.

BRIDGE—TOLL—Concluded

Page

- 2. Sandusky Bay Bridge—Pomeroy-Mason Bridge—Any remaining funds may not be applied to repay loan made by emergency board to meet payments on bonds of East Liverpool-Chester Bridge—Appropriation provided by House Bill 484, 96 General Assembly.
- 3. Commission not liable to pay and without authority to pay any bills presented by state highway department for repairs on any bridge acquired pursuant to section 1084-1 et seq., G. C..... 169

BUILDINGS—LANDS—

Playgrounds, swimming pools and indoor recreation centers:

- 1. Moneys may be transferred from county general fund, sections 5625-13a to 5625-13g G. C. and from county bond retirement fund, section 5625-13 paragraph c, G. C. to acquire lands and buildings, section 4065-1 et seq., G. C.
- 2. Question, bond issue—May be submitted to electors at special election at any time prior to August 31, 1947 under Amended Senate Bill 296, 96 General Assembly..... 1

BUILDING AND LOAN ASSOCIATION—

Ohio State chartered—Cannot legally make loan for amount in excess of \$20,000.00, secured by mortgage on more than one parcel of real estate—Section 9657 G. C.—Not material if building and loan company considers not more than \$20,000 to be loaned on any one such property..... 536

BURIAL—

Residence in county in which veteran's plot located or in state of Ohio not necessary prerequisite for burial in veteran's plots—Section 2943 et seq., G. C..... 622

BURIAL GROUNDS—CEMETERIES—PARKS—

Authority of township trustees—Prescribed and limited by statute—To acquire land by deed of gift or otherwise the statutory conditions, limitations and restrictions must be observed—Trust fund..... 561

BUS—SEE EDUCATION—SUBDIVISION—

CANAL—

- 1. Roads, township—Statutes confer power and impose duties on township trustees to keep in repair all township roads within townships, including bridges.
- 2. Duty of county commissioners to keep in repair all necessary bridges over streams and public canals within county on all public highways, including township roads—Section 2421 G. C..... 92

CANCEL OR EXPURGE RECORD—

Recorder, county—Without statutory authority to cancel or expurge record of a soldier's discharge which had been recorded under section 2770 G. C.—Discharge was erroneously issued and recorded after soldier's death..... 162

CELLAR—BASEMENT—

Page

1. Bakery maintained and operated in connection with department store, grocery store or food market—May be located in basement or cellar if vendor or proprietor were engaged in business there prior to effective date of section 1012 G. C., May 28, 1943.
2. Establishment operated strictly as bakery cannot conduct baking operations in cellar or basement.
3. Department of Industrial Relations—Responsible to enforce law prohibiting operation of bakeries in cellars or basements..... 313

CEMETERIES—PARKS—BURIAL GROUNDS—

Authority of township trustees—Prescribed and limited by statute—To acquire land by deed of gift or otherwise the statutory conditions, limitations and restrictions must be observed—Trust fund..... 561

CEMETERY—

Burial—Residence in county in which veteran's plot located, or in state of Ohio, not necessary prerequisite for burial in veteran's plots—Section 2943 et seq., G. C..... 622

CERTIFICATE—

Taxes, personal property—Bulk Sales Act—Proposed sale, transfer or assignment in bulk of whole or any part of stock of merchandise and fixtures—Conduct of business otherwise than in ordinary course of trade and regular and usual prosecution of business—Where tender made to county treasurer of current taxes and delinquent taxes accrued in 1932 and subsequent years, demand made by taxpayer upon treasurer for certificate to show all taxes due and payable have been paid, section 11102 G. C., duty of treasurer to refuse to issue certificate if delinquent personal and classified property tax list includes unpaid taxes against such taxpayer, which accrued prior to 1932 625

CERTIFICATE—PRE-QUALIFICATION—

Bid—Where bidder on project to be let by department of highways submits bid in excess of amount for which he was previously qualified—Section 1178-53 et seq., G. C.—Director required to reject bid even though it appears financial status of bidder has improved since time certificate of pre-qualification was issued..... 299

CERTIFICATE OF TITLE—

Mortgage, chattel—On motor vehicle—In absence of "affidavit of claim," "affidavit of good faith" or "sworn statement"—Entitled to be noted as a lien on certificate of title to motor vehicle, the subject of the mortgage.... 364

CERTIFIED PUBLIC ACCOUNTANT—

1. Certified public accountant—Application for admission to examination and permission to practice—On file with State Board of Accountancy—Pending proceeding within meaning of section 26 G. C.—House Bill 84, 97 General Assembly, which amended section 1375 et seq., G. C. contains no express provisions to contrary—Sections in force and effect at time application filed are controlling.

CERTIFIED PUBLIC ACCOUNTANT—Concluded	<i>Page</i>
2. Applicant for certificate as certified public accountant who is a non-resident of state and employed without state may if approved for examination by State Board of Accountancy prior to September 26, 1947, be admitted to examinations held subsequent to that date.	
3. Status where applicant paid examination fee \$25.00 with application filed prior to September 26, 1947—Not required to pay additional fee to take examination—May again take examination if he failed—Limitation eighteen months—No further fee required.....	519

CERTIFICATION—PLATS—

Vacancy, office of county engineer :

1. No one can perform statutory official duties imposed on county engineer.
 2. County commissioners may continue to pay county employes retained under section 2411 G. C. for work done on county roads.
 3. Certification of plats not one of official duties of county engineer—Section 3585 G. C.
 4. County commissioners may employ engineer upon written request of county engineer—Where vacancy, office county engineer, county commissioners may not employ engineer.....
- 616

CHATTEL MORTGAGE—

Mortgage, chattel—On motor vehicle—In absence of “affidavit of claim,” “affidavit of good faith” or “sworn statement”—Entitled to be noted as a lien on certificate of title to motor vehicle, the subject of the mortgage.....

364

CHILD—FEEBLE-MINDED—

1. Education, board of—Has right to exclude from school a feeble-minded child incapable of profiting by attendance at school—Presence a detriment to other pupils—Section 4838-4 G. C.
 2. Superintendent of state institution for care of feeble-minded children—Has exclusive right of custody and control of feeble-minded person committed to such institution—Person in institution—Out on trial visit—Sections 1890-7, 1890-98 G. C.....
- 319

CHILD—INFANT—MOTHER—

1. Death from accident—Hospital—Duty of physician and any other person who has knowledge of fact to immediately notify coroner of time, place, manner and circumstances.
 2. Maternity hospital, lying-in hospital or other hospital which maintains maternity ward—Death of mother or infant—Procedure under sections 6268, 6269 G. C.—Physician—Coroner—Dead body.
 3. Stillborn child—Child alive at birth—Sections 6268, 6269 G. C. apply to each
- 156

CHILD WELFARE BOARD—

1. Placement of child—Must consider need of placement—Ability of parents to pay for cost and care—Investigation—Approval of juvenile court—Request of parents or legal custodian of child.
2. Status, privately operated day care center—Private agency—Cost of care.
3. Need of child for public care or protective services—Best interests of child—Board may provide facilities for care and collect from parents amount it determines they are able to pay..... 42

CHILD WELFARE BOARD, COUNTY—

Section 3070-36 G. C. provides county commissioners shall make sufficient appropriations for board to perform functions under section 3070-1 et seq., G. C.—Mandatory sufficient funds should be appropriated to pay salary of executive secretary and necessary expenses of office..... 214

CHILDREN'S HOME, COUNTY—SUPERINTENDENT—

1. Incompatible office—Superintendent of county children's home—Located within territorial limits of school district—Member of board of education of that school district.
2. Member of board of education of city school district—Ipsa facto vacates office when he accepts position of superintendent of county children's home located within territorial limits of school district..... 255

CITY—SEE MUNICIPALITY—

CLAIM—

Auditor, county—May lawfully refuse to issue warrant on county treasurer to pay claim for overpayment of real estate taxes—Paid into general fund of county—Claim presented to county commissioners—Allowed more than twenty years after overpayment made..... 165

County commissioners—Without authority to allow claim for loss or injury to animals or poultry unless duplicate statement is filed within sixty days from discovery of injury—Section 5840 G. C..... 71

1. When statute adopts part of another statute by specific reference, part adopted as it exists at time of adoption becomes part of reference statute—Any subsequent amendment or repeal of adopted language has no effect on adopting or reference statute.
2. Effect of amendment on reference statute—Re-enactment of statute.
3. Occupational disease cases—Limitation—Six months after date of death to file claim—Two years after date of death to file claim—Exception—Silicosis or any other occupational disease of respiratory tract—Section 1465-68a (22) G. C..... 347

CLERK—BOARD OF TRUSTEES—LIBRARY—

1. Municipal library—Clerk, board of trustees—Ex officio treasurer of all funds of library—Such funds will no longer be deposited with treasurer of such municipality—Clerk must be elected and qualified, section 7627 et seq., G. C.

CLERK—BOARD OF TRUSTEES—LIBRARY—Concluded *Page*

2. Until election and qualification of such clerk, treasurer of municipality will continue to be custodian of library funds.
3. Neither auditor of city which has a municipal library, nor a deputy auditor may be elected clerk of board of trustees of such library under section 7627 G. C..... 639

COAL—

Authority and duty to purchase for various institutions of state under department of public welfare, vested in division of purchases and printing of department of finance—Purchases must be made by competitive bidding—Rules of director of finance..... 153

COLLEGES—SEE UNIVERSITIES—

COLUMBIANA COUNTY—

Probate judge—Columbiana County—Also performing functions of judge of juvenile court—Can receive no additional salary or compensation during his present term of office—Substitute Senate Bill 223—Amended Senate Bill 50, 97 General Assembly..... 451

COMPANY—DENTAL OPERATIONS—

1. Dental operations—Company which maintains on premises, place operated or conducted by licensed dentist, salaried employe, where dental services performed gratuitously for company employes, not engaged in practice of dentistry.
2. Dental operations—Where licensed dentist is salaried employe of the company, fees are charged employes and paid to company, the company is engaged in practice of dentistry as manager, proprietor, operator or conductor of place to perform dental operations—Section 1329 G. C..... 467

COMPATIBLE—INCOMPATIBLE—

1. Court of appeals—May appoint same person to act as official shorthand reporter and court constable—May fix compensation for service in each position.
2. Position, shorthand reporter of common pleas court not incompatible with positions, shorthand reporter or court constable, court of appeals—Compensation 387
1. Incompatible office—Superintendent of county children's home—Located within territorial limits of school district—Member of board of education of that school district.
2. Member of board of education of city school district—Ipso facto vacates office when he accepts position of superintendent of county children's home located within territorial limits of school district..... 255

	<i>Page</i>
COMPENSATION—See Above	387
Probate judge—Columbiana County—Also performing functions of judge of juvenile court—Can receive no additional salary or compensation during his present term of office—Substitute Senate Bill 223—Amended Senate Bill 50, 97 General Assembly.....	451
COMMON PLEAS JUDGE—SEE COURT—	
COMMUNICATIONS COMPANIES—	
1. Employment—Hours—Females and minors employed by communications companies—Sections 1008-2, 12996 G. C. applicable to all such companies—Interstate or intrastate communications services.	
2. Female employes of a communications company—Sickness and inadequate help—Not valid causes to exceed working hours.	
3. Lawful for communications company to use minors as operators—Section 1008-2 G. C.—Section 12996 G. C. does not apply to telephone operators.	
4. Director of department of industrial relations—No authority in law to grant permission to employer to employ females and minors for greater number of hours per day than maximum fixed by law.....	285
COMPETITIVE BID—	
Coal—Authority and duty to purchase for various institutions of state under department of public welfare, vested in division of purchases and printing of department of finance—Purchases must be made by competitive bidding—Rules of director of finance.....	153
CONGRESSIONAL DISTRICT, FOURTH—	
Elections—Primary—Special—Registration—Absent voting—Fourth Congressional District—September 8, 1947 last day for registration.....	482
CONTRACT—	
Armories, lease—Adjutant General authorized to enter into contracts of lease for periods in excess of two years—Section 5238 G. C.....	132
1. Municipal university, directors—Not required to advertise for and receive competitive bids as condition to making contracts in behalf of university—No such provision in section 4328 or any other section of General Code.	
2. Under Article XVIII, Constitution of Ohio, municipality would have power to require its officers in charge of municipal university to advertise for competitive bids in connection with contracts.....	424
CONTRACTS, CONTINUING—TEACHERS—SEE EDUCATION, SUBDIVISIONS, CONTRACT—TEACHERS—	

CONTRIBUTIONS—REFUND—

Page

Retirement System, Public Employes:

1. Members cease to be members when they come within provisions of police relief and pension fund or firemen's relief and pension fund—Section 486-33c G. C.
2. House Bill 193, 97 General Assembly—Township established under section 4615-2 G. C.—Township firemen's pension fund—Full time regular firemen employed April 1, 1947—Status, cease to be member of public employes retirement system—No other persons under terms of act cease to be members of public employes retirement system—No other persons under terms of act cease to be members of system.
3. Member through change in law who is brought within provisions of firemen's relief and pension fund—Entitled to refund of accumulated contributions to system.
4. Governmental unit not entitled to refund of contributions made to system when member brought within provisions of firemen's relief and pension fund.
5. Full time regular policemen or firemen—Come within provisions of police and firemen's relief and pension funds—Section 4600 et seq., G. C. 542

CORPORATION—

1. International Bank for Reconstruction and Development—Not a corporation within meaning of section 710-111 (i) G. C.
2. State bank—Member of Federal Reserve System—Permitted to invest in investment securities evidencing indebtedness of International Bank for Reconstruction and Development. 436

Secretary of state—Where in exercise of discretion he properly finds the name of a corporation, applicant to file articles of incorporation, is not distinguishable from a trade name properly registered and the public may be misled, he may properly refuse to accept such articles for filing—Section 6240-11 G. C. 185

COST—

1. Automobile—County commissioners have authority with approval, common pleas court judge, to purchase automobile for their own use, for relief director and other employes in administration of relief to needy blind and general poor relief—Sections 2412-1, 2412-2 G. C.
2. Cost should be paid out of general funds of county—No authority to pay cost out of poor relief funds or funds provided for relief of needy blind. . . . 198

COST—CHILD CARE—

Child welfare board:

1. Placement of child—Must consider need of placement—Ability of parents to pay for cost and care—Investigation—Approval of juvenile court—Request of parents or legal custodian of child.
2. Status, privately operated day care center—Private agency—Cost of care.
3. Need of child for public care or protective services—Best interests of child—Board may provide facilities for care and collect from parents amount it determines they are able to pay. 42

	<i>Page</i>
COST—	
Fire fighting equipment—Purchased on deferred payment plan—Cost may not exceed \$10,000.00—Section 3298-54 G. C.....	399
 COSTS—FINES—	
1. Imprisonment for failure to pay fines and costs assessed—Sections 13451-9, 13451-15 G. C. general in nature—No application in violation of laws dealing with taking, protection, preservation, possession or propagation of wild animals.	
2. Default, payment of fines and costs assessed—Violation General Code provisions dealing with taking, protection, preservation, possession or propagation of wild animals—Person entitled to credit of only one dollar for each day confined in county jail or workhouse because of such default.....	419
 COST—	
1. Resurfacing state highway—Portion of cost—Assumed by county commissioners to cooperate with director of highways—May not be paid directly from county general fund—Section 1178-43 G. C.	
2. Money in county general fund and in county road maintenance and repair fund, section 6956-1a G. C. may be used by county commissioners to pay premiums on policies of insurance procured under authority of section 2412-3 G. C.....	135
 COVENANT—EASEMENT—	
Real estate—Forfeited to state for nonpayment of real estate taxes and assessments—Where valid sale and conveyance made by county auditor, purchaser invested with a new and perfect title free from all prior liens and encumbrances, including lien of state of Ohio for delinquent franchise taxes and penalties—Exception, taxes and installments of special assessments and reassessments not due at time of sale—Exception, easements and covenants running with the land created prior to time taxes or assessments became due and payable and nonpayment resulted in land forfeiture.....	83
 COUNTY—	
 AUDITOR, COUNTY—	
May lawfully refuse to issue warrant on county treasurer to pay claim for overpayment of real estate taxes—Paid into general fund of county—Claim presented to county commissioners—Allowed more than twenty years after overpayment made.....	165
Not liable for loss occasioned to third person by act of deputy county auditor who stole securities while making an inventory of a lock box after death of owner	139
 Taxing authority of each subdivision :	
1. To prepare budget for ensuing fiscal year for submission to county budget commission, should furnish required detailed information in good faith—Section 5625-21 G. C.	

AUDITOR, COUNTY—Concluded

Page

2. Procedure when information required by section 5625-21 G. C. is not furnished.
3. Appropriations made from particular fund—Should not exceed amount available as set forth in county budget commission's official or amended certificate of estimated resources.
4. County auditor and county budget commission—Duty where fixing tax rates for subdivisions to take into consideration taxes shall not be levied at rate greater than necessary to provide necessary funds.
5. "Tax budget"—Interpretation—Sections 5625-22, 5625-23, 5625-26 G. C. 260

CHILDREN'S HOME, SUPERINTENDENT—COUNTY—

1. Incompatible office—Superintendent of county children's home—Located within territorial limits of school district—Member of board of education of that school district.
2. Member of board of education of city school district—Ipso facto vacates office when he accepts position of superintendent of county children's home located within territorial limits of school district. 255

COMMISSIONERS—COUNTY—

1. Aid to the blind—County commissioners—Capacity, administrators of such aid, required to list names of recipients in such manner identity not disclosed by record of proceedings open to general public—Section 2968 G. C.
2. County auditor required to maintain records in such manner recipients may not be readily identified by persons not connected with administrations of aid to the blind. 77

Auditor, county—May lawfully refuse to issue warrant on county treasurer to pay claim for overpayment of real estate taxes—Paid into general fund of county—Claim presented to county commissioners—Allowed more than twenty years after overpayment made. 165

Authority to participate with state highway department and with city in county to share cost of topographic survey to be made by serial photogrammetric methods and production of topographic maps—Purpose, highway, street, freeway and community planning. 304

Automobiles—County commissioners—Without statutory authority to sell automobiles and road machinery owned by county, purchased by them under sections 2412-1, 7200 G. C. 107

1. Automobile—County commissioners have authority, with approval, common pleas court judge, to purchase automobile for their own use, for relief director and other employes in administration of relief to needy blind and general poor relief—Sections 2412-1, 2412-2 G. C.
2. Cost should be paid out of general funds of county—No authority to pay cost out of poor relief funds or funds provided for relief of needy blind. . . . 198

Child welfare board, county—Section 3070-36 G. C. provides county commissioners shall make sufficient appropriations for board to perform functions under section 3070-1 et seq., G. C.—Mandatory sufficient funds should be appropriated to pay salary of executive secretary and necessary expenses of office. 214

COMMISSIONERS—COUNTY—Concluded		<i>Page</i>
Hospital—Designed to care for and treat contagious or infectious diseases, including tuberculosis—General hospital—Subject to approval of state department of health—County commissioners of county where no county hospital for tuberculosis has been provided and no joint tuberculosis hospital district, may contract with general hospital for care and treatment of residents of county suffering from tuberculosis—Section 3139-18 G. C....		402
Municipal corporation—Annexation of territory—Board of elections required to place question on ballot and submit it to electors of unincorporated portion of township—Section 3561-1 G. C.—Question should be submitted before proceedings of county commissioners authorized by section 3561 G. C. are held.....		500
1. Resurfacing state highway—Portion of cost—Assumed by county commissioners to cooperate with director of highways—May not be paid directly from county general fund—Section 1178-43 G. C.		
2. Money in county general fund and in county road maintenance and repair fund, section 6956-1a G. C. may be used by county commissioners to pay premiums on policies of insurance procured under authority of section 2412-3 G. C.....		135
1. Roads, township—Statutes confer power and impose duties on township trustees to keep in repair all township roads within townships, including bridges.		
2. Duty of county commissioners to keep in repair all necessary bridges over streams and public canals within county on all public highways, including township roads—Section 2421 G. C.....		92
Vacancy, office of county engineer :		
1. No one can perform statutory official duties imposed on county engineer.		
2. County commissioners may continue to pay county employes retained under section 2411 G. C. for work done on county roads.		
3. Certification of plats not one of official duties of county engineer—Section 3585 G. C.		
4. County commissioners may employ engineer upon written request of county engineer—Where vacancy, office county engineer, county commissioners may not employ engineer.....		616
Welfare, county department of—Complete control vested in county commissioners—Voucher for expenditures must be approved by commissioners—Senate Bill 241, 97 General Assembly—Sections 2511-2, 2511-3, 2511-4, 2572 G. C.....		648
Without authority to allow claim for loss or injury to animals or poultry unless duplicate statement is filed within sixty days from discovery of injury—Section 5840 G. C.....		71
DEPUTY COUNTY AUDITOR—		
Auditor, county—Not liable for loss occasioned to third person by act of deputy county auditor who stole securities while making an inventory of a lock box after death of owner.....		139

CORONER—

Page

1. Death from accident—Hospital—Duty of physician and any other person who has knowledge of fact to immediately notify coroner of time, place, manner and circumstances.
2. Maternity hospital, lying-in hospital or other hospital which maintains maternity ward—Death of mother or infant—Procedure under sections 6268, 6269 G. C.—Physician—Coroner—Dead body.
3. Stillborn child—Child alive at birth—Sections 6268, 6269 G. C. apply to each 156

ENGINEER, COUNTY—

Vacancy, office of county engineer:

1. No one can perform statutory official duties imposed on county engineer.
2. County commissioners may continue to pay county employes retained under section 2411 G. C. for work done on county roads.
3. Certification of plats not one of official duties of county engineer—Section 3585 G. C.
4. County commissioners may employ engineer upon written request of county engineer—Where vacancy, office county engineer, county commissioners may not employ engineer 616

FOREIGN COUNTY—

1. Relief, Soldiers'—Person eligible under section 2934 G. C. has been placed on list of recipients for a certain year under section 2938 G. C.—Removes to another county or without state—Soldiers' relief commission has authority to continue payment of relief during remainder of such period.
2. Soldiers' relief commission authorized to grant and pay relief to veteran out of work because of labor strike, provided he is otherwise eligible. 457

HOME, COUNTY—INMATE—

1. Inmate of county home—Funds received from division of aid for the aged—When turned over to county must be deposited with county treasurer to credit of inmate and disbursed under section 2549 G. C.
2. No authority in law for division of aid for the aged, department of public welfare or other authority to restrict use of moneys awarded to inmate of county home. 413

JAIL—COUNTY—

1. Imprisonment for failure to pay fines and costs assessed—Sections 13451-9, 13451-15 G. C. general in nature—No application in violation of laws dealing with taking, protection, preservation, possession or propagation of wild animals.
2. Default, payment of fines and costs assessed—Violation General Code provisions dealing with taking, protection, preservation, possession or propagation of wild animals—Person entitled to credit of only one dollar for each day confined in county jail or workhouse because of such default. 419

MEMORIAL HOSPITAL—COUNTY—

Page

- Memorial hospital, county—Must be erected under county hospital statutes, section 3127 et seq., G. C.—Cannot be constructed under war memorials statutes, section 3059 et seq., G. C..... 369

COUNTY—

Real estate, county owned :

1. Not needed for public use—May be leased to anyone other than municipalities or other governmental subdivisions for term not more than one year without advertising and competitive bidding—Sections 2447, 2447-1 G. C.
2. Easements—County-owned real estate—May be granted only to municipalities and other governmental subdivisions..... 244

RECORDER, COUNTY—

- Maps and plans under section 1178-33 G. C.—State Highway projects—No statutory provision to record same in county recorder's office..... 234
- Powers of attorney—Recording powers of attorney dealing with personal property—Section 8538 G. C. has not been repealed by implication or made inoperative by amendment of section 2757 G. C.—Such powers of attorney, when filed with county recorder should be recorded in separate record book. 503
- Without statutory authority to cancel or expurge record of a soldier's discharge which had been recorded under section 2770 G. C.—Discharge was erroneously issued and recorded after soldier's death..... 162

ROADS—COUNTY—

1. Roads, township—Statutes confer power and impose duties on township trustees to keep in repair all township roads within townships, including bridges.
2. Duty of county commissioners to keep in repair all necessary bridges over streams and public canals within county on all public highways, including township roads—Section 2421 G. C..... 92

SHERIFF—

- Entitled to poundage on money paid to him by judgment debtor—Where debtor contacted and advised by sheriff that foreign writ of execution is in his hands for enforcement and sheriff paid the money in satisfaction of writ—Section 2845 G. C..... 104

TREASURER, COUNTY—

- Auditor, county—May lawfully refuse to issue warrant on county treasurer to pay claim for overpayment of real estate taxes—Paid into general fund of county—Claim presented to county commissioners—Allowed more than twenty years after overpayment made..... 165
1. Inmate of county home—Funds received from division of aid for the aged—When turned over to county must be deposited with county treasurer to credit of inmate and disbursed under section 2549 G. C.

TREASURER, COUNTY—Concluded	<i>Page</i>
2. No authority in law for division of aid for the aged, department of public welfare or other authority to restrict use of moneys awarded to inmate of county home	413
Taxes, personal property—Bulk Sales Act—Proposed sale, transfer or assignment in bulk of whole or any part of stock of merchandise and fixtures—Conduct of business otherwise than in ordinary course of trade and regular and usual prosecution of business—Where tender made to county treasurer of current taxes and delinquent taxes accrued in 1932 and subsequent years, demand made by taxpayer upon treasurer for certificate to show all taxes due and payable have been paid, section 11102 G. C., duty of treasurer to refuse to issue certificate if delinquent personal and classified property tax list includes unpaid taxes against such taxpayer, which accrued prior to 1932	625
TREASURY—COUNTY—	
Experiment farms, county—Management—Director, Ohio agricultural experiment station has discretion to determine at what times and in what amounts surplus arising from sale of produce shall be paid to county treasury for credit to county general fund—Sections 1177-4 to 1177-8 G. C.....	148
WELFARE—AGENCIES—COUNTY—SEE WELFARE—	
COURT—	
COURT OF APPEALS—	
1. Court of appeals—May appoint same person to act as official shorthand reporter and court constable—May fix compensation for service in each position.	
2. Position, shorthand reporter of common pleas court not incompatible with positions, shorthand reporter or court constable, court of appeals—Compensation	387
COURT OF APPEALS—JUDGE—	
Salary—Judge, court of appeals—Incumbent, effective date of Senate Bill 223, 97 General Assembly—Payable entirely from state treasury.....	533
COURTS—CLERK OF—	
Should charge and collect for services prior to September 12, 1947 in pending proceedings, fees prescribed by sections 2900, 2901 and 2901-1 G. C. as in force and effect prior to that date—Services performed September 12, 1947 and subsequently—Clerk should charge fees prescribed by said sections as amended and effective on that date.....	496
COMMON PLEAS COURT—	
SEE COURT OF APPEALS—ABOVE.....	387

COMMON PLEAS COURT—CLERK—

Page

Without legal authority to require resident or nonresident plaintiff to advance fees clerk authorized to charge and collect for issuance of execution on judgment—Proceeding, damages sought for personal injuries..... 249

COMMON PLEAS COURT JUDGE—

1. Automobile—County commissioners have authority with approval, common pleas court judge, to purchase automobile for their own use, for relief director and other employes in administration of relief to needy blind and general poor relief—Sections 2412-1, 2412-2 G. C.
2. Cost should be paid out of general funds of county—No authority to pay cost out of poor relief funds or funds provided for relief of needy blind.... 198
1. Judge, court of common pleas—Accepted commission from United States Government—Officer, army of United States—Ipsa facto forfeited and vacated office—Article IV, section 14, Constitution of Ohio.
2. Where such judge served in World War II, Army of United States, commissioned officer and was discharged from military service—Reassumed position on bench—Not entitled to receive salary of office for services performed after discharge..... 26

CONSTABLE, COURT—

1. Court of appeals—May appoint same person to act as official shorthand reporter and court constable—May fix compensation for service in each position.
2. Position, shorthand reporter of common pleas court not incompatible with positions, shorthand reporter or court constable, court of appeals—Compensation 387

COURT DECISION—PENDING—

Public Works, Director—Quo warranto action—Supreme Court of Ohio—Appointee de facto officer pending court decision—De jure officer—Sections 154-3, 404 G. C..... 15

JUVENILE COURT—

Child welfare board:

1. Placement of child—Must consider need of placement—Ability of parents to pay for cost and care—Investigation—Approval of juvenile court—Request of parents or legal custodian of child.
2. Status, privately operated day care center—Private agency—Cost of care.
3. Need of child for public care or protective services—Best interests of child—Board may provide facilities for care and collect from parents amount it determines they are able to pay..... 42

JUVENILE COURT JUDGE—

Probate judge—Columbiana County—Also performing functions of judge of juvenile court—Can receive no additional salary or compensation during his present term of office—Substitute Senate Bill 223—Amended Senate Bill 50, 97 General Assembly..... 451

PROBATE COURT—

Page

1. Education, board of—When all members of city school district resign at same time, duty of probate court to fill each vacancy by appointment—Time, unexpired terms of several members resigning—Section 4846 G. C.
2. When one or more vacancies occur in membership, city board of education, and board fails to fill vacancy within thirty days, probate court required to fill vacancies—Court not authorized to act in place of board of education.. 381

PROBATE JUDGE—

SEE—JUVENILE COURT JUDGE—ABOVE..... 451

COURT—FINIS—

DAMAGES—

Common pleas court, clerk—Without legal authority to require resident or nonresident plaintiff to advance fees clerk authorized to charge and collect for issuance of execution on judgment—Proceeding, damages sought for personal injuries..... 249

County commissioners—Without authority to allow claim for loss or injury to animals or poultry unless duplicate statement is filed within sixty days from discovery of injury—Section 5840 G. C..... 71

DAMAGES—LIABILITY—INJURY—

1. Bus—State university—Board of trustees—Not liable as a board or individually for damages to person or property growing out of negligence. Employe in operation of bus purchased with public funds by trustees—Use, activities, conduct and management of university—Proviso, reasonable care in selection of employe and no active participation in negligence which produces injury.
2. Bowling Green State University—Board of trustees—Without authority to expend public funds for protective insurance against liability growing out of operation of bus..... 431

DEAD BODY—

1. Death from accident—Hospital—Duty of physician and any other person who has knowledge of fact to immediately notify coroner of time, place, manner and circumstances.
2. Maternity hospital, lying-in hospital or other hospital which maintains maternity ward—Death of mother or infant—Procedure under sections 6268, 6269 G. C.—Physician—Coroner—Dead body.
3. Stillborn child—Child alive at birth—Sections 6268, 6269 G. C. apply to each 156

DEATH—

1. Governor, succession to office—Devolution of powers and duties—Death of person elected governor prior to induction into office—Law found in Constitution of Ohio, Article III, section 2—Force and effect of any law enacted by General Assembly.

	<i>Page</i>
DEATH—Concluded	
2. Person elected governor—Entitled to hold office, discharge duties and receive emoluments, term of two years, commencing on second Monday of January, next after election and until successor elected and qualified.	
3. Where person elected governor dies subsequent to election and prior to second Monday in January next following—Person holding office entitled to continue until successor elected and qualified.	
4. "Governor"—"Governor-elect"—If person elected governor should die before induction into office, duties and powers of office would not devolve upon lieutenant governor.....	53
DEBTOR—JUDGMENT—	
Sheriff—Entitled to poundage on money paid to him by judgment debtor—Where debtor contacted and advised by sheriff that foreign writ of execution is in his hands for enforcement and sheriff paid the money in satisfaction of writ—Section 2845 G. C.....	104
DE FACTO OFFICER—DE JURE OFFICER—	
Public Works, Director—Quo warranto action—Supreme Court of Ohio—Appointee de facto officer pending court decision—De jure officer—Sections 154-3, 404 G. C.....	15
DEFAULT—COSTS—FINES—	
1. Imprisonment for failure to pay fines and costs assessed—Sections 13451-9, 13451-15 G. C. general in nature—No application in violation of laws dealing with taking, protection, preservation, possession or propagation of wild animals.	
2. Default, payment of fines and costs assessed—Violation General Code provisions dealing with taking, protection, preservation, possession or propagation of wild animals—Person entitled to credit of only one dollar for each day confined in county jail or workhouse because of such default....	419
DEFERRED PAYMENT PLAN—	
Fire fighting equipment—Purchased on deferred payment plan—Cost may not exceed \$10,000.00—Section 3298-54 G. C.....	399
DE JURE OFFICER—DE FACTO OFFICER.....	15
DENTISTRY—	
1. Dental operations—Company which maintains on premises, place operated or conducted by licensed dentist, salaried employe, where dental services performed gratuitously for company employes, not engaged in practice of dentistry.	
2. Dental operations—Where licensed dentist is salaried employe of the company, fees are charged employes and paid to company, the company is engaged in practice of dentistry as manager, proprietor, operator or conductor of place to perform "dental operations"—Section 1329 G. C.....	467

DEPARTMENT STORE—

Page

1. Bakery maintained and operated in connection with department store, grocery store or food market—May be located in basement or cellar if vendor or proprietor were engaged in business there prior to effective date of section 1012 G. C., May 28, 1943.
2. Establishment operated strictly as bakery can not conduct baking operations in cellar or basement.
3. Department of Industrial Relations—Responsible to enforce law prohibiting operation of bakeries in cellars or basements..... 313

DISABILITY ALLOWANCE—

- Retirement system, public employes—Member retired for disability—Maximum allowance member would be entitled to receive had retirement been deferred to age of sixty years—Calculated to date when such member would reach age of sixty years, not to end of then current quarter—Section 486-63, paragraph b G. C..... 613

DISABLED VETERAN—

1. Veteran, disabled—Public Law 16, 78 Congress—Disabled veteran, engaged in "on-the-job" training—Receives compensation for services to employer amenable to Ohio Workmen's Compensation Law—Injured in course of employment—Entitled to benefits of Workmen's Compensation Law—Average weekly wage paid by employer—Benefits, irrespective of any disability awards or benefits received from Federal Government.
2. In event of death as result of injuries received under such circumstances, employe's dependents would be entitled to benefits similarly computed.
3. Employer amenable to Ohio Workmen's Compensation Law obliged to report as part of pay roll any compensation paid to disabled veterans who receive "on-the-job" training under Public Law 16, 78 Congress..... 628

DISCHARGE—

1. Judge, court of common pleas—Accepted commission from United States Government—Officer, army of United States—Ipsa facto forfeited and vacated office—Article IV, section 14, Constitution of Ohio.
2. Where such judge served in World War II, Army of United States, commissioned officer and was discharged from military service—Reassumed position on bench—Not entitled to receive salary of office for services performed after discharge..... 26

DISCHARGE—SOLDIER'S—

- Recorder, county—Without statutory authority to cancel or expurge record of a soldier's discharge which had been recorded under section 2770 G. C.—Discharge was erroneously issued and recorded after soldier's death..... 162

EASEMENT—COVENANT—

Page

Real estate—Forfeited to state for nonpayment of real estate taxes and assessments—Where valid sale and conveyance made by county auditor, purchaser invested with a new and perfect title free from all prior liens and encumbrances, including lien of state of Ohio for delinquent franchise taxes and penalties—Exception, taxes and installments of special assessments and reassessments not due at time of sale—Exception, easements and covenants running with the land created prior to time taxes or assessments became due and payable and nonpayment resulted in land forfeiture..... 83

EASEMENTS—

Real estate, county owned :

1. Not needed for public use—May be leased to anyone other than municipalities or other governmental subdivisions for term not more than one year without advertising and competitive bidding—Sections 2447, 2447-1 G. C.
2. Easements—County owned real estate—May be granted only to municipalities and other governmental subdivisions..... 244

EAST LIVERPOOL—CHESTER BRIDGE—

1. Bridge—Acquired and operated by State Bridge Commission of Ohio—Becomes toll free—When all outstanding bonds have been paid and all operative expenses, any surplus from tolls collected on bridge should be paid into state treasury.
2. Sandusky Bay Bridge—Pomeroy-Mason Bridge—Any remaining funds may not be applied to repay loan made by emergency board to meet payments on bonds of East Liverpool—Chester Bridge—Appropriation provided by House Bill 484, 96 General Assembly.
3. Commission not liable to pay and without authority to pay any bills presented by state highway department for repairs on any bridge acquired pursuant to section 1084-1 et seq., G. C..... 169

EDUCATION—

AGE AND SCHOOLING CERTIFICATE—

1. Minor—It is immaterial whether minor is directly employed or permitted or suffered to work in or about a place of amusement—Sections 12996, 13007-3 G. C.
2. Minor under sixteen years of age employed, permitted or suffered to work in or about place of amusement required to have age and schooling certificate—Exception, when employed in irregular service—Section 12993-1 G. C.
3. Place of amusement—Stadium, park or other place used to play baseball games, football games or other sports.
4. Sections 12993, 13007-3 G. C. not in conflict—Interpretation—Section 6064-1 G. C.—Application as to intoxicating liquors sold in place of amusement.

EDUCATION—Continued

Page

AGE AND SCHOOLING CERTIFICATE—Concluded

- 5. Boy under age of eighteen years—Girl under age of twenty-one years: Shall not be employed, permitted or suffered to work in, about or in connection with a place of amusement before six o'clock in the morning or after ten o'clock in the evening—Boy under sixteen or girl under eighteen— Shall not be employed in place of amusement before seven o'clock in morning or after six o'clock in evening..... 333

ALTERATIONS—REPAIRS—

- 1. Education, board of—Authorized by section 4834-10 G. C. to rent building for school purposes—Board may make reasonable repairs and alterations to make building usable for school purposes.
- 2. Boards not authorized to pay cost of alterations and repairs in building rented for school purposes from building fund created by section 5625-11 G. C..... 115

APPOINTMENT—

- 1. Education, board of—When all members of city school district resign at same time, duty of probate court to fill each vacancy by appointment— Time, unexpired terms of several members resigning—Section 4846 G. C.
- 2. When one or more vacancies occur in membership, city board of education, and board fails to fill vacancy within thirty days, probate court required to fill vacancies—Court not authorized to act in place of board of education..... 381

ATHLETIC CONTESTS—

- Education, boards of—Authorized to permit school buses to be used to transport athletic teams and other pupils to their respective schools to and from inter-school athletic contests—Not authorized to pay expense of operating such buses—Section 4855 et seq., G. C..... 109

AUTHORITY—

- 1. Education, county board of—Authority to transfer portion of rural school district to another rural school district—Interpretation of sections 4692, 4726, 4727 G. C. at time same were operative.
- 2. County board of education without authority to transfer or change boundary lines of any school district under its jurisdiction unless transfer or change was in accordance with adopted plan of organization prepared by county board of education and approved by director of education—Section 7600-1 et seq., G. C..... 219
- 1. Education, board of—Authorized by section 4834-10 G. C. to rent building for school purposes—Board may make reasonable repairs and alterations to make building usable for school purposes.
- 2. Boards not authorized to pay cost of alterations and repairs in building rented for school purposes from building fund created by section 5625-11 G. C..... 115

	<i>Page</i>
EDUCATION—Continued	
AUTHORITY—Concluded	
Education, board of—Discretion—Authorized to suspend temporarily or permanently all schools within district—Education of pupils provided for in one or more other school districts—Section 4836-2 G. C.....	464
 BUILDING—SCHOOL—	
1. Education, board of—Authorized by section 4834-10 G. C. to rent building for school purposes—Board may make reasonable repairs and alterations to make building usable for school purposes.	
2. Boards not authorized to pay cost of alterations and repairs in building rented for school purposes from building fund created by section 5625-11 G. C.....	115
 BUS—	
Education, boards of—Authorized to permit school buses to be used to transport athletic teams and other pupils of their respective schools to and from inter-school athletic contests—Not authorized to pay expense of operating such buses—Section 8455 et seq., G. C.....	109
1. School bus—Section 6295-1 G. C. authorizes without charge, issuance of annual license tax—Any school bus used exclusively to transport school children to or from school or to and from any school functions.	
2. School function includes any gathering or event directly pertaining or contributing to education of pupils of a particular school district—Determination by board of education of district in exercise of sound discretion.	
3. Certificate of registration without charge—Not authorized—School bus to be used for transportation to school functions—Any person except pupils of school district furnishing vehicle.	
4. Statute does not authorize remission of license fee for buses to transport pupils to or from places or events which have no relation to education of pupils—Events and places would include: a. Purely pleasure trips— b. Trips by youth organizations having no direct relation to schools.	
5. Question of legality not affected by fact pupils pay part or all of cost of transportation.	
6. Board of education without authority to make expenditure of school funds to pay for commercial car license registration required by section 6291 et seq., G. C.....	509
1. State university—Board of trustees—Not liable as a board or individually for damages to person or property growing out of negligence—Employee in operation of bus purchased with public funds by trustees—Use, activities, conduct and management of university—Proviso, reasonable care in selection of employe and no active participation in negligence which produces injury.	
2. Bowling Green State University—Board of trustees—Without authority to expend public funds for protective insurance against liability growing out of operation of bus.....	431

EDUCATION—Continued

Page

CERTIFICATE OF REGISTRATION—

1. School bus—Section 6295-1 G. C. authorizes without charge, issuance of annual license tax—Any school bus used exclusively to transport school children to or from school or to and from any school functions.
2. School function includes any gathering or event directly pertaining or contributing to education of pupils of a particular school district—Determination by board of education of district in exercise of sound discretion.
3. Certificate of registration without charge—Not authorized—School bus to be used for transportation to school functions—Any person except pupils of school district furnishing vehicle.
4. Statute does not authorize remission of license fee for buses to transport pupils to or from places or events which have no relation to education of pupils—Events and places would include: a. Purely pleasure trips— b. Trips by youth organizations having no direct relation to schools.
5. Question of legality not affected by fact pupils pay part or all of cost of transportation.
6. Board of education without authority to make expenditure of school funds to pay for commercial car license registration required by section 6291 et seq., G. C..... 509

CHILD—FEEBLE-MINDED—

1. Education, board of—Has right to exclude from school a feeble-minded child incapable of profiting by attendance at school—Presence a detriment to other pupils—Section 4838-4 G. C.
2. Superintendent of state institution for care of feeble-minded children—Has exclusive right of custody and control of feeble-minded person committed to such institution—Person in institution —Out on trial visit—Sections 1890-7, 1890-98 G. C..... 319

COMPENSATION—EXTRA—

Principal, supervising—Employed by board of education for three year term—Salary to be received ensuing year shall be determined and principal advised on or before July 1 of each year—Board without authority to pay any salary or other compensation for that year in excess of such amount—Extra compensation may be allowed for extra duties for such time as they are required..... 237

CONTRACT—TEACHER—

1. Education, board of—Local school district—Less than 800 pupils—“Beginning teacher”—“New teacher”—Contract for reemployment—Terms, one, three, five years—Sections 4842-8, 7690-2 G. C.
2. Contract termination three years—Reemployment must be for period of five years.
3. Teacher under contract, a supervising principal, may be transferred by board of education at any time to a teaching position—No authority to reduce salary unless reduction part of uniform plan affecting entire district—Section 4842-9 G. C..... 191

	<i>Page</i>
EDUCATION—Continued	
DISTRICT—FOREIGN—	
Education, local board of—Under no obligation to furnish transportation for resident high school pupils who attend high school in another district—District of residence maintains no high school of its own.....	203
DISTRICT—RESIDENCE	203
EDUCATION, BOARD OF—	
1. Authorized to levy tax upon taxable property of district for support of school district library—Irrrespective of participation in proceeds of classified property taxes provided for in section 5625-20 G. C.—Sections 7639, 4840-3 G. C.	
2. Board not required to provide by tax levy amount necessary for full amount certified by library trustees as needed for maintenance and operation of library—Sections 7639, 4840-3 G. C.—House Bill 125, 97 General Assembly	444
Authorized to permit school buses to be used to transport athletic teams and other pupils of their respective schools to and from inter-school athletic contests—Not authorized to pay expense of operating such buses—Section 4855 et seq., G. C.....	109
1. Authorized by section 4834-10 G. C. to rent building for school purposes—Board may make reasonable repairs and alterations to make building usable for school purposes.	
2. Boards not authorized to pay cost of alterations and repairs in building rented for school purposes from building fund created by section 5625-11 G. C.....	115
1. Authority to transfer portion of rural school district to another rural school district—Interpretation of sections 4692, 4726, 4727 G. C. at time same were operative.	
2. County board of education without authority to transfer or change boundary lines of any school district under its jurisdiction unless transfer or change was in accordance with adopted plan of organization prepared by county board of education and approved by director of education—Section 7600-1 et seq., G. C.....	219
Discretion—Authorized to suspend temporarily or permanently all schools within district—Education of pupils provided for in one or more other school districts—Section 4836-2 G. C.....	464
1. Has right to exclude from school a feeble-minded child incapable of profiting by attendance at school—Presence a detriment to other pupils—Section 4838-4 G. C.	
2. Superintendent of state institution for care of feeble-minded children—Has exclusive right of custody and control of feeble-minded person committed to such institution—Person in institution—Out on trial visit—Sections 1890-7, 1890-98 G. C.....	319
1. Incompatible office—Superintendent of county children's home—Located within territorial limits of school district—Member of board of education of that school district.	

EDUCATION, BOARD OF—Continued

	<i>Page</i>
2. Member of board of education of city school district—Ipsa facto vacates office when he accepts position of superintendent of county children's home located within territorial limits of school district.....	255
1. Local school district—Less than 800 pupils—"Beginning teacher"—"New teacher"—Contract for reemployment—Terms, one, three, five years—Sections 4842-8, 7690-2 G. C.	
2. Contract termination three years—Reemployment must be for period of five years.	
3. Teacher under contract, a supervising principal, may be transferred by board of education at any time to a teaching position—No authority to reduce salary unless reduction part of uniform plan affecting entire district—Section 4842-9 G. C.....	191
May send employes and official representatives to attend program of instruction at college or university—Matters pertaining to conduct and management of schools—Expenses may be paid, including registration fee, from "service fund"—Section 4845-8 G. C.....	66
Principal, supervising—Employed by board of education for three year term—Salary to be received ensuing year shall be determined and principal advised on or before July 1 of each year—Board without authority to pay any salary or other compensation for that year in excess of such amount—Extra compensation may be allowed for extra duties for such time as they are required	237
1. School bus—Section 6295-1 G. C. authorizes without charge, issuance of annual license tax—Any school bus used exclusively to transport school children to or from school or to and from any school functions.	
2. School function includes any gathering or event directly pertaining or contributing to education of pupils of a particular school district—Determination by board of education of district in exercise of sound discretion.	
3. Certificate of registration without charge—Not authorized—School bus to be used for transportation to school functions—Any person except pupils of school district furnishing vehicle.	
4. Statute does not authorize remission of license fee for buses to transport pupils to or from places or events which have no relation to education of pupils—Events and places would include: a. Purely pleasure trips— b. Trips by youth organizations having no direct relation to schools.	
5. Question of legality not affected by fact pupils pay part or all of cost of transportation.	
6. Board of education without authority to make expenditure of school funds to pay for commercial car license registration required by section 6291 et seq., G. C.....	509
1. Shall take into account total payroll of teachers for year 1946-1947 and apply to that base at least seventy-five per cent of increased revenue to salary increase of teachers for school year 1947-1948—Section 4848-6 G. C.—Amended Substitute Senate Bill 48, 97 General Assembly.	

EDUCATION—Continued

Page

EDUCATION, BOARD OF—Concluded

2. Salary of one teacher for each thirty pupils added to enrollment for year 1947-1948 over enrollment of previous year may be considered as salary increase—No part of salary of teacher employed on account of increase of enrollment of pupils less than thirty may be so considered. 491
1. When all members of city school district resign at same time, duty of probate court to fill each vacancy by appointment—Time, unexpired terms of several members resigning—Section 4846 G. C.
2. When one or more vacancies occur in membership, city board of education, and board fails to fill vacancy within thirty days, probate court required to fill vacancies—Court not authorized to act in place of board of education 381

EDUCATION, BOARD OF, LOCAL—

- Under no obligations to furnish transportation for resident high school pupils who attend high school in another district—District of residence maintains no high school of its own. 203

EDUCATION, DIRECTOR OF—

1. Education, county board of—Authority to transfer portion of rural school district to another rural school district—Interpretation of sections 4692, 4726, 4727 G. C. at time same were operative.
2. County board of education without authority to transfer or change boundary lines of any school district under its jurisdiction unless transfer or change was in accordance with adopted plan of organization prepared by county board of education and approved by director of education—Section 7600-1 et seq., G. C. 219

EMPLOYER—EMPLOYEE—

1. Education, board of—Local school district—Less than 800 pupils—"Beginning teacher"—"New teacher"—Contract for reemployment—Terms, one, three, five years—Sections 4842-8, 7690-2 G. C.
 2. Contract termination three years—Reemployment must be for period of five years.
 3. Teacher under contract, a supervising principal, may be transferred by board of education at any time to a teaching position—No authority to reduce salary unless reduction part of uniform plan affecting entire district—Section 4842-9 G. C. 191
- Education, board of—May send employes and official representatives to attend program of instruction at college or university—Matters pertaining to conduct and management of schools—Expenses may be paid, including registration fee, from "service fund"—Section 4845-8 G. C. 66
1. Education, board of—Shall take into account total payroll of teachers for year 1946-1947 and apply to that base at least seventy-five per cent of increased revenue to salary increase of teachers for school year 1947-1948—Section 4848-6 G. C.—Amended Substitute Senate Bill 48, 97 General Assembly.

EDUCATION—Continued

Page

EMPLOYER—EMPLOYEE—Concluded

- 2. Salary of one teacher for each thirty pupils added to enrollment for year 1947-1948 over enrollment of previous year may be considered as salary increase—No part of salary of teacher employed on account of increase of enrollment of pupils less than thirty may be so considered..... 491

EXPENSE—BUS OPERATION—

Education, boards of—Authorized to permit school buses to be used to transport athletic teams and other pupils to their respective schools to and from inter-school athletic contests—Not authorized to pay expenses of operating such buses—Section 4855 et seq., G. C..... 109

EXPENSE—

Education, board of—May send employes and official representatives to attend program of instruction at college or university—Matters pertaining to conduct and management of schools—Expenses may be paid including registration fee, from "service fund"—Section 4845-8 G. C..... 66

FEE—REGISTRATION—

Education, board of—May send employes and official representatives to attend program of instruction at college or university—Matters pertaining to conduct and management of schools—Expenses may be paid including registration fee, from "service fund"—Section 4845-8 G. C..... 66

FEEBLE-MINDED CHILD—

- 1. Education, board of—Has right to exclude from school a feeble-minded child incapable of profiting by attendance at school—Presence a detriment to other pupils—Section 4838-4 G. C.
- 2. Superintendent of state institution for care of feeble-minded children—Has exclusive right of custody and control of feeble-minded person committed to such institution—Person in institution—Out on trial visit—Sections 1890-7, 1890-98 G. C..... 319

FUNCTION—SCHOOL—

- 1. School bus—Section 6295-1 G. C. authorizes without charge, issuance of annual license tax—Any school bus used exclusively to transport school children to or from school or to and from any school functions.
- 2. School function includes any gathering or event directly pertaining or contributing to education of pupils of a particular school district—Determination by board of education of district in exercise of sound discretion.
- 3. Certificate of registration without charge—Not authorized—School bus to be used for transportation to school functions—Any person except pupils of school district furnishing vehicle.
- 4. Statute does not authorize remission of license fee for buses to transport pupils to or from places or events which have no relation to education of pupils—Events and place would include: a. Purely pleasure trips— b. Trips by youth organizations having no direct relation to schools.

EDUCATION—Continued

Page

FUNCTION—SCHOOL—Concluded

- 5. Question of legality not affected by fact pupils pay part or all of cost of transportation.
- 6. Board of education without authority to make expenditure of school funds to pay for commercial car license registration required by section 6291 et seq., G. C..... 509

FUND—BUILDING—GENERAL—

- 1. Education, board of—Authorized by section 4834-10 G. C. to rent building for school purposes—Board may make reasonable repairs and alterations to make building usable for school purposes.
- 2. Boards not authorized to pay cost of alterations and repairs in building rented for school purposes from building fund created by section 5625-11 G. C..... 115

INCREASE—SALARY—TEACHER—

- 1. Education, board of—Shall take into account total payroll of teachers for year 1946-1947 and apply to that base at least seventy-five per cent of increased revenue to salary increase of teachers for school year 1947-1948—Section 4848-6 G. C.—Amended Substitute Senate Bill 48, 97 General Assembly.
- 2. Salary of one teacher for each thirty pupils added to enrollment for year 1947-1948 over enrollment of previous year may be considered as salary increase—No part of salary of teacher employed on account of increase of enrollment of pupils less than thirty may be so considered..... 491

INSTITUTION, STATE—SUPERINTENDENT OF—

- 1. Education, board of—Has right to exclude from school a feeble-minded child incapable of profiting by attendance at school—Presence a detriment to other pupils—Section 4838-4 G. C.
- 2. Superintendent of state institution for care of feeble-minded children—Has exclusive right of custody and control of feeble-minded person committed to such institution—Person in institution—Out on trial visit—Sections 1890-7, 1890-98 G. C..... 319

INSTRUCTION—PROGRAM—

Education, board of—May send employes and official representatives to attend program of instruction at college or university—Matters pertaining to conduct and management of schools—Expenses may be paid, including registration fee, from "service fund"—Section 4845-8 G. C..... 66

LEVY—TAX—

- 1. Education, board of—Authorized to levy tax upon taxable property of district for support of school district library—Irrespective of participation in proceeds of classified property taxes provided for in section 5625-20 G. C.—Sections 7639, 4840-3 G. C.

EDUCATION—Continued	<i>Page</i>
LEVY—TAX—Concluded	
2. Board not required to provide by tax levy amount necessary for full amount certified by library trustees as needed for maintenance and operation of library—Sections 7639, 4840-3 G. C.—House Bill 125, 97 General Assembly	444
LIBRARY—SCHOOL DISTRICT	444
OPERATING EXPENSE—BUS—	
Education, boards of—Authorized to permit school buses to be used to transport athletic teams and other pupils to their respective schools to and from inter-school athletic contests—Not authorized to pay expense of operating such buses—Section 4855 et seq., G. C.....	109
PRINCIPAL—	
1. Education, board of—Local school district—Less than 800 pupils—“Beginning teacher”—“New teacher”—Contract for reemployment—Terms, one, three, five years—Sections 4842-8, 7690-2 G. C.	
2. Contract termination three years—Reemployment must be for period of five years.	
3. Teacher under contract, a supervising principal, may be transferred by board of education at any time to a teaching position—No authority to reduce salary unless reduction part of uniform plan affecting entire district—Section 4842-9 G. C.....	191
PROGRAM—INSTRUCTION—	
Education, board of—May send employes and official representatives to attend program of instruction at college or university—Matters pertaining to conduct and management of schools—Expenses may be paid, including registration fee, from “service fund”—Section 4845-8 G. C.....	66
PUPILS—	
Education, boards of—Authorized to permit school buses to be used to transport athletic teams and other pupils to their respective schools to and from inter-school athletic contests—Not authorized to pay expense of operating such buses—Section 4855 et seq., G. C.....	109
PUPILS—ENROLLMENT—LESS THAN THIRTY—	
1. Education, board of—Shall take into account total payroll of teachers for year 1946-1947 and apply to that base at least seventy-five per cent of increased revenue to salary increase of teachers for school year 1947-1948—Section 4848-6 G. C.—Amended Substitute Senate Bill 48, 97 General Assembly.	
2. Salary of one teacher for each thirty pupils added to enrollment for year 1947-1948 over enrollment of previous year may be considered as salary increase—No part of salary of teacher employed on account of increase of enrollment of pupils less than thirty may be so considered.....	491

EDUCATION—Continued

Page

PUPILS—TRIPS—

1. School bus—Section 6295-1 G. C. authorizes without charge, issuance of annual license tags—Any school bus used exclusively to transport school children to or from school or to and from any school functions.
2. School function includes any gathering or event directly pertaining or contributing to education of pupils of a particular school district—Determination by board of education of district in exercise of sound discretion.
3. Certificate of registration without charge—Not authorized—School bus to be used for transportation to school functions—Any person except pupils of school district furnishing vehicle.
4. Statute does not authorize remission of license fee for buses to transport pupils to or from places or events which have no relation to education of pupils—Events and places would include: a. Purely pleasure trips— b. Trips by youth organizations having no direct relation to schools.
5. Question of legality not affected by fact pupils pay part or all of cost of transportation.
6. Board of education without authority to make expenditure of school funds to pay for commercial car license registration required by section 6291 et seq., G. C. 509

REGISTRATION—CERTIFICATE 509

REGISTRATION FEE—

Education, board of—May send employes and official representatives to attend program of instruction at college or university—Matters pertaining to conduct and management of schools—Expenses may be paid including registration fee, from "service fund"—Section 4845-8 G. C. 66

REPAIRS—ALTERATIONS—

1. Education, board of—Authorized by section 4834-10 G. C. to rent building for school purposes—Board may make reasonable repairs and alterations to make building usable for school purposes.
2. Boards not authorized to pay cost of alterations and repairs in building rented for school purposes from building fund created by section 5625-11 G. C. 115

RESIGNATION—

1. Education, board of—When all members of city school district resign at same time, duty of probate court to fill each vacancy by appointment—Time, unexpired terms of several members resigning—Section 4846 G. C.
2. When one or more vacancies occur in membership, city board of education, and board fails to fill vacancy within thirty days, probate court required to fill vacancies—Court not authorized to act in place of board of education 381

EDUCATION—Continued

Page

RURAL SCHOOL DISTRICT—

- 1. Education, county board of—Authority to transfer portion of rural school district to another rural school district—Interpretation of sections 4692, 4726, 4727 G. C. at time same were operative.
- 2. County board of education without authority to transfer or change boundary lines of any school district under its jurisdiction unless transfer or change was in accordance with adopted plan of organization prepared by county board of education and approved by director of education—Section 7600-1 et seq., G. C..... 219

SALARY—TEACHER—

- 1. Education, board of—Local school district—Less than 800 pupils—“Beginning teacher”—“New teacher”—Contract for reemployment—Terms, one, three, five years—Sections 4842-8, 7690-2 G. C.
- 2. Contract termination three years—Reemployment must be for period of five years.
- 3. Teacher under contract, a supervising principal, may be transferred by board of education at any time to a teaching position—No authority to reduce salary unless reduction part of uniform plan affecting entire district—Section 4842-9 G. C..... 191

- 1. Education, board of—Shall take into account total payroll of teachers for year 1946-1947 and apply to that base at least seventy-five per cent of increased revenue to salary increase of teachers for school year 1947-1948—Section 4848-6 G. C.—Amended Substitute Senate Bill 48, 97 General Assembly.
- 2. Salary of one teacher for each thirty pupils added to enrollment for year 1947-1948 over enrollment of previous year may be considered as salary increase—No part of salary of teacher employed on account of increase of enrollment of pupils less than thirty may be so considered..... 491

Principal, supervising—Employed by board of education for three year term—Salary to be received ensuing year shall be determined and principal advised on or before July 1 of each year—Board without authority to pay any salary or other compensation for that year in excess of such amount—Extra compensation may be allowed for extra duties for such time as they are required..... 237

SCHOOL BUILDING—

- 1. Education, board of—Authorized by section 4834-10 G. C. to rent building for school purposes—Board may make reasonable repairs and alterations to make building usable for school purposes.
- 2. Boards not authorized to pay cost of alterations and repairs in building rented for school purposes from building fund created by section 5625-11 G. C..... 115

EDUCATION—Continued

Page

SCHOOL DISTRICT—

1. Education, county board of—Authority to transfer portion of rural school district to another rural school district—Interpretation of sections 4692, 4726, 4727 G. C. at time same were operative.
2. County board of education without authority to transfer or change boundary lines of any school district under its jurisdiction unless transfer or change was in accordance with adopted plan of organization prepared by county board of education and approved by director of education—Section 7600-1 et seq., G. C. 219
1. Incompatible office—Superintendent of county children's home—Located within territorial limits of school district—Member of board of education of that school district.
2. Member of board of education of city school district—Ipso facto vacates office when he accepts position of superintendent of county children's home located within territorial limits of school district. 255

SCHOOL DISTRICT, CITY—

1. Education, board of—When all members of city school district resign at same time, duty of probate court to fill each vacancy by appointment—Time, unexpired terms of several members resigning—Section 4846 G. C.
2. When one or more vacancies occur in membership, city board of education, and board fails to fill vacancy within thirty days, probate court required to fill vacancies—Court not authorized to act in place of board of education 381

SCHOOL DISTRICT, LOCAL—

1. Education, board of—Local school district—Less than 800 pupils—"Beginning teacher"—"New teacher"—Contract for reemployment—Terms, one, three, five years—Sections 4842-8, 7690-2 G. C.
 2. Contract termination three years—Reemployment must be for period of five years.
 3. Teacher under contract, a supervising principal, may be transferred by board of education at any time to a teaching position—No authority to reduce salary unless reduction part of uniform plan affecting entire district—Section 4842-9 G. C. 191
- Protests against proposed plan of territorial organization—Filed pursuant to section 4831-3 G. C.—May be withdrawn at any time before superintendent of public instruction acts on plan—Section 4831-6 G. C. 5

SCHOOL—

1. Education, board of—Has right to exclude from school a feeble-minded child incapable of profiting by attendance at school—Presence a detriment to other pupils—Section 4838-4 G. C.
2. Superintendent of state institution for care of feeble-minded children—Has exclusive right of custody and control of feeble-minded person committed to such institution—Person in institution—Out on trial visit—Sections 1890-7, 1890-98 G. C. 319

EDUCATION—Continued

Page

SCHOOL FUNCTION—

1. School bus—Section 6295-1 G. C. authorizes without charge, issuance of annual license tax—Any school bus used exclusively to transport school children to or from school or to and from any school functions.
2. School function includes any gathering or event directly pertaining or contributing to education of pupils of a particular school district—Determination by board of education of district in exercise of sound discretion.
3. Certificate of registration without charge—Not authorized—School bus to be used for transportation to school functions—Any person except pupils of school district furnishing vehicle.
4. Statute does not authorize remission of license fee for buses to transport pupils to or from places or events which have no relation to education of pupils—Events and places would include: a. Purely pleasure trips— b. Trips by youth organizations having no direct relation to schools.
5. Question of legality not affected by fact pupils pay part or all of cost of transportation.
6. Board of education without authority to make expenditure of school funds to pay for commercial car license registration required by section 6291 et seq., G. C..... 509

HIGH SCHOOL—

- Education, local board of—Under no obligation to furnish transportation for resident high school pupils who attend high school in another district— District of residence maintains no high school of its own..... 203

LIBRARY—SCHOOL DISTRICT—

1. Education, board of—Authorized to levy tax upon taxable property of district for support of school district library—Irrespective of participation in proceeds of classified property taxes provided for in section 5625-20 G. C.—Sections 7639, 4840-3 G. C.
2. Board not required to provide by tax levy amount necessary for full amount certified by library trustees as needed for maintenance and operation of library—Sections 7639, 4840-3 G. C.—House Bill 125, 97 General Assembly 444

SCHOOL MANAGEMENT—

- Education, board of—May send employes and official representatives to attend program of instruction at college or university—Matters pertaining to conduct and management of schools—Expenses may be paid, including registration fee, from "service fund"—Section 4845-3 G. C..... 66

SCHOOL—SUSPENSION—

- Education, board of—Discretion—Authorized to suspend temporarily or permanently all schools within district—Education of pupils provided for in one or more other school districts—Section 4836-2 G. C..... 464

EDUCATION—Continued	<i>Page</i>
SCHOOL—TRANSPORTATION—	
Education, boards of—Authorized to permit school buses to be used to transport athletic teams and other pupils of their respective schools to and from inter-school athletic contests—Not authorized to pay expense of operating such buses—Section 4855 et seq., G. C.....	109
SUSPENSION OF SCHOOL—	
SEE—SCHOOL SUSPENSION—ABOVE	464
TEACHER—CONTRACT—	
1. Education, board of—Local school district—Less than 800 pupils—“Beginning teacher”—“New teacher”—Contract for reemployment—Terms, one, three, five years—Sections 4842-8, 7690-2 G. C.	
2. Contract termination three years—Reemployment must be for period of five years.	
3. Teacher under contract, a supervising principal, may be transferred by board of education at any time to a teaching position—No authority to reduce salary unless reduction part of uniform plan affecting entire district—Section 4842-9 G. C.....	191
TEACHER—SALARY—	
1. Education, board of—Shall take into account total payroll of teachers for year 1946-1947 and apply to that base at least seventy-five per cent of increased revenue to salary increase of teachers for school year 1947-1948—Section 4848-6 G. C.—Amended Substitute Senate Bill 48, 97 General Assembly.	
2. Salary of one teacher for each thirty pupils added to enrollment for year 1947-1948 over enrollment of previous year may be considered as salary increase—No part of salary of teacher employed on account of increase of enrollment of pupils less than thirty may be so considered.....	491
Principal, supervising—Employed by board of education for three year term—Salary to be received ensuing year shall be determined and principal advised on or before July 1 of each year—Board without authority to pay any salary or other compensation for that year in excess of such amount—Extra compensation may be allowed for extra duties for such time as they are required.....	237
TERRITORIAL ORGANIZATION—	
School districts, local—Protests against proposed plan of territorial organization—Filed pursuant to section 4831-3 G. C.—May be withdrawn at any time before superintendent of public instruction acts on plan—Section 4831-6 G. C.....	5
TRANSFER—	
1. Education, county board of—Authority to transfer portion of rural school district to another rural school district—Interpretation of sections 4692, 4726, 4727 G. C. at time same were operative.	

EDUCATION—Continued

Page

TRANSFER—Concluded

- 2. County board of education without authority to transfer or change boundary lines of any school district under its jurisdiction unless transfer or change was in accordance with adopted plan of organization prepared by county board of education and approved by director of education—Section 7600-1 et seq., G. C..... 219

TRANSPORTATION—

- Education, local board of—Under no obligation to furnish transportation for resident high school pupils who attend high school in another district—District of residence maintains no high school of its own..... 203

TRANSPORTATION—SCHOOL—

- Education, boards of—Authorized to permit school buses to be used to transport athletic teams and other pupils of their respective schools to and from inter-school athletic contests—Not authorized to pay expense of operating such buses—Section 4855 et seq., G. C..... 109

TRIPS—PUPILS—

- 1. School bus—Section 6295-1 G. C. authorizes without charge, issuance of annual license tax—Any school bus used exclusively to transport school children to or from school or to and from any school functions.
- 2. School function includes any gathering or event directly pertaining or contributing to education of pupils of a particular school district—Determination by board of education of district in exercise of sound discretion.
- 3. Certificate of registration without charge—Not authorized—School bus to be used for transportation to school functions—Any person except pupils of school district furnishing vehicle.
- 4. Statute does not authorize remission of license fee for buses to transport pupils to or from places or events which have no relation to education of pupils—Events and places would include: a. Purely pleasure trips— b. Trips by youth organizations having no direct relation to schools.
- 5. Question of legality not affected by fact pupils pay part or all of cost of transportation.
- 6. Board of education without authority to make expenditure of school funds to pay for commercial car license registration required by section 6291 et seq., G. C..... 509

UNIVERSITY—COLLEGE—

- Education, board of—May send employes and official representatives to attend program of instruction at college or university—Matters pertaining to conduct and management of schools—Expenses may be paid including registration fee, from “service fund”—Section 4845-8 G. C..... 66

EDUCATION—Concluded

Page

VACANCY—

- 1. Education, board of—When all members of city school district resign at same time, duty of probate court to fill each vacancy by appointment—Time, unexpired terms of several members resigning—Section 4846 G. C.
- 2. When one or more vacancies occur in membership, city board of education, and board fails to fill vacancy within thirty days, probate court required to fill vacancies—Court not authorized to act in place of board of education.. 381

WITHDRAWAL—PLAN OF ORGANIZATION—

School districts, local—Protests against proposed plan of territorial organization—Filed pursuant to section 4831-3 G. C.—May be withdrawn at any time before superintendent of public instruction acts on plan—Section 4831-6 G. C..... 5

EDUCATION—FINIS—

ELECTIONS, BOARD OF—

Municipal corporation—Annexation of territory—Board of elections required to place question on ballot and submit it to electors of unincorporated portion of township—Section 3561-1 G. C.—Question should be submitted before proceedings of county commissioners authorized by section 3561 G. C. are held..... 500

ELECTION—BOND ISSUE—

- 1. Playgrounds, swimming pools and indoor recreation centers—Moneys may be transferred from county general fund, sections 5625-13a to 5625-13g G. C. and from county bond retirement fund, section 5625-13 paragraph c, G. C. to acquire lands and buildings, section 4065-1 et seq., G. C.
- 2. Question, bond issue—May be submitted to electors at special election at any time prior to August 31, 1947 under Amended Senate Bill 296, 96 General Assembly..... 1

ELECTION—

- 1. Governor, succession to office—Devolution of powers and duties—Death of person elected governor prior to induction into office—Law found in Constitution of Ohio, Article III, section 2—Force and effect of any law enacted by General Assembly.
- 2. Person elected governor—Entitled to hold office, discharge duties and receive emoluments, term of two years, commencing on second Monday of January, next after election and until successor elected and qualified.
- 3. Where person elected governor dies subsequent to election and prior to second Monday in January next following—Person holding office entitled to continue until successor elected and qualified.
- 4. "Governor"—"Governor-elect"—If person elected governor should die before induction into office, duties and powers of office would not devolve upon lieutenant governor..... 53

ELECTION—Concluded

Page

1. Hospital district, joint township—Trustees of two or more contiguous townships may join to establish such hospital—Section 3414-1 et seq., G. C.
2. No authority in law for municipality to join with one or more townships to establish joint township—Village hospital district.
3. To determine percentage of favorable votes cast to establish joint township hospital district, votes computed on basis of district as a whole—Sections 3414-2, 3414-3 G. C.
4. Management and control of joint township hospital vested in board of hospital governors—Section 3414-6 G. C..... 208
1. Municipal library—Clerk, board of trustees—Ex officio treasurer of all funds of library—Such funds will no longer be deposited with treasurer of such municipality—Clerk must be elected and qualified, section 7627 et seq., G. C.
2. Until election and qualification of such clerk, treasurer of municipality will continue to be custodian of library funds.
3. Neither auditor of city which has a municipal library, nor a deputy auditor may be elected clerk of board of trustees of such library under section 7627 G. C..... 639

ELECTIONS—PRIMARY—SPECIAL—

- Registration—Absent voting—Fourth Congressional District—September 8, 1947 last day for registration..... 482

ELECTORS—

- Voting precinct—Village situated in two or more townships can not legally be made into one voting precinct—Each portion of village lying wholly within one township, if number of electors residing therein is not sufficient to create separate precinct out of such portion, must be combined with township precinct it embraces..... 530

ELECTRICAL INSPECTION—

1. Fire department—Municipality—Moneys received from licenses and other fees—Inspection—Credited to firemen's relief and pension fund—Exception, fees received from other subdivisions for fire protection—Section 4607 G. C.
2. Fees—Services by city fire department, ordinances, operating set of city scales, operating emergency ambulance service—Paid into firemen's relief and pension fund.
3. Fees for making electrical inspections as a means of fire protection, properly paid into firemen's relief and pension fund..... 586

EMERGENCY BOARD—STATE—

1. Bridge—Acquired and operated by State Bridge Commission of Ohio—Becomes toll free—When all outstanding bonds have been paid and all operative expenses, any surplus from tolls collected on bridge should be paid into state treasury.

EMERGENCY BOARD—STATE—Concluded	<i>Page</i>
2. Sandusky Bay Bridge—Pomeroy-Mason Bridge—Any remaining funds may not be applied to repay loan made by emergency board to meet payments on bonds of East Liverpool—Chester Bridge—Appropriation provided by House Bill 484, 96 General Assembly.	
3. Commission not liable to pay and without authority to pay any bills presented by state highway department for repairs on any bridge acquired pursuant to section 1084-1 et seq., G. C.....	169

EMERGENCY BOARD—

1. State examiners, assistant state examiners—Bureau of Inspection and Supervision of Public Offices—State employes—Included within provisions of section 486-17c G. C.—Sick leave with pay for state employes.	
2. Compensation of such employes during sick leave may be charged against amount required by section 287 G. C. to be contributed by several counties toward compensation and expenses of examiners.	
3. If funds provided by sections 287, 288 G. C. are insufficient to pay for sick leave in absence of sufficient appropriation, Bureau may make application for additional funds to emergency board—Board would have power to grant allowance—Section 2313 G. C.....	575

EMERGENCY HOUSING—VETERANS—

Veterans—Emergency housing—All or any part of rentals arising from such housing facilities may be used to purchase or construct additional houses for veterans—Proviso, rentals not needed for maintenance and operation—Sections 1078-62 through 1078-71 G. C.....	569
---	-----

EMERGENCY—VEHICLE—

1. Vehicle—Classified as emergency vehicle—Must be equipped with siren, whistle or bell—Type approved by director of highways—Section 6307-93 G. C.	
2. Volunteer firemen—Not entitled to privilege granted to driver of emergency vehicle unless provisions of section 6307-93 G. C. are observed.	
3. Volunteer firemen—Not peace officers—Do not possess police powers.....	486

EMPLOYER—EMPLOYEE—

1. Bus—State university—Board of trustees—Not liable as a board or individually for damages to person or property growing out of negligence. Employe in operation of bus purchased with public funds by trustees—Use, activities, conduct and management of university—Proviso, reasonable care in selection of employe and no active participation in negligence which produces injury.	
2. Bowling Green State University—Board of trustees—Without authority to expend public funds for protective insurance against liability growing out of operation of bus.....	431
1. Court of appeals—May appoint same person to act as official shorthand reporter and court constable—May fix compensation for service in each position.	

EMPLOYER—EMPLOYEE—Continued

Page

2. Position, shorthand reporter of common pleas court not incompatible with positions, shorthand reporter or court constable, court of appeals—Compensation 387
1. Dental operations—Company which maintains on premises, place operated or conducted by licensed dentist, salaried employe, where dental services performed gratuitously for company employes, not engaged in practice of dentistry.
2. Dental operations—Where licensed dentist is salaried employe of the company, fees are charged employes and paid to company, the company is engaged in practice of dentistry as manager, proprietor, operator or conductor of place to perform dental operations—Section 1329 G. C..... 467
1. Employment—Hours—Females and minors employed by communications companies—Sections 1008-2, 12996 G. C. applicable to all such companies—Interstate or intrastate communications services.
2. Female employes of a communications company—Sickness and inadequate help—Not valid causes to exceed working hours.
3. Lawful for communications company to use minors as operators—Section 1008-2 G. C.—Section 12996 G. C. does not apply to telephone operators.
4. Director of department of industrial relations—No authority in law to grant permission to employer to employ females and minors for greater number of hours per day than maximum fixed by law..... 285
1. Minor—It is immaterial whether minor is directly employed or permitted or suffered to work in or about a place of amusement—Sections 12996, 13007-3 G. C.
2. Minor under sixteen years of age employed, permitted or suffered to work in or about place of amusement required to have age and schooling certificate—Exception, when employed in irregular service—Section 12993-1 G. C.
3. Place of amusement—Stadium, park or other place used to play baseball games, football games or other sports.
4. Sections 12993, 13007-3 G. C. not in conflict—Interpretation—Section 6064-1 G. C.—Application as to intoxicating liquors sold in place of amusement.
5. Boy under age of eighteen years—Girl under age of twenty-one years: Shall not be employed, permitted or suffered to work in, about or in connection with a place of amusement before six o'clock in the morning or after ten o'clock in the evening—Boy under sixteen or girl under eighteen—Shall not be employed in place of amusement before seven o'clock in morning or after six o'clock in evening..... 333
1. "Modified" as used in section 154-45n G. C. should be construed to mean "altered" or "changed."
2. Wage board convened by Director of Industrial Relations, empowered under section 154-45n G. C. to recommend an increase as well as a reduction in existing wage rates..... 477

EMPLOYER—EMPLOYEE—Continued

Page

Retirement system, public employes:

1. Former member transferred subsequent to January 1, 1942 to United States Employment Service—Left public service October 21, 1946—Prior to return of employment service to state control—Under section 486-65b G. C. no right to pay to retirement system amount he would have paid had he remained in state service during period of federal employment.
 2. Status present member of public employes retirement system who became member upon return of employment service to state control, November 16, 1946—Section 486-65b G. C.
 3. Employee of state employment service—Became member of public employes retirement system before December 31, 1940—Transferred to United States Employment Service—Returned to state employment before employment service was returned to state—Has right to pay into fund amount he would have paid had he remained in federal service during entire period of federal control..... 393
 1. General Assembly—Has power to change by amendment conditions upon which members may retire—Receive allowances provided by law—Sections 486-32 to 486-75 G. C.
 2. Member who has established membership prior to amendment of sections 486-33a, 486-47 G. C., Senate Bill 57, 97 General Assembly, is governed by those sections as amended as to his right of retirement and as to retirement allowance he may receive.
 3. Member who reaches age of seventy years immediately before or since amendments aforesaid is subject to their provisions as to right of retirement and retirement allowance..... 594
- Latest date a member over seventy years of age may make application to continue in service—August 31, 1948—Latest date to continue in service—June 30, 1949—Section 486-59 G. C.—Senate Bill 7, 97 General Assembly.. 608
- Members who prior to January 1, 1942, were state employes in connection with state employment service and who transferred service to United States Government—Membership relinquished through withdrawal of accumulated contributions—Upon return to state service and in employment more than sixty days, members may not restore to public employes savings fund accumulated contributions previously withdrawn—Section 486-65b G. C.—House Bill 356, 96 General Assembly..... 180
- Member retired for disability—Maximum allowance member would be entitled to receive had retirement been deferred to age of sixty years—Calculated to date when such member would reach age of sixty years, not to end of then current quarter—Section 486-63, paragraph b G. C..... 613
1. Members cease to be members when they come within provisions of police relief and pension fund or firemen's relief and pension fund—Section 486-33c G. C.
 2. House Bill 195, 97 General Assembly—Township established under section 4615-2 G. C.—Township firemen's pension fund—Full time regular firemen employed April 1, 1947—Status, cease to be member of public employes retirement system—No other persons under terms of act cease to be members of public employes retirement system—No other persons under terms of act cease to be members of system.

EMPLOYER—EMPLOYEE—Concluded	<i>Page</i>
3. Member through change in law who is brought within provisions of firemen's relief and pension fund—Entitled to refund of accumulated contributions to system.	
4. Governmental unit not entitled to refund of contributions made to system when member brought within provisions of firemen's relief and pension fund.	
5. Full time regular policemen or firemen—Come within provisions of police or firemen's relief and pension funds—Section 4600 et seq., G. C.....	542
Sale—Meals furnished by employer to employe—Only charge made is recording meals as part compensation for services performed or work done—Not "selling" within meaning of section 5546-1 G. C.....	551
1. State examiners, assistant state examiners—Bureau of Inspection and Supervision of Public Offices—State employes—Included within provisions of section 486-17c G. C.—Sick leave with pay for state employer.	
2. Compensation of such employes during sick leave may be charged against amount required by section 287 G. C. to be contributed by several counties toward compensation and expenses of examiners.	
3. If funds provided by sections 287, 288 G. C. are insufficient to pay for sick leave in absence of sufficient appropriation, Bureau may make application for additional funds to emergency board—Board would have power to grant allowance—Section 2313 G. C.....	575
Vacancy, office of county engineer :	
1. No one can perform statutory official duties imposed on county engineer.	
2. County commissioners may continue to pay county employes retained under section 2411 G. C. for work done on county roads.	
3. Certification of plats not one of official duties of county engineer—Section 3585 G. C.	
4. County commissioners may employ engineer upon written request of county engineer—Where vacancy, office county engineer, county commissioners may not employ engineer.....	616
1. Veteran, disabled—Public Law 16, 78 Congress—Disabled veteran, engaged in "on-the-job" training—Receives compensation for services to employer amenable to Ohio Workmen's Compensation Law—Injured in course of employment—Entitled to benefits of Workmen's Compensation Law—Average weekly wage paid by employer—Benefits, irrespective of any disability awards or benefits received from Federal Government.	
2. In event of death as result of injuries received under such circumstances, employe's dependents would be entitled to benefits similarly computed.	
3. Employer amenable to Ohio Workmen's Compensation Law obliged to report as part of pay roll any compensation paid to disabled veterans who receive "on-the-job" training under Public Law 16, 78 Congress.....	628
Tax Commissioner—Agent appointed under section 5348-2b G. C., Amended Senate Bill 345, 97 General Assembly—Entitled to draw monthly compensation equal to one-twelfth of annual salary—Compensation according to statutory formula for each month actually served as such agent—In no case shall such compensation exceed \$125.00 per month.....	582

EQUIPMENT—FIREFIGHTING—

Page

Fire fighting equipment—Purchased on deferred payment plan—Cost may not exceed \$10,000.00—Section 3298-54 G. C..... 399

ERROR—MISTAKE—

Recorder, county—Without statutory authority to cancel or expurge record of a soldier's discharge which had been recorded under section 2770 G. C.—Discharge was erroneously issued and recorded after soldier's death..... 162

EVIDENCE—

1. General Assembly—Witness appearing before committee or subcommittee—Compelled to answer all questions and produce books, papers and other documentary evidence demanded.
2. Testimony of such witness can not be used as evidence in any criminal proceeding against him—Witness can not be prosecuted or subjected to any penalty or forfeiture whether testimony or evidence was voluntarily or involuntarily given or produced.
3. Witness may not waive immunity given him under section 60 G. C. and place himself in position to claim privilege given by Article I, section 10, Constitution of Ohio to refuse to give self-incriminating testimony.
4. Persons who volunteer information or documentary evidence to investigators of committee do not acquire amnesty granted by section 60 G. C.... 121

EXAMINATION—

1. Certified public accountant—Application for admission to examination and permission to practice—On file with State Board of Accountancy—Pending proceeding within meaning of section 26 G. C.—House Bill 84, 97 General Assembly, which amended section 1375 et seq., G. C. contains no express provisions to contrary—Sections in force and effect at time application filed are controlling.
2. Applicant for certificate as certified public accountant who is a nonresident of state and employed without state may if approved for examination by State Board of Accountancy prior to September 26, 1947, be admitted to examinations held subsequent to that date.
3. Status where applicant paid examination fee \$25.00 with application filed prior to September 26, 1947—Not required to pay additional fee to take examination—May again take examination if he failed—Limitation eighteen months—No further fee required..... 519

EXAMINERS—STATE—

1. State examiners, assistant state examiners—Bureau of Inspection and Supervision of Public Offices—State employes—Included within provisions of section 486-17c G. C.—Sick leave with pay for state employes.
2. Compensation of such employes during sick leave may be charged against amount required by section 287 G. C. to be contributed by several counties toward compensation and expenses of examiners.
3. If funds provided by sections 287, 288 G. C. are insufficient to pay for sick leave in absence of sufficient appropriation, Bureau may make application for additional funds to emergency board—Board would have power to grant allowance—Section 2313 G. C..... 575

EXCESS—BID—

Page

Bid—Where bidder on project to be let by department of highways submits bid in excess of amount for which he was previously qualified—Section 1178-53 et seq., G. C.—Director required to reject bid even though it appears financial status of bidder has improved since time of certificate of pre-qualification was issued..... 299

EXECUTION—FOREIGN WRIT—

Sheriff—Entitled to poundage on money paid to him by judgment debtor—Where debtor contacted and advised by sheriff that foreign writ of execution is in his hands for enforcement and sheriff paid the money in satisfaction of writ—Section 2845 G. C..... 104

EXPENSES—BRIDGE OPERATION—

1. Bridge—Acquired and operated by State Bridge Commission of Ohio—Becomes toll free—When all outstanding bonds have been paid and all operative expenses, any surplus from tolls collected on bridge should be paid into state treasury.
2. Sandusky Bay Bridge—Pomeroy-Mason Bridge—Any remaining funds may not be applied to repay loan made by emergency board to meet payments on bonds of East Liverpool—Chester Bridge—Appropriation provided by House Bill 484, 96 General Assembly.
3. Commission not liable to pay and without authority to pay any bills presented by state highway department for repairs on any bridge acquired pursuant to section 1084-1 et seq., G. C..... 169

EXPENSE—

1. Bridge or other structure separating grade crossing of railroad and state highway—Not constructed pursuant to sections 8863 et seq., or 6956-22 et seq., G. C., which was laid out and opened after construction of railroad, may be widened, realigned and reconstructed—Sections 1182 et seq., 1182-20 G. C.—Railroad company may be required to bear part of expense—Section 1182-9 G. C.
 2. Such designated bridge or structure may, when necessary for safety or convenience of traveling public, be relocated and reconstructed by director of highways under sections 1182 et seq., 1182-20 G. C.—Railroad company may be required to bear part of expense—Section 1182-9 G. C.
 3. Bridge built by railroad company—Separation, grade of tracks over or under state highway—When railroad company must comply with obligation imposed by section 1182-20 G. C.
 4. Status where construction prior to Highway Act passed April 21, 1927, 112 O. L., 430—Statutes then in force later repealed—When railroad company may be required to replace structures to provide safe, adequate and sufficient crossing..... 652
- Child welfare board, county—Section 3070-36 G. C. provides county commissioners shall make sufficient appropriations for board to perform functions under section 3070-1 et seq., G. C.—Mandatory sufficient funds should be appropriated to pay salary of executive secretary and necessary expenses of office..... 214

	<i>Page</i>
EXPENSE—Concluded	
Welfare, county department of—Complete control vested in county commissioners—Voucher for expenditures must be approved by commissioners—Senate Bill 241, 97 General Assembly—Sections 2511-2, 2511-3, 2511-4, 2572 G. C.....	648
EXPERIMENT FARMS—COUNTY—	
Management—Director, Ohio agricultural experiment station has discretion to determine at what times and in what amounts surplus arising from sale of produce shall be paid to county treasury for credit to county general fund—Sections 1177-4 to 1177-8 G. C.....	148
FARM PRODUCE—SALE	148
FEDERAL GOVERNMENT—	
1. Veteran, disabled—Public Law 16, 78 Congress—Disabled veteran, engaged in “on-the-job” training—Receives compensation for services to employer amenable to Ohio Workmen’s Compensation Law—Injured in course of employment—Entitled to benefits of Workmen’s Compensation Law—Average weekly wage paid by employer—Benefits, irrespective of any disability awards or benefits received from Federal Government.	
2. In event of death as result of injuries received under such circumstances, employe’s dependents would be entitled to benefits similarly computed.	
3. Employer amenable to Ohio Workmen’s Compensation Law obliged to report as part of pay roll any compensation paid to disabled veterans who receive “on-the-job” training under Public Law 16, 78 Congress.....	628
FEDERAL RESERVE SYSTEM—	
1. International Bank for Reconstruction and Development—Not a corporation within meaning of section 710-111 (i) G. C.	
2. State bank—Member of Federal Reserve System—Permitted to invest in investment securities evidencing indebtedness of International Bank for Reconstruction and Development.....	436
FEDERAL SERVICE—FEDERAL CONTROL—	
1. Retirement system, public employes—Former member transferred subsequent to January 1, 1942 to United States Employment Service—Left public service October 21, 1946—Prior to return of employment service to state control—Under section 486-65b G. C. no right to pay to retirement system amount he would have paid had he remained in state service during period of federal employment.	
2. Status present member of public employes retirement system who became member upon return of employment service to state control, November 16, 1946—Section 486-65b G. C.	
3. Employe of state employment service—Became member of public employes retirement system before December 31, 1940—Transferred to United States Employment Service—Returned to state employment before employment service was returned to state—Has right to pay into fund amount he would have paid had he remained in federal service during entire period of federal control.....	393

FEES—ADVANCE—

Common pleas court, clerk—Without legal authority to require resident or nonresident plaintiff to advance fees clerk authorized to charge and collect for issuance of execution on judgment—Proceeding, damages sought for personal injuries..... 249

FEES—

Courts, clerk of—Should charge and collect for services prior to September 12, 1947 in pending proceedings, fees prescribed by sections 2900, 2901 and 2901-1 G. C. as in force and effect prior to that date—Services performed September 12, 1947 and subsequently—Clerk should charge fees prescribed by said sections as amended and effective on that date..... 496

FEE—EXAMINATION—ACCOUNTANT—

1. Certified public accountant—Application for admission to examination and permission to practice—On file with State Board of Accountancy—Pending proceeding within meaning of section 26 G. C.—House Bill 84, 97 General Assembly, which amended section 1375 et seq., G. C. contains no express provisions to contrary—Sections in force and effect at time application filed are controlling.
2. Applicant for certificate as certified public accountant who is a nonresident of state and employed without state may if approved for examination by State Board of Accountancy prior to September 26, 1947, be admitted to examinations held subsequent to that date
3. Status where applicant paid examination fee \$25.00 with application filed prior to September 26, 1947—Not required to pay additional fee to take examination—May again take examination if he failed—Limitation eighteen months—No further fee required..... 519

FEES—

1. Fire department—Municipality—Moneys received from licenses and other fees—Inspection—Credited to firemen's relief and pension fund—Exception, fees received from other subdivisions for fire protection—Section 4607 G. C.
2. Fees—Services by city fire department, ordinances, operating set of city scales, operating emergency ambulance service—Paid into firemen's relief and pension fund.
3. Fees for making electrical inspections as a means of fire protection, properly paid into firemen's relief and pension fund..... 586

Sheriff—Entitled to poundage on money paid to him by judgment debtor—Where debtor contacted and advised by sheriff that foreign writ of execution is in his hands for enforcement and sheriff paid the money in satisfaction of writ—Section 2845 G. C..... 104

- FEEBLE-MINDED CHILD—** *Page*
1. Education, board of—Has right to exclude from school a feeble-minded child incapable of profiting by attendance at school—Presence a detriment to other pupils—Section 4838-4 G. C.
 2. Superintendent of state institution for care of feeble-minded children—Has exclusive right of custody and control of feeble-minded person committed to such institution—Person in institution—Out on trial visit—Sections 1890-7, 1890-98 G. C..... 319
- FEMALES—MINORS—**
1. Employment—Hours—Females and minors employed by communications companies—Sections 1008-2, 12996 G. C. applicable to all such companies—Interstate or intrastate communications services.
 2. Female employes of a communications company—Sickness and inadequate help—Not valid causes to exceed working hours.
 3. Lawful for communications company to use minors as operators—Section 1008-2 G. C.—Section 12996 G. C. does not apply to telephone operators.
 4. Director of department of industrial relations—No authority in law to grant permission to employer to employ females and minors for greater number of hours per day than maximum fixed by law..... 285
- FINES—COSTS—**
1. Imprisonment for failure to pay fines and costs assessed—Sections 13451-9, 13451-15 G. C. general in nature—No application in violation of laws dealing with taking, protection, preservation, possession or propagation of wild animals.
 2. Default, payment of fines and costs assessed—Violation General Code provisions dealing with taking, protection, preservation, possession or propagation of wild animals—Person entitled to credit of only one dollar for each day confined in county jail or workhouse because of such default.... 419
- FIRE FIGHTING EQUIPMENT—**
- Purchased on deferred payment plan—Cost may not exceed \$10,000.00—Section 3298-54 G. C..... 399
- FIRE PREVENTION—**
- Stage performances—Area ordinarily occupied by stage is so constructed no area is available for stage performances—Theater does not contain stage within meaning of section 12600-6 G. C.—Proscenium wall not required... 296
- FIREMAN—VOLUNTEER—**
1. Vehicle—Classified as emergency vehicle—Must be equipped with siren, whistle or bell—Type approved by director of highways—Section 6307-93 G. C.
 2. Volunteer fireman—Not entitled to privilege granted to driver of emergency vehicle unless provisions of section 6307-93 G. C. are observed.
 3. Volunteer firemen—Not peace officers—Do not possess police powers..... 486

FIREMEN'S RELIEF AND PENSION FUND—

Page

1. Fire department—Municipality—Moneys received from licenses and other fees—Inspection—Credited to firemen's relief and pension fund—Exception, fees received from other subdivisions for fire protection—Section 4607 G. C.
2. Fees—Services by city fire department, ordinances, operating set of city scales, operating emergency ambulance service—Paid into firemen's relief and pension fund.
3. Fees for making electrical inspections as a means of fire protection, properly paid into firemen's relief and pension fund..... 586

Retirement System, Public Employes :

1. Members cease to be members when they come within provisions of police relief and pension fund or firemen's relief and pension fund—Section 486-33c G. C.
2. House Bill 195, 97 General Assembly—Township established under section 4615-2 G. C.—Township firemen's pension fund—Full time regular firemen employed April 1, 1947—Status, cease to be member of public employes retirement system—No other persons under terms of act cease to be members of public employes retirement system—No other persons under terms of act cease to be members of system.
3. Member through change in law who is brought within provisions of firemen's relief and pension fund—Entitled to refund of accumulated contributions to system.
4. Governmental unit not entitled to refund of contributions made to system when member brought within provisions of firemen's relief and pension fund.
5. Full time regular policemen or firemen—Come within provisions of police and firemen's relief and pension funds—Section 4600 et seq., G. C..... 542

FOOD MARKET—

1. Bakery maintained and operated in connection with department store, grocery store or food market—May be located in basement or cellar if vendor or proprietor were engaged in business there prior to effective date of section 1012 G. C., May 28, 1943.
2. Establishment operated strictly as bakery can not conduct baking operations in cellar or basement.
3. Department of Industrial Relations—Responsible to enforce law prohibiting operation of bakeries in cellars or basements..... 313

FOREIGN STATE—

1. Certified public accountant—Application for admission to examination and permission to practice—On file with State Board of Acocuntancy—Pending proceeding within meaning of section 26 G. C.—House Bill 84, 97 General Assembly, which amended section 1375 et seq., G. C. contains no express provisions to contrary—Sections in force and effect at time application filed are controlling.

	<i>Page</i>
FOREIGN STATE—Concluded	
2. Applicant for certificate as certified public accountant who is a nonresident of state and employed without state may if approved for examination by State Board of Accountancy prior to September 26, 1947, be admitted to examinations held subsequent to that date.....	519
Tubercular patients who receive treatment outside state of Ohio—State funds may not be used to pay state's share for their support—Section 3139-23 G. C.....	603
FOREIGN WRIT OF EXECUTION—	
Sheriff—Entitled to poundage on money paid to him by judgment debtor—Where debtor contacted and advised by sheriff that foreign writ of execution is in his hands for enforcement and sheriff paid the money in satisfaction of writ—Section 2845 G. C.....	104
FORFEITED LAND—SEE TAX—SUBDIVISION—	
FOURTH CONGRESSIONAL DISTRICT—	
Elections—Primary—Special—Registration—Absent voting—Fourth Congressional District—September 8, 1947 last day for registration.....	482
FUND—	
1. Bridge—Acquired and operated by State Bridge Commission of Ohio—Becomes toll free—When all outstanding bonds have been paid and all operative expenses, any surplus from tolls collected on bridge should be paid into state treasury.	
2. Sandusky Bay Bridge—Pomeroy-Mason Bridge—Any remaining funds may not be applied to repay loan made by emergency board to meet payments on bonds of East Liverpool—Chester Bridge—Appropriation provided by House Bill 484, 96 General Assembly.	
3. Commission not liable to pay and without authority to pay any bills presented by state highway department for repairs on any bridge acquired pursuant to section 1084-1 et seq., G. C.....	169
Child welfare board, county—Section 3070-36 G. C. provides county commissioners shall make sufficient appropriations for board to perform functions under section 3070-1 et seq., G. C.—Mandatory sufficient funds should be appropriated to pay salary of executive secretary and necessary expenses of office.....	214
FUND—COUNTY GENERAL—	
Auditor, county—May lawfully refuse to issue warrant on county treasurer to pay claim for overpayment of real estate taxes—Paid into general fund of county—Claim presented to county commissioners—Allowed more than twenty years after overpayment made.....	165
Experiment farms, county—Management—Director, Ohio agricultural experiment station has discretion to determine at what times and in what amounts surplus arising from sale of produce shall be paid to county treasury for credit to county general fund—Sections 1177-4 to 1177-8 G. C.	148

FUND—COUNTY GENERAL—BOND RETIREMENT—

Page

Playgrounds, swimming pools and indoor recreation centers:

1. Moneys may be transferred from county general fund, sections 5625-13a to 5625-13g G. C. and from county bond retirement fund, section 5625-13 paragraph c, G. C. to acquire lands and buildings, section 4065-1 et seq., G. C.
2. Question, bond issue—May be submitted to electors at special election at any time prior to August 31, 1947 under Amended Senate Bill 296, 96 General Assembly..... 1

FUND—GENERAL—

1. Automobile—County commissioners have authority with approval, common pleas court judge, to purchase automobile for their own use, for relief director and other employes in administration of relief to needy blind and general poor relief—Sections 2412-1, 2412-2 G. C.
2. Cost should be paid out of general funds of county—No authority to pay cost out of poor relief funds or funds provided for relief of needy blind.... 198

FUNDS—

Hospital Reimbursement Law—Sections 6307-7 to 6308-15 G. C.—Specific act to take care of indigent patients injured by operation of motor vehicle on public way—Without assistance from funds, “Old Age Pension Law”—Sections 1359-1 to 1359-30 G. C..... 526

1. Inmate of county home—Funds received from division of aid for the aged—When turned over to county must be deposited with county treasurer to credit of inmate and disbursed under section 2549 G. C.
2. No authority in law for division of aid for the aged, department of public welfare or other authority to restrict use of moneys awarded to inmate of county home..... 413
1. Municipal library—Clerk, board of trustees—Ex officio treasurer of all funds of library—Such funds will no longer be deposited with treasurer of such municipality—Clerk must be elected and qualified, section 7627 et seq., G. C.
2. Until election and qualification of such clerk, treasurer of municipality will continue to be custodian of library funds.
3. Neither auditor of city which has a municipal library, nor a deputy auditor may be elected clerk of board of trustees of such library under section 7627 G. C..... 639

FUND—ROAD—

1. Resurfacing state highway—Portion of cost—Assumed by county commissioners to cooperate with director of highways—May not be paid directly from county general fund—Section 1178-43 G. C.
2. Money in county general fund and in county road maintenance and repair fund, section 6956-1a G. C. may be used by county commissioners to pay premiums on policies of insurance procured under authority of section 2412-3 G. C..... 135

FUNDS—

Page

1. State examiners, assistant state examiners—Bureau of Inspection and Supervision of Public Offices—State employes—Included within provisions of section 486-17c G. C.—Sick leave with pay for state employes.
 2. Compensation of such employes during sick leave may be charged against amount required by section 287 G. C. to be contributed by several counties toward compensation and expenses of examiners.
 3. If funds provided by sections 287, 288 G. C. are insufficient to pay for sick leave in absence of sufficient appropriation, Bureau may make application for additional funds to emergency board—Board would have power to grant allowance—Section 2313 G. C..... 575
- Tubercular patients who receive treatment outside state of Ohio—State funds may not be used to pay state's share for their support—Section 3139-23 G. C..... 603

GENERAL PUBLIC—

1. Aid to the blind—County commissioners—Capacity, administrators of such aid, required to list names of recipients in such manner identity not disclosed by record of proceedings open to general public—Section 2968 G. C.
2. County auditor required to maintain records in such manner recipients may not be readily identified by persons not connected with administrations of aid to the blind..... 77

GIFT—

- Parks, cemeteries, burial grounds—Authority of township trustees—Prescribed and limited by statute—To acquire land by deed of gift or otherwise the statutory conditions, limitations and restrictions must be observed—Trust fund 561

GOVERNMENTAL SUBDIVISIONS—

Real estate, county owned :

1. Not needed for public use—May be leased to anyone other than municipalities or other governmental subdivisions for term not more than one year without advertising and competitive bidding—Sections 2447, 2447-1 G. C.
2. Easements—County owned real estate—May be granted only to municipalities and other governmental subdivisions..... 244

GOVERNOR—SEE STATE—

GRADE CROSSING—BRIDGE—RAILROAD—

1. Bridge or other structure separating grade crossing of railroad and state highway—Not constructed pursuant to sections 8863 et seq., or 6956-22 et seq., G. C., which was laid out and opened after construction of railroad, may be widened, realigned and reconstructed—Sections 1182 et seq., 1182-20 G. C.—Railroad company may be required to bear part of expense—Section 1182-9 G. C.

GRADE CROSSING—BRIDGE—RAILROAD—Concluded Page

- 2. Such designated bridge or structure may, when necessary for safety or convenience of traveling public, be relocated and reconstructed by director of highways under sections 1182 et seq., 1182-20 G. C.—Railroad company may be required to bear part of expense—Section 1182-9 G. C.
- 3. Bridge built by railroad company—Separation, grade of tracks over or under state highway—When railroad company must comply with obligation imposed by section 1182-20 G. C.
- 4. Status where construction prior to Highway Act passed April 21, 1927, 112 O. L., 430—Statutes then in force later repealed—When railroad company may be required to replace structures to provide safe, adequate and sufficient crossing..... 652

GROCERY STORE—

- 1. Bakery maintained and operated in connection with department store, grocery store or food market—May be located in basement or cellar if vendor or proprietor were engaged in business there prior to effective date of section 1012 G. C., May 28, 1943.
- 2. Establishment operated strictly as bakery can not conduct baking operations in cellar or basement.
- 3. Department of Industrial Relations—Responsible to enforce law prohibiting operation of bakeries in cellars or basements..... 313

HARNESS HORSE RACING—

- Racing Commission, Ohio State—Permit issued to any person, association, corporation or trust—To hold or conduct harness horse racing meeting upon dates specified for maximum number of racing dates legally authorized—Where full days' racing declared off because of inclement weather or muddy track—Commission without authority to issue second permit to carry on harness racing beyond dates specified in first permit..... 554

HIGHWAY ACT—STATE HIGHWAY—

- 1. Bridge or other structure separating grade crossing of railroad and state highway—Not constructed pursuant to sections 8863 et seq., or 6956-22 et seq., G. C., which was laid out and opened after construction of railroad, may be widened, realigned and reconstructed—Sections 1182 et seq., 1182-20 G. C.—Railroad company may be required to bear part of expense—Section 1182-9 G. C.
- 2. Such designated bridge or structure may, when necessary for safety or convenience of traveling public, be relocated and reconstructed by director of highways under sections 1182 et seq., 1182-20 G. C.—Railroad company may be required to bear part of expense—Section 1182-9 G. C.
- 3. Bridge built by railroad company—Separation, grade of tracks over or under state highway—When railroad company must comply with obligation imposed by section 1182-20 G. C.
- 4. Status where construction prior to Highway Act passed April 21, 1927, 112 O. L., 430—Statutes then in force later repealed—When railroad company may be required to replace structures to provide safe, adequate and sufficient crossing..... 652

HIGHWAYS—

Page

- Bid—Where bidder on project to be let by department of highways submits bid in excess of amount for which he was previously qualified—Section 1178-53 et seq., G. C.—Director required to reject bid even though it appears financial status of bidder has improved since time of certificate of pre-qualification was issued..... 299

HIGHWAY PROJECTS—STATE—

- Maps and plans under section 1178-33 G. C.—State Highway projects—No statutory provision to record same in county recorder's office..... 234

HIGHWAY—

1. Resurfacing state highway—Portion of cost—Assumed by county commissioners to cooperate with director of highways—May not be paid directly from county general fund—Section 1178-43 G. C.
2. Money in county general fund and in county road maintenance and repair fund, section 6956-1a G. C. may be used by county commissioners to pay premiums on policies of insurance procured under authority of section 2412-3 G. C..... 135
1. Roads, township—Statutes confer power and impose duties on township trustees to keep in repair all township roads within townships, including bridges.
2. Duty of county commissioners to keep in repair all necessary bridges over streams and public canals within county on all public highways, including township roads—Section 2421 G. C..... 92

HOME, COUNTY—INMATE—

1. Inmate of county home—Funds received from division of aid for the aged—When turned over to county must be deposited with county treasurer to credit of inmate and disbursed under section 2549 G. C.
2. No authority in law for division of aid for the aged, department of public welfare or other authority to restrict use of moneys awarded to inmate of county home..... 413

HORSE RACING ACT—

- Race track—To determine if one race track, place or enclosure, is within thirty miles of another track, section 1079-7 G. C., the "thirty miles" should be measured in a straight line on a horizontal plane..... 644

HOSPITAL, COUNTY MEMORIAL—

- Memorial hospital, county—Must be erected under county hospital statutes, section 3127 et seq., G. C.—Cannot be constructed under war memorials statutes, section 3059 et seq., G. C..... 369

HOSPITAL—

1. Death from accident—Hospital—Duty of physician and any other person who has knowledge of fact to immediately notify coroner of time, place, manner and circumstances.

HOSPITAL—Concluded

Page

- 2. Maternity hospital, lying-in hospital or other hospital which maintains maternity ward—Death of mother or infant—Procedure under sections 6263, 6269 G. C.—Physician—Coroner—Dead body.
- 3. Stillborn child—Child alive at birth—Sections 6268, 6269 G. C. apply to each..... 156

HOSPITAL DISTRICT, VILLAGE-JOINT TOWNSHIP—

- 1. Hospital district, joint township—Trustees of two or more contiguous townships may join to establish such hospital—Section 3414-1 et seq., G. C.
- 2. No authority in law for municipality to join with one or more townships to establish joint township—Village hospital district.
- 3. To determine percentage of favorable votes cast to establish joint township hospital district, votes computed on basis of district as a whole—Sections 3414-2, 3414-3 G. C.
- 4. Management and control of joint township hospital vested in board of hospital governors—Section 3414-6 G. C..... 208

HOSPITAL DISTRICT, JOINT TOWNSHIP..... 208

HOSPITAL—GENERAL—TUBERCULOSIS—

Designed to care for and treat contagious or infectious diseases, including tuberculosis—General hospital—Subject to approval of state department of health—County commissioners of county where no county hospital for tuberculosis has been provided and no joint tuberculosis hospital district, may contract with general hospital for care and treatment of residents of county suffering from tuberculosis—Section 3139-18 G. C..... 402

HOSPITAL REIMBURSEMENT LAW—

Sections 6308-7 - 6308-15 G. C.—Specific act to take care of indigent patients injured by operation of motor vehicle on public way—Without assistance from funds, “Old Age Pension Law”—Sections 1359-1 - 1359-30 G. C.... 526

HOSPITALIZATION—

- 1. Duty local relief authorities to furnish hospital care to persons in need, entitled to poor relief under section 3391 et seq., G. C.—Period not to exceed three months in any one calendar year.
- 2. Township trustees—Conditions under which they are required to furnish hospitalization—When obligated to furnish hospitalization without aid from the state—Section 3476 et seq., G. C.
- 3. Where township trustees furnish hospital care, responsibility of local relief authority to provide medical care..... 632
- 1. Hospitalization of indigent person—Legal settlement in township—Township not liable for payment of hospital bills unless services were in connection with emergency case.

	<i>Page</i>
HOSPITALIZATION—Concluded	
2. County department of welfare—Vested by law with powers and duties respecting administration of poor relief—Liable for payment of medical care and hospital services for the needy—Section 2511-1 G. C.....	375
Hospitalization and medical treatment of prisoner on parole from penal institution of state—Neither State Department of Health nor State Department of Welfare liable.....	343
HOURS OF EMPLOYMENT—	
1. Employment—Hours—Females and minors employed by communications companies—Sections 1008-2, 12996 G. C. applicable to all such companies—Interstate or intrastate communications services.	
2. Female employes of a communications company—Sickness and inadequate help—Not valid causes to exceed working hours.	
3. Lawful for communications company to use minors as operators—Section 1008-2 G. C.—Section 12996 G. C. does not apply to telephone operators.	
4. Director of department of industrial relations—No authority in law to grant permission to employer to employ females and minors for greater number of hours per day than maximum fixed by law.....	285
HOUSING—EMERGENCY—VETERANS—	
Veterans—Emergency housing—All or any part of rentals arising from such housing facilities may be used to purchase or construct additional houses for veterans—Proviso, rentals not needed for maintenance and operation—Sections 1078-62 through 1078-71 G. C.....	569
CHARLES H. HUBBEL, Cleveland—	
Petition:	
To amend Constitution of Ohio: Article XI, section 1—To repeal sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13. Article II, to amend sections 1, 1-d, 2, 3, 6, 7, 8, 9, 11, 16, 17, 18, 19, 23, 25, 29, 31—To adopt and add six new sections—2-a, 6-a, 6-b, 6-c, 17-a, 17-b. To repeal sections 14, 15. Article III, to repeal sections 8, 9, 15, 16, 17, 18. To adopt and add four new sections—15-a, 16-a, 17-a, 18-a. Article XVII, to amend section 2. Unicameral legislation, reapportionment of state into assembly districts, each district represented by one assemblyman.....	566
Summary to amend Constitution of Ohio, Article XV, add nineteen new sections—In re liquor control—Compensation, teachers in public schools and in free tuition schools—No certification.....	568
To amend Constitution of Ohio, Article XV, to add sections 9-a to 9-v—Liquor control—Funds, adequate compensation for all teachers in public schools and free tuition schools.....	612
IDENTITY—	
1. Aid to the blind—County commissioners—Capacity, administrators of such aid, required to list names of recipients in such manner identity not disclosed by record of proceedings open to general public—Section 2968 G. C.	

IDENTITY—Concluded

Page

- 2. County auditor required to maintain records in such manner recipients may not be readily identified by persons not connected with administration of aid to the blind..... 77
- Motor vehicle—Operator who was convicted of or plead guilty to violation of section 12606 G. C., not amenable to provisions of section 6298-1 G. C. for refusal, upon request, to identify himself after stopping at scene of accident 144

IMMUNITY—WITNESS—

- 1. General Assembly—Witness appearing before committee or subcommittee—Compelled to answer all questions and produce books, papers and other documentary evidence demanded.
- 2. Testimony of such witness cannot be used as evidence in any criminal proceeding against him—Witness cannot be prosecuted or subjected to any penalty or forfeiture whether testimony or evidence was voluntarily or involuntarily given or produced.
- 3. Witness may not waive immunity given him under section 60 G. C. and place himself in position to claim privilege given by Article I, section 10, Constitution of Ohio to refuse to give self-incriminating testimony.
- 4. Persons who volunteer information or documentary evidence to investigators of committee do not acquire amnesty granted by section 60 G. C..... 121

IMPRISONMENT—

- 1. Imprisonment for failure to pay fines and costs assessed—Sections 13451-9, 13451-15 G. C. general in nature—No application in violation of laws dealing with taking, protection, preservation, possession or propagation of wild animals.
- 2. Default, payment of fines and costs assessed—Violation General Code provisions dealing with taking, protection, preservation, possession or propagation of wild animals—Person entitled to credit of only one dollar for each day confined in county jail or workhouse because of such default..... 419

INCOME—RENTALS—

Veterans—Emergency housing—All or any part of rentals arising from such housing facilities may be used to purchase or construct additional houses for veterans—Proviso, rentals not needed for maintenance and operation—Sections 1078-62 through 1078-71 G. C..... 569

INCOMPATIBLE OFFICE—

Township trustee—Member of township memorial board of trustees created by section 3061 G. C.—May not be held by same person at same time..... 23

INCREASE—ALLOWANCE—

- 1. Retirement system, public employes—Increased allowance provided by section 486-59b G. C. to members who retired prior to April 2, 1947 effective June, 1947, payable as part of allowance for July, 1947.

INCREASE—ALLOWANCE—Concluded	<i>Page</i>
2. To determine amount of increase allowance, consider total number of years and fractions to the credit of superannuate.	
3. Public employes retirement board has authority to make rules not inconsistent with law to establish basis to determine "total service credit" of any member or pensioner—Sections 486-30 to 486-75, 486-34 G. C.	
4. Six months' contribution—To claim benefit of increased allowance, member entitled to include period covered by back payments made pursuant to sections 486-33b—486-59b G. C.	
5. When superannuate at time of retirement has selected option, increased retirement allowance shall be allocated between pensioner and designated beneficiary in same proportion as stipulated in original election—Sections 486-67, 486-59b G. C.	
6. Beneficiary under option selected by former member, deceased prior to enactment of section 486-59b G. C. can receive no benefit from extra allowance under that section.....	324

INCREASE—REDUCTION—SALARY—

1. "Modified" as used in section 154-45n G. C. should be construed to mean "altered" or "changed."
2. Wage board convened by Director of Industrial Relations, empowered under section 154-45n G. C. to recommend an increase as well as a reduction in existing wage rates..... 477

INCUMBENT—

- Probate judge—Columbiana County—Also performing functions of judge of juvenile court—Can receive no additional salary or compensation during his present term of office—Substitute Senate Bill 223—Amended Senate Bill 50, 97 General Assembly..... 451
- Salary—Judge, court of appeals—Incumbent, effective date of Senate Bill 223, 97 General Assembly—Payable entirely from state treasury..... 533

INDIGENT—

1. Hospitalization of indigent person—Legal settlement in township—Township not liable for payment of hospital bills unless services were in connection with emergency case.
2. County department of welfare—Vested by law with powers and duties respecting administration of poor relief—Liable for payment of medical care and hospital services for the needy—Section 2511-1 G. C..... 375

INDIGENT INJURED PATIENT—

- Hospital Reimbursement Law—Sections 6308-7 - 6308-15 G. C.—Specific act to take care of indigent patients injured by operation of motor vehicle on public way—Without assistance from funds, "Old Age Pension Law"—Sections 1359-1 - 1359-30 G. C..... 526

INDIGENT—ALSO—SEE RELIEF—

INFANT—MOTHER—CHILD—

Page

1. Death from accident—Hospital—Duty of physician and any other person who has knowledge of fact to immediately notify coroner of time, place, manner and circumstances.
2. Maternity hospital, lying-in hospital or other hospital which maintains maternity ward—Death of mother or infant—Procedure under sections 6268, 6269 G. C.—Physician—Coroner—Dead body.
3. Stillborn child—Child alive at birth—Sections 6268, 6269 G. C. apply to each 156

INJURED PATIENT—INDIGENT—

SEE INDIGENT INJURED PATIENT..... 526

INJURY—DAMAGES—LIABILITY—

1. Bus—State university—Board of trustees—Not liable as a board or individually for damages to person or property growing out of negligence. Employe in operation of bus purchased with public funds by trustees—Use, activities, conduct and management of university—Proviso, reasonable care in selection of employe and no active participation in negligence which produces injury.
2. Bowling Green State University—Board of trustees—Without authority to expend public funds for protective insurance against liability growing out of operation of bus..... 431

INJURY—LOSS—

County commissioners—Without authority to allow claim for loss or injury to animals or poultry unless duplicate statement is filed within sixty days from discovery of injury—Section 5840 G. C..... 71

INJURY—PERSONAL—

Common pleas court, clerk—Without legal authority to require resident or non-resident plaintiff to advance fees clerk authorized to charge and collect for issuance of execution on judgment—Proceeding, damages sought for personal injuries..... 249

INMATE OF COUNTY HOME—

1. Funds received from division of aid for the aged—When turned over to county must be deposited with county treasurer to credit of inmate and disbursed under section 2549 G. C.
2. No authority in law for division of aid for the aged, department of public welfare or other authority to restrict use of moneys awarded to inmate of county home..... 413

INSPECTION—BEDDING—

“Material”—Means such material as is customarily and generally used in manufacture of bedding—Sections 1038-25 through 1038-36 G. C.—Mattress—Inspection of bedding—Penal statutes..... 589

INSPECTIONS—ELECTRICAL—

Page

1. Fire department—Municipality—Moneys received from licenses and other fees—Inspection—Credited to firemen's relief and pension fund—Exception, fees received from other subdivisions for fire protection—Section 4607 G. C.
2. Fees—Services by city fire department, ordinances, operating set of city scales, operating emergency ambulance service—Paid into firemen's relief and pension fund.
3. Fees for making electrical inspections as a means of fire protection, properly paid into firemen's relief and pension fund..... 586

INSURANCE—

1. Bus—State university—Board of trustees—Not liable as a board or individually for damages to person or property growing out of negligence. Employe in operation of bus purchased with public funds by trustees—Use, activities, conduct and management of university—Proviso, reasonable care in selection of employe and no active participation in negligence which produces injury.
2. Bowling Green State University—Board of trustees—Without authority to expend public funds for protective insurance against liability growing out of operation of bus..... 431

POLICY—PREMIUM—

1. Resurfacing state highway—Portion of cost—Assumed by county commissioners to cooperate with director highways—May not be paid directly from county general fund—Section 1178-43 G. C.
2. Money in county general fund and in county road maintenance and repair fund, Section 6956-1a G. C. may be used by county commissioners to pay premiums on policies of insurance procured under authority of Section 2412-3 G. C..... 135

INSURANCE—FINIS—

INTERNATIONAL BANK FOR RECONSTRUCTION
AND DEVELOPMENT—

1. Not a corporation within meaning of section 710-111 (i) G. C.
2. State bank—Member of Federal Reserve System—Permitted to invest in investment securities evidencing indebtedness of International Bank for Reconstruction and Development..... 436

INTERSTATE—INTRASTATE—

1. Employment—Hours—Females and minors employed by communications companies—Sections 1008-2, 12996 G. C. applicable to all such companies—Interstate or intrastate communications services.
2. Female employes of a communications company—Sickness and inadequate help—Not valid causes to exceed working hours.
3. Lawful for communications company to use minors as operators—Section 1008-2 G. C.—Section 12996 G. C. does not apply to telephone operators.
4. Director of department of industrial relations—No authority in law to grant permission to employer to employ females and minors for greater number of hours per day than maximum fixed by law..... 285

INVESTIGATION—GENERAL ASSEMBLY—

Page

1. General Assembly—Witness appearing before committee or subcommittee—
Compelled to answer all questions and produce books, papers and other
documentary evidence demanded.
2. Testimony of such witness cannot be used as evidence in any criminal
proceedings against him—Witness cannot be prosecuted or subjected to any
penalty or forfeiture whether testimony or evidence was voluntarily or
involuntarily given or produced.
3. Witness may not waive immunity given him under section 60 G. C. and
place himself in position to claim privilege given by Article I, section 10,
Constitution of Ohio to refuse to give self-incriminating testimony.
4. Persons who volunteer information or documentary evidence to investi-
gators of committee do not acquire amnesty granted by section 60 G. C. 121

INVESTMENT SECURITIES—

1. International Bank for Reconstruction and Development—Not a corporation
within meaning of section 710-111 (i) G. C.
2. State bank—Member of Federal Reserve System—Permitted to invest in
investment securities evidencing indebtedness of International Bank for
Reconstruction and Development. 436

JAIL—COUNTY—

1. Imprisonment for failure to pay fines and costs assessed—Sections 13451-9,
13451-15 G. C. general in nature—No application in violation of laws deal-
ing with taking, protection, preservation, possession or propagation of wild
animals.
2. Default, payment of fines and costs assessed—Violation General Code pro-
visions dealing with taking, protection, preservation, possession or propaga-
tion of wild animals—Person entitled to credit of only one dollar for each
day confined in county jail or workhouse because of such default. 419

JUDGMENT—

- Common pleas court, clerk—Without legal authority to require resident or non-
resident plaintiff to advance fees clerk authorized to charge and collect for
issuance of execution on judgment—Proceeding, damages sought for per-
sonal injuries. 249

JUDGMENT DEBTOR—

- Sheriff—Entitled to poundage on money paid to him by judgment debtor—
Where debtor contacted and advised by sheriff that foreign writ of execu-
tion is in his hands for enforcement and sheriff paid the money in satisfac-
tion of writ—Section 2845 G. C. 104

LABOR STRIKE—

1. Relief, Soldiers—Person eligible under section 2934 G. C. has been placed
on list of recipients for a certain year under section 2938 G. C.—Removes
to another county or without state—Soldiers' relief commission has authority
to continue payment of relief during remainder of such period.
2. Soldiers' relief commission authorized to grant and pay relief to veteran
out of work because of labor strike, provided he is otherwise eligible. 457

LABORATORY—

Page

Health, state department of—To establish standards to determine qualifications of laboratory to give standard serological test for syphilis has authority to make and enforce reasonable rules relative to equipment, supervision and personnel—Sections 1243-6, 11188 G. C. 291

LANDS—BUILDINGS—

Playgrounds, swimming pools and indoor recreation centers:

1. Moneys may be transferred from county general fund, sections 5625-13a to 5625-13g G. C. and from county bond retirement fund, section 5625-13 paragraph c, G. C. to acquire lands and buildings, section 4065-1 et seq., G. C.
2. Question, bond issue—May be submitted to electors at special election at any time prior to August 31, 1947 under Amended Senate Bill 296, 96 General Assembly. 1

LAND FORFEITED—

Real estate—Forfeited to state for nonpayment of real estate taxes and assessments—Where valid sale and conveyance made by county auditor, purchaser invested with a new and perfect title free from all prior liens and encumbrances, including lien of state of Ohio for delinquent franchise taxes and penalties—Exception, taxes and installments of special assessments, and reassessments not due at time of sale—Exception, easements and covenants running with the land created prior to time taxes or assessments became due and payable and nonpayment resulted in land forfeiture. 83

LEASE—ARMORY—

Armories, lease—Adjutant General authorized to enter into contracts of lease for periods in excess of two years—Section 5238 G. C. 132

LEASE—

Real estate, county owned:

1. Not needed for public use—May be leased to anyone other than municipalities or other governmental subdivisions for term not more than one year without advertising and competitive bidding—Sections 2447, 2447-1 G. C.
2. Easements—County owned real estate—May be granted only to municipalities and other governmental subdivisions. 244

LEAVE—SICK—

1. State examiners, assistant state examiners—Bureau of Inspection and Supervision of Public Offices—State employes—Included within provisions of section 486-17c G. C.—Sick leave with pay for state employee.
2. Compensation of such employes during sick leave may be charged against amount required by section 287 G. C. to be contributed by several counties toward compensation and expenses of examiners.
3. If funds provided by sections 287, 288 G. C. are insufficient to pay for sick leave in absence of sufficient appropriation, Bureau may make application for additional funds to emergency board—Board would have power to grant allowance—Section 2313 G. C. 575

LEGAL SETTLEMENT—

Page

1. Hospitalization of indigent person—Legal settlement in township—Township not liable for payment of hospital bills unless services were in connection with emergency case.
2. County department of welfare—Vested by law with powers and duties respecting administration of poor relief—Liable for payment of medical care and hospital services for the needy—Section 2511-1 G. C..... 375

LEGISLATIVE INVESTIGATION—

1. General Assembly—Witness appearing before committee or subcommittee—Compelled to answer all questions and produce books, papers and other documentary evidence demanded.
2. Testimony of such witness can not be used as evidence in any criminal proceeding against him—Witness can not be prosecuted or subjected to any penalty or forfeiture whether testimony or evidence was voluntarily or involuntarily given or produced.
3. Witness may not waive immunity given him under section 60 G. C. and place himself in position to claim privilege given by Article I, section 10, Constitution of Ohio to refuse to give self-incriminating testimony.
4. Persons who volunteer information or documentary evidence to investigators of committee do not acquire amnesty granted by section 60 G. C.... 121

LEVY—SEE TAX—

LIABILITY—DAMAGES—INJURY—

1. Bus—State university—Board of trustees—Not liable as a board or individually for damages to person or property growing out of negligence. Employe in operation of bus purchased with public funds by trustees—Use, activities, conduct and mangagement of university—Proviso, reasonable care in selection of employe and no active participation in negligence which produces injury.
2. Bowling Green State University—Board of trustees—Without authority to expend public funds for protective insurance against liability growing out of operation of bus..... 431

LIABILITY—LOSS—

- Auditor, county—Not liable for loss occasioned to third person by act of deputy county auditor who stole securities while making an inventory of a lock box after death of owner..... 139

LIBRARY—MUNICIPAL—

1. Municipal library—Clerk, board of trustees—Ex officio treasurer of all funds of library—Such funds will no longer be deposited with treasurer of such municipality—Clerk must be elected and qualified, section 7627 et seq., G. C.

LIBRARY—MUNICIPAL—Concluded		<i>Page</i>
2.	Until election and qualifications of such clerk, treasurer of municipality will continue to be custodian of library funds.	
3.	Neither auditor of city which has a municipal library, nor a deputy auditor may be elected clerk of board of trustees of such library under section 7627 G. C.....	639
LICENSE FEES—		
1.	Fire department—Municipality—Moneys received from licenses and other fees—Inspection—Credited to firemen's relief and pension fund—Exception, fees received from other subdivisions for fire protection—Section 4607 G. C.	
3.	Fees for making electrical inspections as a means of fire protection, properly paid into firemen's relief and pension fund.....	586
LICENSE—MOTOR VEHICLE SALESMAN—		
1.	Auctioneer—Duly licensed and appointed—Engaged by dealer in motor vehicles to auction motor vehicles—Required to be licensed as motor vehicle salesman—Sections 5868, 6302-1 G. C.	
2.	Registrar of motor vehicles—May not issue another license as salesman of motor vehicles to one whose license is in force and effect.....	406
LICENSED BEAUTY SHOP—		
	Beauty shop—Licensed—Moved to new location—Owner must apply for another shop license—Second branch of syllabus, opinion 4416, Opinions Attorney General, 1935 page 801, overruled.....	357
LICENSING BOATS—		
	Enforcement of law—Rules and regulations—Section 479 G. C. applicable to lands and waters set aside for public park and recreational purposes—Mosquito Creek Reservoir.....	277
LIEN—		
	Mortgage, chattel—On motor vehicle—In absence of "affidavit of claim," "affidavit of good faith" or "sworn statement"—Entitled to be noted as a lien on certificate of title to motor vehicle, the subject of the mortgage....	364
LIMITATION—AGE—		
Retirement system, public employees:		
1.	General Assembly—Has power to change by amendment conditions upon which members may retire—Receive allowances provided by law—Sections 486-32 to 486-75 G. C.	
2.	Member who has established membership prior to amendment of sections 486-33a, 486-47 G. C., Senate Bill 57, 97 General Assembly, is governed by those sections as amended as to his right of retirement and as to retirement allowance he may receive.	

LIMITATION—AGE—Concluded	<i>Page</i>
3. Member who reaches age of seventy years immediately before or since amendments aforesaid is subject to their provisions as to right of retirement and retirement allowance.....	594
Retirement system, public employes—Latest date a member over seventy years of age may make application to continue in service—August 31, 1948—Latest date to continue in service—June 30, 1949—Section 486-59 G. C.—Senate Bill 7, 97 General Assembly.....	608

LIMITATION—

Armories, lease—Adjutant General authorized to enter into contracts of lease for periods in excess of two years—Section 5238 G. C.....	132
Auditor, county—May lawfully refuse to issue warrant on county treasurer to pay claim for overpayment of real estate taxes—Paid into general fund of county—Claim presented to county commissioners—Allowed more than twenty years after overpayment made.....	165
County commissioners—Without authority to allow claim for loss or injury to animals or poultry unless duplicate statement is filed within sixty days from discovery of injury—Section 5840 G. C.....	71
1. When statute adopts part of another statute by specific reference, part adopted as it exists at time of adoption becomes part of reference statute—Any subsequent amendment or repeal of adopted language has no effect on adopting or reference statute.	
2. Effect of amendment on reference statute—Re-enactment of statute.	
3. Occupational disease cases—Limitation—Six months after date of death to file claim—Two years after date of death to file claim—Exception—Silicosis or any other occupational disease of respiratory tract—Section 1465-68a (22) G. C.....	847

LIQUOR—INTOXICATING—

1. Minor—It is immaterial whether minor is directly employed or permitted or suffered to work in or about a place of amusement—Sections 12996, 13007-3 G. C.	
2. Minor under sixteen years of age employed, permitted or suffered to work in or about place of amusement required to have age and schooling certificate—Exception, when employed in irregular service—Section 12993-1 G. C.	
3. Place of amusement—Stadium, park or other place used to play baseball games, football games or other sports.	
4. Sections 12993, 13007-3 G. C. not in conflict—Interpretation—Section 6061-1 G. C.—Application as to intoxicating liquors sold in place of amusement.	
5. Boy under age of eighteen years—Girl under age of twenty-one years: Shall not be employed, permitted or suffered to work in, about or in connection with a place of amusement before six o'clock in the morning or after ten o'clock in the evening—Boy under sixteen or girl under eighteen—Shall not be employed in place of amusement before seven o'clock in morning or after six o'clock in evening.....	333

	<i>Page</i>
LIQUOR—INTOXICATING—Concluded	
Ordinance, village—To prohibit the sale of intoxicating liquor by any one not holder of permit issued by Department of Liquor Control—Sale authorized—Such village is not a “village in which the sale of intoxicating liquor is prohibited by an ordinance”—Term used in section 13206 G. C.....	18
LIST OF NAMES—	
1. Aid to the blind—County commissioners—Capacity, administrators of such aid, required to list names of recipients in such manner identity not disclosed by record of proceedings open to general public—Section 2968 G. C.	
2. County auditor required to maintain records in such manner recipients may not be readily identified by persons not connected with administrations of aid to the blind.....	77
LOAN—	
Building and loan association—Ohio State chartered—Can not legally make loan for amount in excess of \$20,000.00, secured by mortgage on more than one parcel of real estate—Section 9657 G. C.—Not material if building and loan company considers not more than \$20,000.00 to be loaned on any one such property.....	536
LOCATION—NEW—	
Beauty shop—Licensed—Moved to new location—Owner must apply for another shop license—Second branch of syllabus, opinion 4416, Opinions Attorney General, 1935 page 801, overruled.....	357
LOCK BOX—	
Auditor, county—Not liable for loss occasioned to third person by act of deputy county auditor who stole securities while making an inventory of a lock box after death of owner.....	139
LOSS—INJURY—	
County commissioners—Without authority to allow claim for loss or injury to animals or poultry unless duplicate statement is filed within sixty days from discovery of injury—Section 5840 G. C.....	71
LOSS—LIABILITY	139
MACHINERY—ROAD—	
Automobiles—County commissioners—Without statutory authority to sell automobiles and road machinery owned by county, purchased by them under sections 2412-1, 7290 G. C.....	107
MAINTENANCE—OPERATION—	
Veterans—Emergency housing—All or any part of rentals arising from such housing facilities may be used to purchase or construct additional houses for veterans—Proviso, rentals not needed for maintenance and operation—Sections 1078-62 through 1078-71 G. C.....	569

MANUFACTURE—BEDDING—MATERIAL— Page
 “Material”—Means such material as is customarily and generally used in
 manufacture of bedding—Sections 1038-25 through 1038-36 G. C.—
 Mattress—Inspection of bedding—Penal statutes..... 589

MAPS—
 County commissioners, board of—Authority to participate with state highway
 department and with city in county to share cost of topographic survey
 to be made by serial photogrammetric methods and production of topo-
 graphic maps—Purpose, highway, street, freeway and community planning. 304

MAPS—PLANS—
 Maps and plans under section 1178-33 G. C.—State Highway projects—No
 statutory provision to record same in county recorder’s office..... 234

MATERIAL—MANUFACTURE—BEDDING—
 “Material”—Means such material as is customarily and generally used in
 manufacture of bedding—Sections 1038-25 through 1038-36 G. C.—
 Mattress—Inspection of bedding—Penal statutes..... 589

MATERNITY HOSPITAL—
 1. Death from accident—Hospital—Duty of physician and any other person
 who has knowledge of fact to immediately notify coroner of time, place,
 manner and circumstances.
 2. Maternity hospital, lying-in hospital or other hospital which maintains
 maternity ward—Death of mother or infant—Procedure under sections
 6268, 6269 G. C.—Physician—Coroner—Dead body.
 3. Stillborn child—Child alive at birth—Sections 6268, 6269 G. C. apply to
 each 156

MEASURE—DISTANCE—
 Race track—To determine if one race track, place or enclosure, is within
 thirty miles of another track, section 1079-7 G. C., the “thirty miles”
 should be measured in a straight line on a horizontal plane..... 644

MEDICAL CARE—
 1. Hospitalization—Duty local relief authorities to furnish hospital care to
 persons in need, entitled to poor relief under section 3391 et seq., G. C.—
 Period not to exceed three months in any one calendar year.
 2. Township trustees—Conditions under which they are required to furnish
 hospitalization—When obligated to furnish hospitalization without aid from
 the state—Section 3476 et seq., G. C.
 3. Where township trustees furnish hospital care, responsibility of local relief
 authority to provide medical care..... 632

MEDICAL TREATMENT—

Page

Hospitalization and medical treatment of prisoner on parole from penal institution of state—Neither State Department of Health nor State Department of Welfare liable..... 343

MEMORIAL BOARD, MEMBER OF TOWNSHIP—

Incompatible office—Township trustee—Member of township memorial board of trustees created by section 3061 G. C.—May not be held by same person at same time..... 23

MEMORIAL HOSPITAL, COUNTY—

Must be erected under county hospital statutes, section 3127 et seq., G. C.—Cannot be constructed under war memorials statutes, section 3059 et seq., G. C. 369

MINORS—FEMALES—

1. Employment—Hours—Females and minors employed by communications companies—Sections 1008-2, 12996 G. C. applicable to all such companies—Interstate or intrastate communications services.
2. Female employes of a communications company—Sickness and inadequate help—Not valid causes to exceed working hours.
3. Lawful for communications company to use minors as operators—Section 1008-2 G. C.—Section 12996 G. C. does not apply to telephone operators.
4. Director of department of industrial relations—No authority in law to grant permission to employer to employ females and minors for greater number of hours per day than maximum fixed by law..... 285

MINOR—

1. It is immaterial whether minor is directly employed or permitted or suffered to work in or about a place of amusement—Sections 12996, 13007-3 G. C.
2. Minor under sixteen years of age employed, permitted or suffered to work in or about place of amusement required to have age and schooling certificate—Exception, when employed in irregular service—Section 12993-1 G. C.
3. Place of amusement—Stadium, park or other place used to play baseball games, football games or other sports.
4. Sections 12993, 13007-3 G. C. not in conflict—Interpretation—Section 6064-1 G. C.—Application as to intoxicating liquors sold in place of amusement.
5. Boy under age of eighteen years—Girl under age of twenty-one years: Shall not be employed, permitted or suffered to work in, about or in connection with a place of amusement before six o'clock in the morning or after ten o'clock in the evening—Boy under sixteen or girl under eighteen—Shall not be employed in place of amusement before seven o'clock in morning or after six o'clock in evening..... 333

MISTAKE—

Page

Auditor, county—May lawfully refuse to issue warrant on county treasurer to pay claim for overpayment of real estate taxes—Paid into general fund of county—Claim presented to county commissioners—Allowed more than twenty years after overpayment made..... 165

MISTAKE—ERROR—

Recorder, county—Without statutory authority to cancel or expurge record of a soldier's discharge which had been recorded under section 2770 G. C.—Discharge was erroneously issued and recorded after soldier's death..... 162

MORTGAGE—

Building and loan association—Ohio State chartered—Can not legally make loan for amount in excess of \$20,000.00, secured by mortgage on more than one parcel of real estate—Section 9657 G. C.—Not material if building and loan company considers not more than \$20,000.00 to be loaned on any one such property..... 536

MORTGAGE—CHATTEL—

On motor vehicle—In absence of "affidavit of claim," "affidavit of good faith" or "sworn statement"—Entitled to be noted as a lien on certificate of title to motor vehicle, the subject of the mortgage..... 364

MOSQUITO CREEK RESERVOIR—

Licensing boats—Enforcement of law—Rules and regulations—Section 479 G. C. applicable to lands and waters set aside for public park and recreational purposes—Mosquito Creek Reservoir..... 277

MOTHER—CHILD—INFANT—

1. Death from accident—Hospital—Duty of physician and any other person who has knowledge of fact to immediately notify coroner of time, place, manner and circumstances.
2. Maternity hospital, lying-in hospital or other hospital which maintains maternity ward—Death of mother or infant—Procedure under sections 6268, 6269 G. C.—Physician—Coroner—Dead body.
3. Stillborn child—Child alive at birth—Sections 6268, 6269 G. C. apply to each..... 156

MOTOR VEHICLE—AUTOMOBILE—

Automobile—County commissioners—Without statutory authority to sell automobiles and road machinery owned by county, purchased by them under sections 2412-1, 7200 G. C..... 107

1. Automobile—County commissioners have authority, with approval, common pleas court judge, to purchase automobile for their own use, for relief director and other employes in administration of relief to needy blind and general poor relief—Sections 2412-1, 2412-2 G. C.

MOTOR VEHICLE—AUTOMOBILE—Concluded	<i>Page</i>
2. Cost should be paid out of general funds of county—No authority to pay cost out of poor relief funds or funds provided for relief of needy blind...	198
Hospital Reimbursement Law—Sections 6308-7 - 6308-15 G. C.—Specific act to take care of indigent patients injured by operation of motor vehicle on public way—Without assistance from funds, "Old Age Pension Law"—Sections 1359-1 - 1359-30 G. C.....	526
MOTOR VEHICLE LICENSE—	
1. Auctioneer—Duly licensed and appointed—Engaged by dealer in motor vehicles to auction motor vehicles—Required to be licensed as motor vehicle salesman—Sections 5868, 6302-1 G. C.	
2. Registrar of motor vehicles—May not issue another license as salesman of motor vehicles to one whose license is in force and effect.....	406
MOTOR VEHICLE—	
Mortgage, chattel—On motor vehicle—In absence of "affidavit of claim," "affidavit of good faith" or "sworn statement"—Entitled to be noted as a lien on certificate of title to motor vehicle, the subject of the mortgage..	364
Operator who was convicted of or plead guilty to violation of section 12606 G. C., not amenable to provisions of section 6298-1 G. C. for refusal, upon request, to identify himself after stopping at scene of accident.....	144
Rates of taxation set out in House Bill 115, 97 General Assembly become effective April 1, 1948—Cannot be applied to applications for registration of motor vehicles filed and taxes paid before that date.....	571
MOVE—BEAUTY SHOP—	
Beauty shop—Licensed—Moved to new location—Owner must apply for another shop license—Second branch of syllabus, opinion 4416, Opinions Attorney General, 1935 page 801, overruled.....	357
MUNICIPAL CORPORATION—	
Annexation of territory—Board of elections required to place question on ballot and submit it to electors of unincorporated portion of township—Section 3561-1 G. C.—Question should be submitted before proceedings of county commissioners authorized by section 3561 G. C. are held.....	500
MUNICIPAL LIBRARY—	
1. Clerk, board of trustees—Ex officio treasurer of all funds of library—Such funds will no longer be deposited with treasurer of such municipality—Clerk must be elected and qualified, section 7627 et seq., G. C.	
2. Until election and qualification of such clerk, treasurer of municipality will continue to be custodian of library funds.	
3. Neither auditor of city which has a municipal library, nor a deputy auditor may be elected clerk of board of trustees of such library under section 7627 G. C.....	639

MUNICIPAL UNIVERSITY—

Page

1. Municipal university, directors—Not required to advertise for and receive competitive bids as condition to making contracts in behalf of university—No such provision in section 4328 or any other section of General Code.
2. Under Article XVIII, Constitution of Ohio, municipality would have power to require its officers in charge of municipal university to advertise for competitive bids in connection with contracts..... 424

MUNICIPALITY—

County commissioners, board of—Authority to participate with state highway department and with city in county to share cost of topographic survey to be made by serial photogrammetric methods and production of topographic maps—Purpose, highway, street, freeway and community planning. 304

1. Fire department—Municipality—Moneys received from licenses and other fees—Inspection—Credited to firemen's relief and pension fund—Exception, fees received from other subdivisions for fire protection—Section 4607 G. C.
2. Fees—Services by city fire department, ordinances, operating set of city scales, operating emergency ambulance service—Paid into firemen's relief and pension fund.
3. Fees for making electrical inspections as a means of fire protection, properly paid into firemen's relief and pension fund..... 586

1. Hospital district, joint township—Trustees of two or more contiguous townships may join to establish such hospital—Section 3414-1 et seq., G. C.
2. No authority in law for municipality to join with one or more townships to establish joint township—Village hospital district.
3. To determine percentage of favorable votes cast to establish joint township hospital district, votes computed on basis of district as a whole—Sections 3414-2, 3414-3 G. C.
4. Management and control of joint township hospital vested in board of hospital governors—Section 3414-6 G. C..... 208

1. Municipal library—Clerk, board of trustees—Ex officio treasurer of all funds of library—Such funds will no longer be deposited with treasurer of such municipality—Clerk must be elected and qualified, section 7627 et seq., G. C.
2. Until election and qualification of such clerk, treasurer of municipality will continue to be custodian of library funds.
3. Neither auditor of city which has a municipal library, nor a deputy auditor may be elected clerk of board of trustees of such library under section 7627 G. C..... 639

Real estate, county owned:

1. Not needed for public use—May be leased to anyone other than municipalities or other governmental subdivisions for term not more than one year without advertising and competitive bidding—Sections 2447, 2447-1 G. C..... 244
2. Easements—County owned real estate—May be granted only to municipalities and other governmental subdivisions..... 244

NAMES—LIST OF—

Page

1. Aid to the blind—County commissioners—Capacity, administrators of such aid, required to list names of recipients in such manner identity not disclosed by record of proceedings open to general public—Section 2968 G. C.
2. County auditor required to maintain records in such manner recipients may not be readily identified by persons not connected with administrations of aid to the blind..... 77

OATH—SWORN STATEMENT—

- Mortgage, chattel—On motor vehicle—In absence of “affidavit of claim,” “affidavit of good faith” or “sworn statement”—Entitled to be noted as a lien on certificate of title to motor vehicle, the subject of the mortgage.... 364

OCCUPATIONAL DISEASE—

1. When statute adopts part of another statute by specific reference, part adopted as it exists at time of adoption becomes part of reference statute—Any subsequent amendment or repeal of adopted language has no effect on adopting or reference statute.
2. Effect of amendment on reference statute—Re-enactment of statute.
3. Occupational disease cases—Limitation—Six months after date of death to file claim—Two years after date of death to file claim—Exception—Silicosis or any other occupational disease of respiratory tract—Section 1465-68a (22) G. C..... 347

OFFICE—FULL TIME—

- Township trustee—Office not full time salaried office—Section 486-59 G. C.... 99

OFFICE—

1. Incompatible office—Superintendent of county children’s home—Located within territorial limits of school district—Member of board of education of that school district.
2. Member of board of education of city school district—Ipso facto vacates office when he accepts position of superintendent of county children’s home located within territorial limits of school district..... 255

OFFICE—SUCCESSION—

1. Governor, succession to office—Devolution of powers and duties—Death of person elected governor prior to induction into office—Law found in Constitution of Ohio, Article III, section 2—Force and effect of any law enacted by General Assembly.
2. Person elected governor—Entitled to hold office, discharge duties and receive emoluments, term of two years, commencing on second Monday of January, next after election and until successor elected and qualified.
3. Where person elected governor dies subsequent to election and prior to second Monday in January next following—Person holding office entitled to continue until successor elected and qualified.

OFFICE—SUCCESSION—Concluded	<i>Page</i>
4. "Governor"—"Governor-elect"—If person elected governor should die before induction into office, duties and powers of office would not devolve upon lieutenant governor.....	53
OFFICE—TERM—	
Probate judge—Columbiana County—Also performing functions of judge of juvenile court—Can receive no additional salary or compensation during his present term of office—Substitute Senate Bill 223—Amended Senate Bill 50, 97 General Assembly.....	451
OFFICER—DE FACTO—DE JURE—	
Public Works, Director—Quo warranto action—Supreme Court of Ohio—Appointee de facto officer pending court decision—De jure officer—Sections 154-3, 404 G. C.....	15
OFFICERS—MUNICIPAL UNIVERSITY—	
1. Municipal university, directors—Not required to advertise for and receive competitive bids as condition to making contracts in behalf of university—No such provision in section 4328 or any other section of General Code.	
2. Under Article XVIII, Constitution of Ohio, municipality would have power to require its officers in charge of municipal university to advertise for competitive bids in connection with contracts.....	424
OFFICERS—POLICE—	
1. Vehicle—Classified as emergency vehicle—Must be equipped with siren, whistle or bell—Type approved by director of highways—Section 6307-93 G. C.	
2. Volunteer fireman—Not entitled to privilege granted to driver of emergency vehicle unless provisions of section 6307-93 G. C. are observed.	
3. Volunteer fireman—Not peace officers—Do not possess police powers.....	486
OHIO—SEE—STATE—	
OLD AGE PENSION LAW—	
Hospital Reimbursement Law—Sections 6308-7 - 6308-15 G. C.—Specific act to take care of indigent patients injured by operation of motor vehicle on public way—Without assistance from funds, "Old Age Pension Law"—Sections 1359-1 - 1359-30 G. C.....	526
OPERATOR—MOTOR VEHICLE—	
Motor vehicle—Operator who was convicted of or plead guilty to violation of section 12606 G. C., not amenable to provisions of section 6298-1 G. C. for refusal, upon request, to identify himself after stopping at scene of accident.	144

OPTION—

Page

1. Retirement system, public employes—Increased allowance provided by section 486-59b G. C. to members who retired prior to April 2, 1947 effective June, 1947, payable as part of allowance for July, 1947.
2. To determine amount of increase allowance, consider total number of years and fractions to the credit of superannuate.
3. Public employes retirement board has authority to make rules not inconsistent with law to establish basis to determine "total service credit" of any member or pensioner—Sections 486-30 to 486-75, 486-34 G. C.
4. Six months' contribution—To claim benefit of increased allowance, member entitled to include period covered by back payments made pursuant to section 486-33b—486-59b G. C.
5. When superannuate at time of retirement has selected option, increased retirement allowance shall be allocated between pensioner and designated beneficiary in same proportion as stipulated in original election—Sections 486-67, 486-59b G. C.
6. Beneficiary under option selected by former member, deceased prior to enactment of section 486-59b G. C. can receive no benefit from extra allowance under that section..... 324

ORDINANCE—

1. Fire department—Municipality—Moneys received from licenses and other fees—Inspection—Credited to firemen's relief and pension fund—Exception, fees received from other subdivisions for fire protection—Section 4607 G. C.
2. Fees—Services by city fire department, ordinances, operating set of city scales, operating emergency ambulance service—Paid into firemen's relief and pension fund.
3. Fees for making electrical inspections as a means of fire protection, properly paid into firemen's relief and pension fund..... 586

ORDINANCE—VILLAGE—

To prohibit the sale of intoxicating liquor by any one not holder of permit issued by Department of Liquor Control—Sale authorized—Such village is not a "village in which the sale of intoxicating liquor is prohibited by an ordinance"—Term used in section 13206 G. C..... 18

PARENTS—

Child welfare board:

1. Placement of child—Must consider need of placement—Ability of parents to pay for cost and care—Investigation—Approval of juvenile court—Request of parents or legal custodian of child.
2. Status, privately operated day care center—Private agency—Cost of care.
3. Need of child for public care or protective services—Best interests of child—Board may provide facilities for care and collect from parents amount it determines they are able to pay..... 42

PARKS—CEMETERIES—BURIAL GROUNDS Page

Authority of township trustees—Prescribed and limited by statute—To acquire land by deed of gift or otherwise the statutory conditions, limitations and restrictions must be observed—Trust fund..... 561

PARK—PUBLIC—

Aviation—Maximum speed limit, fifteen miles per hour, section 479, rule 45 G. C., as to boats and water craft of all kinds upon state reservoir, public park and pleasure resort and penalties, section 479-1 G. C. do not apply to operation of aircraft landing upon and taking off from such waters..... 228

PARK—PUBLIC—RECREATIONAL—

Licensing boats—Enforcement of law—Rules and regulations—Section 479 G. C. applicable to lands and waters set aside for public park and recreational purposes—Mosquito Creek Reservoir..... 277

PAROLE—PRISONER—

Hospitalization and medical treatment of prisoner on parole from penal institution of state—Neither State Department of Health nor State Department of Welfare liable..... 343

PATIENT—INJURED—INDIGENT—

Hospital Reimbursement Law—Sections 6308-7 - 6308-15 G. C.—Specific act to take care of indigent patients injured by operation of motor vehicle on public way—Without assistance from funds, "Old Age Pension Law"—Sections 1359-1 - 1359-30 G. C..... 526

PATIENTS—TUBERCULAR—

Tubercular patients who receive treatment outside state of Ohio—State funds may not be used to pay state's share for their support—Section 3139-23 G. C..... 603

PAY ROLL—

1. Veteran, disabled—Public Law 16, 78 Congress—Disabled veteran, engaged in "on-the-job" training—Receives compensation for services to employer amenable to Ohio Workmen's Compensation Law—Injured in course of employment—Entitled to benefits of Workmen's Compensation Law—Average weekly wage paid by employer—Benefits, irrespective of any disability awards or benefits received from Federal Government.
2. In event of death as result of injuries received under such circumstances, employe's dependents would be entitled to benefits similarly computed.
3. Employer amenable to Ohio Workmen's Compensation Law obliged to report as part of pay roll any compensation paid to disabled veterans who receive "on-the-job" training under Public Law 16, 78 Congress..... 628

PENAL INSTITUTION—

Hospitalization and medical treatment of prisoner on parole from penal institution of state—Neither State Department of Health nor State Department of Welfare liable..... 343

	<i>Page</i>
PENAL STATUTES—	
"Material"—Means such material as is customarily and generally used in manufacture of bedding—Sections 1038-25 through 1038-36 G. C.—Mattress—Inspection of bedding—Penal statutes.....	589
 PENALTY—PROSECUTION—	
1. General Assembly—Witness appearing before committee or subcommittee—Compelled to answer all questions and produce books, papers and other documentary evidence demanded.	
2. Testimony of such witness can not be used as evidence in any criminal proceeding against him—Witness can not be prosecuted or subjected to any penalty or forfeiture whether testimony or evidence was voluntarily or involuntarily given or produced.	
3. Witness may not waive immunity given him under section 60 G. C. and place himself in position to claim privilege given by Article I, section 10, Constitution of Ohio to refuse to give self-incriminating testimony.	
4. Persons who volunteer information or documentary evidence to investigators of committee do not acquire amnesty granted by section 60 G. C....	121
 PENDING COURT DECISION—	
Public Works, Director—Quo warranto action—Supreme Court of Ohio—Appointee de facto officer pending court decision—De jure officer—Sections 154-3, 404 G. C.....	15
 PENSION LAW—OLD AGE—	
Hospital Reimbursement Law—Sections 6308-7 - 6308-15 G. C.—Specific act to take care of indigent patients injured by operation of motor vehicle on public way—Without assistance from funds, "Old Age Pension Law"—Sections 1359-1 - 1359-30 G. C.....	526
 PENSION—SEE ALSO RETIREMENT BOARDS—STATE—	
 PERFORMANCES—STAGE—	
Stage performances—Area ordinarily occupied by stage is so constructed no area is available for stage performances—Theater does not contain stage within meaning of section 12600-6 G. C.—Proscenium wall not required...	296
 PERMIT—LIQUOR—	
Ordinance, village—To prohibit the sale of intoxicating liquor by any one not holder of permit issued by Department of Liquor Control—Sale authorized—Such village is not a "village in which the sale of intoxicating liquor is prohibited by an ordinance"—Term used in section 13206 G. C....	18

PERMIT—

Page

Racing Commission, Ohio State—Permit issued to any person, association, corporation or trust—To hold or conduct harness horse racing meeting upon dates specified for maximum number of racing dates legally authorized—Where full days' racing declared off because of inclement weather or muddy track—Commission without authority to issue second permit to carry on harness racing beyond dates specified in first permit..... 554

PETITION—

Summary—To amend Constitution of Ohio:

Article VI, by adding sections 5, 6—Public school fund to support and maintain public school system as outlined—Not certified..... 254

To add to Article VI two new sections, 5, 6—Public school fund for support and maintenance of public school system..... 303

Article XI, section 1—To repeal sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, Article II, to amend sections 1, 1-d, 2, 3, 6, 7, 8, 9, 11, 16, 17, 18, 19, 23, 25, 29, 31—To adopt and add six new sections—2-a, 6-a, 6-b, 6-c, 17-a, 17-b. To repeal sections 14, 15. Article III, to repeal sections 8, 9, 15, 16, 17, 18. To adopt and add four new sections—15-a, 16-a, 17-a, 18-a. Article XVII, to amend section 2. Uni-cameral legislation, reapportionment of state into assembly districts, each district represented by one assemblyman. 566

Article XV, add nineteen new sections—In re liquor control—Compensation, teachers in public schools and in free tuition schools—No certification..... 568

Article XV, to add sections 9-a to 9-v—Liquor control—Funds, adequate compensation for all teachers in public schools and free tuition schools.... 612

PHOTOGRAMMETRIC METHOD, SERIAL—

County commissioners, board of—Authority to participate with state highway department and with city in county to share cost of topographic survey to be made by serial photogrammetric methods and production of topographic maps—Purpose, highway, street, freeway and community planning..... 304

PHYSICIAN—

1. Death from accident—Hospital—Duty of physician and any other person who has knowledge of fact to immediately notify coroner of time, place, manner and circumstances.
2. Maternity hospital, lying-in hospital or other hospital which maintains maternity ward—Death of mother or infant—Procedure under sections 6268, 6269 G. C.—Physician—Coroner—Dead body.
3. Stillborn child—Child alive at birth—Sections 6268, 6269 G. C. apply to each 156

PLACEMENT—CHILD—

Child welfare board:

1. Placement of child—Must consider need of placement—Ability of parents to pay for cost and care—Investigation—Approval of juvenile court—Request of parents or legal custodian of child.

	<i>Page</i>
PLACEMENT—CHILD—Concluded	
2. Status, privately operated day care center—Private agency—Cost of care.	
3. Need of child for public care or protective services—Best interests of child—Board may provide facilities for care and collect from parents amount it determines they are able to pay.....	42
PLAINTIFF—RESIDENT—NONRESIDENT—	
Common pleas court, clerk—Without legal authority to require resident or nonresident plaintiff to advance fees clerk authorized to charge and collect for issuance of execution on judgment—Proceeding, damages sought for personal injuries.....	249
PLANNING—COMMUNITY—	
County commissioners, board of—Authority to participate with state highway department and with city in county to share cost of topographic survey to be made by serial photogrammetric methods and production of topographic maps—Purpose, highway, street, freeway and community planning.....	304
PLATS—CERTIFICATION—	
Vacancy, office of county engineer :	
1. No one can perform statutory official duties imposed on county engineer.	
2. County commissioners may continue to pay county employes retained under section 2411 G. C. for work done on county roads.	
3. Certification of plats not one of official duties of county engineer—Section 3585 G. C.	
4. County commissioners may employ engineer upon written request of county engineer—Where vacancy, office county engineer, county commissioners may not employ engineer.....	616
PLAYGROUNDS—SWIMMING POOLS—INDOOR RECREATION CENTERS—	
1. Moneys may be transferred from county general fund, sections 5625-13a to 5625-13g G. C. and from county bond retirement fund, section 5625-13 paragraph c, G. C. to acquire lands and buildings, section 4065-I et seq., G. C.	
2. Question, bond issue—May be submitted to electors at special election at any time prior to August 31, 1947 under Amended Senate Bill 296, 96 General Assembly.....	1
POLICE OFFICERS—	
1. Vehicle—Classified as emergency vehicle—Must be equipped with siren, whistle or bell—Type approved by director of highways—Section 6307-93 G. C.	
2. Volunteer fireman—Not entitled to privilege granted to driver of emergency vehicle unless provisions of section 6307-93 G. C. are observed.	
3. Volunteer firemen—Not peace officers—Do not possess police powers.....	486

POLICE RELIEF AND PENSION FUND—

Page

Retirement System, Public Employes:

1. Members cease to be members when they come within provisions of police relief and pension fund or firemen's relief and pension fund—Section 486-33c G. C.
2. House Bill 195, 97 General Assembly—Township established under section 4615-2 G. C.—Township firemen's pension fund—Full time regular firemen employed April 1, 1947—Status, cease to be member of public employes retirement system—No other persons under terms of act cease to be members of public employes retirement system—No other persons under terms of act cease to be members of system.
3. Member through change in law who is brought within provisions of firemen's relief and pension fund—Entitled to refund of accumulated contributions to system.
4. Governmental unit not entitled to refund of contributions made to system when member brought within provisions of firemen's relief and pension fund.
5. Full time regular policemen or firemen—Come within provisions of police and firemen's relief and pension funds—Section 4600 et seq., G. C. 542

POMEROY—MASON BRIDGE—

1. Bridge—Acquired and operated by State Bridge Commission of Ohio—Becomes toll free—When all outstanding bonds have been paid and all operative expenses, any surplus from tolls collected on bridge should be paid into state treasury.
2. Sandusky Bay Bridge—Pomeroy-Mason Bridge—Any remaining funds may not be applied to repay loan made by emergency board to meet payments on bonds of East Liverpool—Chester Bridge—Appropriation provided by House Bill 484, 96 General Assembly.
3. Commission not liable to pay and without authority to pay any bills presented by state highway department for repairs on any bridge acquired pursuant to section 1084-1 et seq., G. C. 169

POOR RELIEF—SEE—RELIEF—

POUNDAGE—

Sheriff—Entitled to poundage on money paid to him by judgment debtor—Where debtor contacted and advised by sheriff that foreign writ of execution is in his hands for enforcement and sheriff paid the money in satisfaction of writ—Section 2845 G. C. 104

POWERS OF ATTORNEY—

Recording powers of attorney dealing with personal property—Section 8538 G. C. has not been repealed by implication or made inoperative by amendment of section 2757 G. C.—Such powers of attorney, when filed with county recorder should be recorded in separate record book. 503

POWER—SEE AUTHORITY—

Page

PRECINCT—VOTING—

Voting precinct—Village situated in two or more townships can not legally be made into one voting precinct—Each portion of village lying wholly within one township, if number of electors residing therein is not sufficient to create separate precinct out of such portion, must be combined with township precinct it embraces..... 530

PREMIUM—INSURANCE—SEE INSURANCE PREMIUM—

PRIMARY ELECTIONS—SPECIAL—

Elections—Primary—Special—Registration—Absent voting—Fourth Congressional District—September 8, 1947 last day for registration..... 482

PRIOR SERVICE—

Retirement system, public employees :

1. General Assembly—Has power to change by amendment conditions upon which members may retire—Receive allowances provided by law—Sections 486-32 to 486-75 G. C.
2. Member who has established membership prior to amendment of sections 486-33a, 486-47 G. C., Senate Bill 57, 97 General Assembly, is governed by those sections as amended as to his right of retirement and as to retirement allowance he may receive.
3. Member who reaches age of seventy years immediately before or since amendments aforesaid is subject to their provisions as to right of retirement and retirement allowance..... 594

PRISONER ON PAROLE—

Hospitalization and medical treatment of prisoner on parole from penal institution of state—Neither State Department of Health nor State Department of Welfare liable..... 343

PRIVATE AGENCY—

Child welfare board :

1. Placement of child—Must consider need of placement—Ability of parents to pay for cost and care—Investigation—Approval of juvenile court—Request of parents or legal custodian of child.
2. Status, privately operated day care center—Private agency—Cost of care.
3. Need of child for public care or protective services—Best interests of child—Board may provide facilities for care and collect from parents amount it determines they are able to pay..... 42

PROBATE COURT—SEE COURT—

PROBATE JUDGE—SEE COURT—

PRODUCE—FARM—SALE—

Page

Experiment farms, county—Management—Director, Ohio agricultural experiment station has discretion to determine at what times and in what amounts surplus arising from sale of produce shall be paid to county treasury for credit to county general fund—Sections 1177-4 to 1177-8 G. C. 148

PROFESSIONAL SERVICES—DENTISTRY—

1. Dental operations—Company which maintains on premises, place operated or conducted by licensed dentist, salaried employe, where dental services performed gratuitously for company employes, not engaged in practice of dentistry.
2. Dental operations—Where licensed dentist is salaried employe of the company, fees are charged employes and paid to company, the company is engaged in practice of dentistry as manager, proprietor, operator or conductor of place to perform dental operations—Section 1329 G. C. 467

PROPERTY—PERSONAL—

Automobiles—County commissioners—Without statutory authority to sell automobiles and road machinery owned by county, purchased by them under sections 2412-1, 7290 G. C. 107

Powers of attorney—Recording powers of attorney dealing with personal property—Section 8538 G. C. has not been repealed by implication or made inoperative by amendment of section 2757 G. C.—Such powers of attorney, when filed with county recorder should be recorded in separate record book 503

PROPERTY—REAL—

Auditor, county—May lawfully refuse to issue warrant on county treasurer to pay claim for overpayment of real estate taxes—Paid into general fund of county—Claim presented to county commissioners—Allowed more than twenty years after overpayment made 165

Building and loan association—Ohio State chartered—Can not legally make loan for amount in excess of \$20,000.00, secured by mortgage on more than one parcel of real estate—Section 9657 G. C.—Not material if building and loan company considers not more than \$20,000.00 to be loaned on any one such property 536

Parks, cemeteries, burial grounds—Authority of township trustees—Prescribed and limited by statute—To acquire land by deed of gift or otherwise the statutory conditions, limitations and restrictions must be observed—Trust fund 561

Real estate, county owned:

1. Not needed for public use—May be leased to anyone other than municipalities or other governmental subdivisions for term not more than one year without advertising and competitive bidding—Sections 2447, 2447-1 G. C.
2. Easements—County owned real estate—May be granted only to municipalities and other governmental subdivisions 244

	<i>Page</i>
PROPERTY—REAL—Concluded	
Real estate—Forfeited to state for nonpayment of real estate taxes and assessments—Where valid sale and conveyance made by county auditor, purchaser invested with a new and perfect title free from all prior liens and encumbrances, including lien of state of Ohio for delinquent franchise taxes and penalties—Exception, taxes and installments of special assessments and reassessments not due at time of sale—Exception, easements and covenants running with the land created prior to time taxes or assessments became due and payable and nonpayment resulted in land forfeiture.....	83
 PROPERTY—REAL—TAXES—	
Auditor, county—May lawfully refuse to issue warrant on county treasurer to pay claim for overpayment of real estate taxes—Paid into general fund of county—Claim presented to county commissioners—Allowed more than twenty years after overpayment made.....	165
 PROSCENIUM WALL—	
Stage performances—Area ordinarily occupied by stage is so constructed no area is available for stage performances—Theater does not contain stage within meaning of section 12600-6 G. C.—Proscenium wall not required..	296
 PROSECUTING ATTORNEY—FILED AS TO COUNTY—	
 ALLEN COUNTY, Lima—	
Real estate—Forfeited to state for nonpayment of real estate taxes and assessments—Where valid sale and conveyance made by county auditor, purchaser invested with a new and perfect title free from all prior liens and encumbrances, including lien of state of Ohio for delinquent franchise taxes and penalties—Exception, taxes and installments of special assessments and reassessments not due at time of sale—Exception, easements and covenants running with the land created prior to time taxes or assessments became due and payable and nonpayment resulted in land forfeiture.....	83
 BUTLER COUNTY, Hamilton—	
1. Auctioneer—Duly licensed and appointed—Engaged by dealer in motor vehicles—Required to be licensed as motor vehicle salesman—Sections 5868, 6302-1 G. C.	
2. Registrar of motor vehicles—May not issue another license as salesman of motor vehicles to one whose license is in force and effect.....	406
Hospital—Designed to care for and treat contagious or infectious diseases, including tuberculosis—General hospital—Subject to approval of state department of health—County commissioners of county where no county hospital for tuberculosis has been provided and no joint tuberculosis hospital district, may contract with general hospital for care and treatment of residents of county suffering from tuberculosis—Section 3139-18 G. C.....	402

PROSECUTING ATTORNEY—Continued	<i>Page</i>
COLUMBIANA COUNTY, Lisbon—	
County commissioners—Without authority to allow claim for loss or injury to animals or poultry unless duplicate statement is filed within sixty days from discovery of injury—Section 5840 G. C.....	71
Probate judge—Columbiana County—Also performing functions of judge of juvenile court—Can receive no additional salary or compensation during his present term of office—Substitute Senate Bill 223—Amended Senate Bill 50, 97 General Assembly.....	451
CUYAHOGA COUNTY—Cleveland—	
Auditor, county—May lawfully refuse to issue warrant on county treasurer to pay claim for overpayment of real estate taxes—Paid into general fund of county—Claim presented to county commissioners—Allowed more than twenty years after overpayment made.....	165
Courts, clerk of—Should charge and collect for services prior to September 12, 1947 in pending proceedings, fees prescribed by sections 2900, 2901 and 2901-1 G. C. as in force and effect prior to that date—Services performed September 12, 1947 and subsequently—Clerk should charge fees prescribed by said sections as amended and effective on that date.....	496
Taxing authority of each subdivisions:	
1. To prepare budget for ensuing fiscal year for submission to county budget commission, should furnish required detailed information in good faith—Section 5625-21 G. C.	
2. Procedure when information required by section 5625-21 G. C. is not furnished.	
3. Appropriations made from particular fund—Should not exceed amount available as set forth in county budget commission's official or amended certificate of estimated resources.	
4. County auditor and county budget commission—Duty where fixing tax rates for subdivisions to take into consideration taxes shall not be levied at rate greater than necessary to provide necessary funds.	
5. "Tax budget"—Interpretation—Sections 5625-22, 5625-23, 5625-26 G. C....	260
DEFIANCE COUNTY, Defiance—	
1. Education, board of—Shall take into account total payroll of teachers for year 1946-1947 and apply to that base at least seventy-five per cent of increased revenue to salary increase of teachers for school year 1947-1948—Section 4848-6 G. C.—Amended Substitute S. B. 48, 97 General Assembly.	
2. Salary of one teacher for each thirty pupils added to enrollment for year 1947-1948 over enrollment of previous year may be considered as salary increase—No part of salary of teacher employed on account of increase of enrollment of pupils less than thirty may be so considered.....	491
1. Hospital district, joint township—Trustees of two or more contiguous townships may join to establish such hospital—Section 3414-1 et seq., G. C.	
2. No authority in law for municipality to join with one or more townships to establish joint township—Township—Village hospital district.	

PROSECUTING ATTORNEY—Continued	<i>Page</i>
DEFIANCE COUNTY—Defiance—Concluded	
3. To determine percentage of favorable votes cast to establish joint township hospital district, votes computed on basis of district as a whole—Sections 3414-2, 3415-3 G.C.	
4. Management and control of joint township hospital vested in board of hospital governors—Section 3414-6 G.C.	208
1. Hospitalization of indigent person—Legal settlement in township—Township not liable for payment of hospital bills unless services were in connection with emergency case.	
2. County department of welfare—Vested by law with powers and duties respecting administration of poor relief—Liable for payment of medical care and hospital services for the needy—Section 2511-1 G.C.	375
FRANKLIN COUNTY, Columbus—	
Incompatible office—Township trustee—Member of township memorial board of trustees created by section 3061 G.C.—May not be held by same person at same time	23
Veterans—Emergency housing—All or any part of rentals arising from such housing facilities may be used to purchase or construct additional houses for veterans—Proviso, rentals not needed for maintenance and operation—Sections 1078-62 through 1078-71 G.C.	569
GALLIA COUNTY, Gallipolis—	
Education, local board of—Under no obligation to furnish transportation for resident high school pupils who attend high school in another district—District of residence maintains no high school of its own.	203
Recorder, county—Without statutory authority to cancel or expurge record of a soldier's discharge which had been recorded under section 2770 G.C.—Discharge was erroneously issued and recorded after soldier's death.	162
GEAUGA COUNTY, Chardon—	
1. Playgrounds, swimming pools and indoor recreation centers—Moneys may be transferred from county general fund, sections 5625-13a to 5625-13g G.C. and from county bond retirement fund, section 5625-13 paragraph c, G.C. to acquire lands and buildings, section 4065-1 et seq., G.C.	
2. Question, bond issue—May be submitted to electors at special election at any time prior to August 31, 1947, under Amended Senate Bill 296, 96 General Assembly.	1
GUERNSEY COUNTY, Cambridge—	
Common pleas court, clerk—Without legal authority to require resident or nonresident plaintiff to advance fees clerk authorized to charge and collect for issuance of execution on judgment—Proceeding, damages sought for personal injuries.	249

PROSECUTING ATTORNEY—Continued

Page

GUERNSEY COUNTY—Cambridge—Concluded

- 1. Incompatible office—Superintendent of county children's home—Located within territorial limits of school district—Member of board of education of that school district.
- 2. Member of board of education of city school district—IpsO facto vacates office when he accepts position of superintendent of county children's home located within territorial limits of school district. 255
- 1. Roads, township—Statutes confer power and impose duties on township trustees to keep in repair all township roads within townships, including bridges.
- 2. Duty of county commissioners to keep in repair all necessary bridges streams and public canals within county on all public highways, including township roads—Section 2421 G.C. 92

HAMILTON COUNTY, Cincinnati—

- 1. Education, board of—When all members of city school district resign at same time, duty of probate court to fill each vacancy by appointment—Time, unexpired terms of several members resigning—Section 4846 G.C.
- 2. When one or more vacancies occur in membership, city board of education, and board fails to fill vacancy within thirty days, probate court required to fill vacancies—Court not authorized to act in place of board of education. 381

HARRISON COUNTY, Cadiz—

- Ordinance, village—To prohibit the sale of intoxicating liquor by any one not holder of permit issued by Department of Liquor Control—Sale authorized—Such village is not a "village in which the sale of intoxicating liquor is prohibited by an ordinance"—Term used in section 13206 G.C. 18

HOLMES COUNTY, Millersburg—

- 1. Resurfacing state highway—Portion of cost—Assumed by county commissioners to cooperate with director of highways—May not be paid directly from county general fund—Section 1178-43 G.C.
- 2. Money in county general fund and in county road maintenance and repair fund, section 6956-1a G.C. may be used by county commissioners to pay premiums on policies of insurance procured under authority of section 2412-3 G.C. 135

JEFFERSON COUNTY, Steubenville—

- Automobiles—County commissioners—Without statutory authority to sell automobiles and road machinery owned by county, purchased by them under sections 2412-1, 7200 G.C. 107
- Burial—Residence in county in which veteran's plot located, or in state of Ohio, not necessary prerequisite for burial in veteran's plots—Section 2943 et seq., G.C. 622

PROSECUTING ATTORNEY—Continued	<i>Page</i>
LAWRENCE COUNTY, Ironton—	
Hospitalization and medical treatment of prisoner on parole from penal institution of state—Neither State Department of Health nor State Department of Welfare liable.	343
LICKING COUNTY, Newark—	
Powers of attorney—Recording powers of attorney dealing with personal property—Section 8538 G.C. has not been repealed by implication or made inoperative by amendment of section 2757 G.C.—Such powers of attorney, when filed with county recorder should be recorded in separate record book.	503
LOGAN COUNTY, Bellefontaine—	
1. Death from accident—Hospital—Duty of physician and any other person who has knowledge of fact to immediately notify coroner of time, place, manner and circumstances.	
2. Maternity hospital, lying-in hospital or other hospital which maintains maternity ward—Death of mother or infant—Procedure under sections 6268, 6269 G.C.—Physician—Coroner—Dead body.	
3. Stillborn child—Child alive at birth—Sections 6268, 6269 G.C. apply to each.	156
LUCAS COUNTY, Toledo—	
Fire fighting equipment—Purchased on deferred payment plan—Cost may not exceed \$10,000.00—Section 3298-54 G.C.	399
MAHONING COUNTY, Youngstown—	
Voting precinct—Village situated in two or more townships can not legally be made into one voting precinct—Each portion of village lying wholly within one township, if number of electors residing therein is not sufficient to create separate precinct out of such portion, must be combined with township precinct it embraces.	530
MEIGS COUNTY, Pomeroy—	
Memorial hospital, county—Must be erected under county hospital statutes, section 3127 et seq., G.C.—Cannot be constructed under war memorials statutes, section 3059 et seq., G.C.	369
MORROW COUNTY, Mt. Gilead—	
1. Imprisonment for failure to pay fines and costs assessed—Sections 13451-9, 13451-15 G.C. general in nature—No application in violation of laws dealing with taking, protection, preservation, possession or propagation of wild animals.	
2. Default, payment of fines and costs assessed—Violation General Code provisions dealing with taking, protection, preservation, possession or propagation of wild animals—Person entitled to credit of only one dollar for each day confined in county jail or workhouse because of such default.	419

PROSECUTING ATTORNEY—Continued

Page

PICKAWAY COUNTY, Circleville—

1. Education, county board of—Authority to transfer portion of rural school district to another rural school district—Interpretation of sections 4692, 4726, 4727 G.C. at time same were operative—
2. County board of education without authority to transfer or change boundary lines of any school district under its jurisdiction unless transfer or change was in accordance with adopted plan of organization prepared by county board of education and approved by director of education—Section 7600-1 et seq., G.C. 219

PIKE COUNTY, Waverly—

- Principal, supervising—Employed by board of education for three year term—Salary to be received ensuing year shall be determined and principal advised on or before July 1 of each year—Board without authority to pay any salary or other compensation for that year in excess of such amount—Extra compensation may be allowed for extra duties for such time as they are required. 237

PORTAGE COUNTY, Ravenna—

- Municipal corporation—Annexation of territory—Board of elections required to place question on ballot and submit it to electors of unincorporated portion of township—Section 3561-1 G.C.—Question should be submitted before proceedings of county commissioners authorized by section 3561 G.C. are held. 500

PREBLE COUNTY, Eaton—

- Sheriff—Entitled to poundage on money paid to him by judgment debtor—Where debtor contacted and advised by sheriff that foreign writ of execution is in his hands for enforcement and sheriff paid the money in satisfaction of writ—Section 2845 G.C. 104

ROSS COUNTY, Chillicothe—

1. Education, board of—Local school district—Less than 800 pupils—“Beginning teacher”—“New teacher”—Contract for reemployment—Terms, one, three, five years—Sections 4842-8, 7690-2 G.C.
2. Contract termination three years—Reemployment must be for period of five years.
3. Teacher under contract, a supervising principal, may be transferred by board of education at any time to a teaching position—No authority to reduce salary unless reduction part of uniform plan affecting entire district—Section 4842-9 G.C. 191

STARK COUNTY, Canton—

- Auditor, county—Not liable for loss occasioned to third person by act of deputy county auditor who stole securities while making an inventory of a lock box after death of owner. 139

PROSECUTING ATTORNEY—Continued

Page

STARK COUNTY—Canton—Concluded

Real estate, county owned:

1. Not needed for public use—May be leased to anyone other than municipalities or other governmental subdivisions for term not more than one year without advertising and competitive bidding—Sections 2447, 2447-1 G.C.
2. Easements—County owned real estate—May be granted only to municipalities and other governmental subdivisions. 244

Taxes, personal property—Bulk Sales Act—Proposed sale, transfer or assignment in bulk of whole or any part of stock of merchandise and fixtures—Conduct of business otherwise than in ordinary course of trade and regular and usual prosecution of business—Where tender made to county treasurer of current taxes and delinquent taxes accrued in 1932 and subsequent years, demand made by taxpayer upon treasurer for certificate to show all taxes due and payable have been paid, section 11102 G.C., duty of treasurer to refuse to issue certificate if delinquent personal and classified property tax list includes unpaid taxes against such taxpayer, which accrued prior to 1932. 625

Welfare, county department of—Complete control vested in county commissioners—Voucher for expenditures must be approved by commissioners—Senate Bill 241, 97 General Assembly—Sections 2511-2, 2511-3, 2511-4, 2572 G.C. 648

TUSCARAWAS COUNTY, New Philadelphia—

Education, board of—Discretion—Authorized to suspend temporarily or permanently all schools within district—Education of pupils provided for in one or more other school districts—Section 4836-2 G.C. 464

VAN WERT COUNTY, Van Wert—

Education, boards of—Authorized to permit school buses to be used to transport athletic teams and other pupils of their respective schools to and from inter-school athletic contests—Not authorized to pay expense of operating such buses. 109

Maps and plans under section 1178-33 G.C.—State Highway projects—No statutory provision to record same in county recorder's office. 234

WARREN COUNTY, Lebanon—

Child welfare board, county—Section 3070-36 G.C. provides county commissioners shall make sufficient appropriations for board to perform functions under section 3070-1 et seq., G.C.—Mandatory sufficient funds should be appropriated to pay salary of executive secretary and necessary expenses of office. 214

1. Education, board of—Authorized by section 4834-10 G.C. to rent building for school purposes—Board may make reasonable repairs and alterations to make building usable for school purposes.

PROSECUTING ATTORNEY—Concluded

Page

WARREN COUNTY—Lebanon—Concluded

- 2. Boards not authorized to pay cost of alterations and repairs in building rented for school purposes from building fund created by section 5625-11 G.C. 115
- 1. Education, board of—Has right to exclude from school a feeble-minded child incapable of profiting by attendance at school—Presence a detriment to other pupils—Section 4838-4 G.C.
- 2. Superintendent of state institution for care of feeble-minded children—Has exclusive right of custody and control of feeble-minded person committed to such institution—Person in institution out on trial visit—Sections 1890-7, 1890-98 G. C..... 319
- Parks, cemeteries, burial grounds—Authority of township trustees—Prescribed and limited by statute—To acquire land by deed of gift or otherwise the statutory conditions, limitations and restrictions must be observed—Trust fund. 561

Vacancy, office of county engineer :

- 1. No one can perform statutory official duties imposed on county engineer.
- 2. Coupty commissioners may continue to pay county employes retained under section 2411 G.C. for work done on county roads.
- 3. Certification of plats not one of official duties of county engineer—Section 3585 G.C.
- 4. County commissioners may employ engineer upon written request of county engineer—Where vacancy, office county engineer, county commissioners may not employ engineer. 616

WYANDOT COUNTY, Upper Sandusky—

- 1. Inmate of county home—Funds received from division of aid for the aged —When turned over to county must be deposited with county treasurer to credit of inmate and disbursed under section 2549 G.C.
- 2. No authority in law for division of aid for the aged, department of public welfare or other authority to restrict use of moneys awarded to inmate of county home. 413

PROSECUTING ATTORNEYS—FINIS—

PROSECUTION—PENALTY—

- 1. General Assembly—Witness appearing before committee or subcommittee —Compelled to answer all questions and produce books, papers and other documentary evidence demanded.
- 2. Testimony of such witness can not be used as evidence in any criminal proceeding against him—Witness can not be prosecuted or subjected to any penalty or forfeiture whether testimony or evidence was voluntarily or involuntarily given or produced.

PROSECUTION—PENALTY—Concluded	<i>Page</i>
3. Witness may not waive immunity given him under section 60 G.C. and place himself in position to claim privilege given by Article I, section 10, Constitution of Ohio to refuse to give self-incriminating testimony.	
4. Persons who volunteer information or documentary evidence to investigators of committee do not acquire amnesty granted by section 60 G.C. . .	121
PUBLIC ACCOUNTANT—CERTIFIED—	
1. Certified public accountant—Application for admission to examination and permission to practice—On file with State Board of Accountancy—Pending proceeding within meaning of section 26 G.C.—House Bill 84, 97 General Assembly, which amended section 1375 et seq., G.C. contains no express provisions to contrary—Sections in force and effect at time application filed are controlling.	
2. Applicant for certificate as certified public accountant who is a non-resident of state and employed without state may if approved for examination by State Board of Accountancy prior to September 26, 1947, be admitted to examinations held subsequent to that date.	
3. Status where applicant paid examination fee \$25.00 with application filed prior to September 26, 1947—Not required to pay additional fee to take examination—May again take examination if he failed—Limitation eighteen months—No further fee required.	519
PUBLIC—GENERAL—	
1. Aid to the blind—County commissioners—Capacity, administrators of such aid, required to list names of recipients in such manner identity not disclosed by record of proceedings open to general public—Section 2968 G.C.	
2. County auditor required to maintain records in such manner recipients may not be readily identified by persons not connected with administrations of aid to the blind.	77
PUBLIC OFFICES—SEE—OFFICE—	
PUBLIC PARK—	
Licensing boats—Enforcement of law—Rules and regulations—Section 479 G.C. applicable to lands and waters set aside for public park and recreational purposes—Mosquito Creek Reservoir.	277
PUBLIC USE—	
Real estate, county owned:	
1. Not needed for public use—May be leased to anyone other than municipalities or other governmental subdivisions for term not more than one year without advertising and competitive bidding—Sections 2447, 2447-1 G.C.	
2. Easements—County owned real estate—May be granted only to municipalities and other governmental subdivisions.	244

PUPIL—SEE EDUCATION—SUBDIVISION PUPIL—

Page

PURCHASE—COAL—

Coal—Authority and duty to purchase for various institutions of state under department of public welfare, vested in division of purchases and printing of department of finance—Purchases must be made by competitive bidding —Rules of director of finance. 153

PURCHASES AND PRINTING—

Superintendent of Purchases and Printing:

1. Has authority to waive defects in form of bid, section 196-7 et seq., G.C. when no prejudice will result to right of any other bidder or of public.
2. Where bids invited for certain supplies, section 196-7 et seq., G.C. and form issued calls for written proposals on form, signed by bidder, telegraphic bid submitted within time limited, clearly referring to specifications, may be considered to determine lowest and best bid. 269

QUO WARRANTO—

Public Works, Director—Quo warranto action—Supreme Court of Ohio—Appointee de facto officer pending court decision—De jure officer—Sections 154-3, 404 G.C. 15

RACE TRACK—

Race track—To determine if one race track, place or enclosure, is within thirty miles of another track, section 1079-7 G.C., the "thirty miles" should be measured in a straight line on a horizontal plane. 644

RACING—HARNESS—HORSE—

Racing Commission, Ohio State—Permit issued to any person, association, corporation or trust—To hold or conduct harness horse racing meeting upon dates specified for maximum number of racing dates legally authorized—Where full days' racing declared off because of inclement weather or muddy track—Commission without authority to issue second permit to carry on harness racing beyond dates specified in first permit. 554

RAILROAD-BRIDGE-GRADE CROSSING—

1. Bridge or other structure separating grade crossing of railroad and state highway—Not constructed pursuant to sections 8863 et seq., or 6956-22 et seq., G.C., which was laid out and opened after construction of railroad, may be widened, realigned and reconstructed—Sections 1182 et seq., 1182-20 G.C.—Railroad company may be required to bear part of expense —Section 1182-9 G.C.
2. Such designated bridge or structure may, when necessary for safety or convenience of traveling public, be relocated and reconstructed by director of highways under sections 1182 et seq., 1182-20 G.C.—Railroad company may be required to bear part of expense—Section 1182-9 G.C.

RAILROAD-BRIDGE-GRADE CROSSING—Concluded		<i>Page</i>
3. Bridge built by railroad company—Separation, grade of tracks over or under state highway—When railroad company must comply with obligation imposed by section 1182-20 G.C.		
4. Status where construction prior to Highway Act passed April 21, 1927, 112 O.L., 430—Statutes then in force later repealed—When railroad company may be required to replace structures to provide safe, adequate and sufficient crossing.		652

RATES—WAGE—

1. "Modified" as used in section 154-45n G.C. should be construed to mean "altered" or "changed."		
2. Wage board convened by Director of Industrial Relations, empowered under section 154-45n G.C. to recommend an increase as well as a reduction in existing wage rates.		477

REAL PROPERTY—SEE PROPERTY—REAL—

RECORD—

1. Aid to the blind—County commissioners—Capacity, administrators of such aid, required to list names of recipients in such manner identity not disclosed by record of proceedings open to general public—Section 2968 G.C.		
2. County auditor required to maintain records in such manner recipients may not be readily identified by persons not connected with administrations of aid to the blind.		77

RECORD—CANCEL OR EXPURGE—

Recorder, county—Without statutory authority to cancel or expurge record of a soldier's discharge which had been recorded under section 2770 G.C.—Discharge was erroneously issued and recorded after soldier's death....		162
---	--	-----

RECREATION CENTERS, INDOOR-SWIMMING POOLS-PLAYGROUNDS—

1. Moneys may be transferred from county general fund, sections 5625-13a to 5625-13g G.C. and from county bond retirement fund, section 5625-13 paragraph c, G.C. to acquire lands and buildings, section 4065-1 et seq., G.C.		
2. Question, bond issue—May be submitted to electors at special election at any time prior to August 31, 1947, under Amended Senate Bill 296, 96 General Assembly.		1

RECREATIONAL PUBLIC PARK—

Licensing boats—Enforcement of law—Rules and regulations—Section 479 G.C. applicable to lands and waters set aside for public park and recreational purposes—Mosquito Creek Reservoir.		277
---	--	-----

REDUCTION—INCREASE—SALARY—

Page

1. "Modified" as used in section 154-45n G.C. should be construed to mean "altered" or "changed."
2. Wage board convened by Director of Industrial Relations, empowered under section 154-45n G.C. to recommend an increase as well as a reduction in existing wage rates. 477

REFUND—CONTRIBUTIONS—

Retirement System, Public Employees:

1. Members cease to be members when they come within provisions of police relief and pension fund or firemen's relief and pension fund—Section 486-33c G.C.
2. House Bill 195, 97 General Assembly—Township established under section 4615-2 G.C.—Township firemen's pension fund—Full time regular firemen employed April 1, 1947—Status, cease to be member of public employes retirement system—No other persons under terms of act cease to be members of public employes retirement system—No other persons under terms of act cease to be members of system.
3. Member through change in law who is brought within provisions of firemen's relief and pension fund—Entitled to refund of accumulated contributions to system.
4. Governmental unit not entitled to refund of contributions made to system when member brought within provisions of firemen's relief and pension fund.
5. Full time regular policemen or firemen—Come within provisions of police and firemen's relief and pension funds—Section 4600 et seq., G.C. 542

REGISTERED TRADE NAME—

Secretary of state—Where in exercise of discretion he properly finds the name of a corporation, applicant to file articles of incorporation, is not distinguishable from a trade name properly registered and the public may be misled, he may properly refuse to accept such articles for filing—Section 6240-11 G.C. 185

REGISTRATION—

Elections—Primary—Special—Registration—Absent voting—Fourth Congressional District—September 8, 1947, last day for registration. 482

RELIEF—

1. Hospitalization of indigent person—Legal settlement in township—Township not liable for payment of hospital bills unless services were in connection with emergency case.
2. County department of welfare—Vested by law with powers and duties respecting administration of poor relief—Liable for payment of medical care and hospital services for the needy—Section 2511-1 G.C. 375

RELIEF AUTHORITIES—

Page

1. Hospitalization—Duty local relief authorities to furnish hospital care to persons in need, entitled to poor relief under section 3391 et seq., G.C.—Period not to exceed three months in any one calendar year.
2. Township trustees—Conditions under which they are required to furnish hospitalization—When obligated to furnish hospitalization without aid from state—Section 3476 et seq., G.C.
3. Where township trustees furnish hospital care, responsibility of local relief authority to provide medical care. 632

RELIEF COMMISSION, SOLDIERS'—

1. Relief, Soldiers'—Person eligible under section 2934 G.C. has been placed on list of recipients for a certain year under section 2938 G.C.—Removes to another county or without state—Soldiers' Relief commission has authority to continue payment of relief during remainder of such period.
2. Soldiers' relief commission authorized to grant and pay relief to veteran out of work because of labor strike, provided he is otherwise eligible. 457

RELIEF—POOR—

1. Automobile—County commissioners have authority with approval, common pleas court judge, to purchase automobile for their own use, for relief director and other employes in administration of relief to needy blind and general poor relief—Sections 2412-1, 2412-2 G.C.
2. Cost should be paid out of general funds of county—No authority to pay cost out of poor relief funds or funds provided for relief of needy blind... 198

RENTALS—INCOME—

- Veterans—Emergency housing—All or any part of rentals arising from such housing facilities may be used to purchase or construct additional houses for veterans—Proviso, rentals not needed for maintenance and operation—Sections 1078-62 through 1078-71 G.C. 569

REPAIR—

1. Bridge—Acquired and operated by State Bridge Commission of Ohio—Becomes toll free—When all outstanding bonds have been paid and all operative expenses, any surplus from tolls collected on bridge should be paid into state treasury.
2. Sandusky Bay Bridge—Pomeroy-Mason Bridge—Any remaining funds may not be applied to repay loan made by emergency board to meet payments on bonds of East Liverpool—Chester Bridge—Appropriation provided by House Bill 484, 96 General Assembly.
3. Commission not liable to pay and without authority to pay any bills presented to state highway department for repairs on any bridge acquired pursuant to section 1084-1 et seq., G.C. 169

	<i>Page</i>
RESERVOIR—BOATS—	
Aviation—Maximum speed limit, fifteen miles per hour, section 479, rule 45 G.C., as to boats and water craft of all kinds upon state reservoir, public park and pleasure resort and penalties, section 479-1 G.C. do not apply to operation of aircraft landing upon and taking off from such waters.	228
RESIDENCE—	
Burial—Residence in county in which veteran's plot located, or in state of Ohio, not necessary prerequisite for burial in veteran's plots—Section 2943 et seq., G.C.	622
RESIDENT—NONRESIDENT PLAINTIFF—	
Common pleas court, clerk—Without legal authority to require resident or nonresident plaintiff to advance fees clerk authorized to charge and collect for issuance of execution on judgment—Proceeding, damages sought for personal injuries.	249
RESURFACING HIGHWAY—	
1. Resurfacing state highway—Portion of cost—Assumed by county commissioners to cooperate with director of highways—May not be paid directly from county general fund—Section 1178-43 G.C.	
2. Money in county general fund and in county road maintenance and repair fund, section 6956-1a G.C. may be used by county commissioners to pay premiums on policies of insurance procured under authority of section 2412-3 G.C.	135
RETIREMENT SYSTEM, PUBLIC EMPLOYES—	
1. Former member transferred subsequent to January 1, 1942, to United States Employment Service—Left public service October 21, 1946—Prior to return of employment service to state control—Under section 486-65b G.C. no right to pay to retirement system amount he would have paid had he remained in state service during period of federal employment.	
2. Status present member of public employes retirement system who became member upon return of employment service to state control, November 16, 1946—Section 486-65b G.C.	
3. Employe of state employment service—Became member of public employes retirement system before December 31, 1940—Transferred to United States Employment Service—Returned to state employment before employment service was returned to state—Has right to pay into fund amount he would have paid had he remained in federal service during entire period of federal control.	393
1. General Assembly—Has power to change by amendment conditions upon which members may retire—Receive allowances provided by law—Sections 486-32 to 486-75 G.C.	
2. Member who has established membership prior to amendment of sections 486-33a, 486-47 G.C., Senate Bill 57, 97 General Assembly, is governed by those sections as amended as to his right of retirement and as to retirement allowance he may receive.	

RETIREMENT SYSTEM, PUBLIC EMPLOYEES—Continued	<i>Page</i>
3. Member who reaches age of seventy years immediately before or since amendments aforesaid is subject to their provisions as to right of retirement and retirement allowance.....	594
1. Increased allowance provided by section 486-59b G.C. to members who retired prior to April 2, 1947, effective June, 1947, payable as part of allowance for July, 1947.	
2. To determine amount of increase allowance, consider total number of years and fractions to the credit of superannuate.	
3. Public employes retirement board has authority to make rules not inconsistent with law to establish basis to determine "total service credit" of any member or pensioner—Sections 486-30 to 486-75, 486-34 G.C.	
4. Six months' contribution—To claim benefit of increased allowance, member entitled to include period covered by back payments made pursuant to sections 486-33b—486-59b G.C.	
5. When superannuate at time of retirement has selected option, increased retirement allowance shall be allocated between pensioner and designated beneficiary in same proportion as stipulated in original election—Sections 486-67, 486-59b G. C.	
6. Beneficiary under option selected by former member, deceased prior to enactment of section 486-59b G.C. can receive no benefit from extra allowance under that section.	324
Latest date a member over seventy years of age may make application to continue in service—August 31, 1948—Latest date to continue in service—June 30, 1949—Section 486-59 G.C.—Senate Bill 7, 97 General Assembly..	608
1. Members cease to be members when they come within provisions of police relief and pension fund or firemen's relief and pension fund—Section 486-33c G.C.	
2. House Bill 195, 97 General Assembly—Township established under section 4615-2 G.C.—Township firemen's pension fund—Full time regular firemen employed April 1, 1947—Status, cease to be member of public employes retirement system—No other persons under terms of act cease to be members of public employes retirement system—No other persons under terms of act cease to be members of system.	
3. Member through change in law who is brought within provisions of firemen's relief and pension fund—Entitled to refund of accumulated contributions to system.	
4. Governmental unit not entitled to refund of contributions made to system when member brought within provisions of firemen's relief and pension fund.	
5. Full time regular policemen or firemen—Come within provisions of police and firemen's relief and pension funds—Section 4600 et seq., G.C....	542
Member retired for disability—Maximum allowance member would be entitled to receive had retirement been deferred to age of sixty years—Calculated to date when such member would reach age of sixty years, not to end of then current quarter—Section 486-63, paragraph b, G.C....	613

RETIREMENT SYSTEM, PUBLIC EMPLOYEES—Concluded Page

Members who, prior to January 1, 1942, were state employes in connection with state employment service and who transferred service to United States Government—Membership relinquished through withdrawal of accumulated contributions—Upon return to state service and in employment more than sixty days, members may not restore to public employes savings fund accumulated contributions previously withdrawn—Section 486-65b G.C.—House Bill 356, 96 General Assembly..... 180

- 1. Minor—It is immaterial whether minor is directly employed or permitted or suffered to work in or about a place of amusement—Sections 12996, 13007-3 G.C.
- 2. Minor under sixteen years of age employed, permitted or suffered to work in or about place of amusement required to have age and schooling certificate—Exception, when employed in regular service—Section 12993-1 G.C.
- 3. Place of amusement—Stadium, park or other place used to play baseball games, football games or other sports.
- 4. Sections 12993, 13007-3 G.C. not in conflict—Interpretation—Section 6064-1 G.C.—Application as to intoxicating liquors sold in place of amusement.
- 5. Boy under age of eighteen years—Girl under age of twenty-one years: Shall not be employed, permitted or suffered to work in, about or in connection with a place of amusement before six o'clock in the morning or after ten o'clock in the evening—Boy under sixteen or girl under eighteen—Shall not be employed in place of amusement before seven o'clock in morning or after six o'clock in evening. 333

RETIREMENT SYSTEM—

Township trustee—Office not full time salaried office—Section 486-59 G.C.... 99

RETROACTIVE LAW—

- 1. Bridge or other structure separating grade crossing of railroad and state highway—Not constructed pursuant to sections 8863 et seq., or 6956-22 et seq., G.C., which was laid out and opened after construction of railroad, may be widened, realigned and reconstructed—Sections 1182 et seq., 1182-20 G.C.—Railroad company may be required to bear part of expense—Section 1182-9 G.C.
- 2. Such designated bridge or structure may, when necessary for safety or convenience of traveling public, be relocated and reconstructed by director of highways under sections 1182 et seq., 1182-20 G.C.—Railroad company may be required to bear part of expense—Section 1182-9 G.C.
- 3. Bridge built by railroad company—Separation, grade of tracks over or under state highway—When railroad company must comply with obligation imposed by section 1182-20 G.C.
- 4. Status where construction prior to Highway Act passed April 21, 1927, 112 O.L., 430—Statutes then in force later repealed—When railroad company may be required to replace structure to provide safe, adequate and sufficient crossing. 652

RETROACTIVE—

Page

1. Certified public accountant—Application for admission to examination and permission to practice—On file with State Board of Accountancy—Pending proceeding within meaning of section 26 G.C.—House Bill 84, 97 General Assembly, which amended section 1375 et seq., G.C. contains no express provisions to contrary—Sections in force and effect at time application filed are controlling.
 2. Applicant for certificate as certified public accountant who is a non-resident of state and employed without state may if approved for examination by State Board of Accountancy prior to September 26, 1947, be admitted to examinations held subsequent to that date.
 3. Status where applicant paid examination fee \$25.00 with application filed prior to September 26, 1947—Not required to pay additional fee to take examination—May again take examination if he failed—Limitation eighteen months—No further fee required. 519
- Courts, clerk of—Should charge and collect for services prior to September 12, 1947, in pending proceedings, fees prescribed by sections 2900, 2901 and 2901-1 G.C. as in force and effect prior to that date—Services performed September 12, 1947, and subsequently—Clerk should charge fees prescribed by said sections as amended and effective on that date 496
- Motor vehicles—Rates of taxation set out in House Bill 115, 97 General Assembly become effective April 1, 1948—Cannot be applied to applications for registration of motor vehicles filed and taxes paid before that date. 571
- Real estate—Forfeited to state for nonpayment of real estate taxes and assessments—Where valid sale and conveyance made by county auditor, purchaser invested with a new and perfect title free from all prior liens and encumbrances, including lien of state of Ohio for delinquent franchise taxes and penalties—Exception, taxes and installments of special assessments and reassessments not due at time of sale—Exception, easements and covenants running with the land created prior to time taxes or assessments became due and payable and nonpayment resulted in land forfeiture. 83

ROAD MACHINERY—

- Automobiles—County commissioners—Without statutory authority to sell automobiles and road machinery owned by county, purchased by them under sections 2412-1, 7290 G.C. 107

ROAD MAINTENANCE—REPAIR FUND—

1. Resurfacing state highway—Portion of cost—Assumed by county commissioners to cooperate with director of highways—May not be paid directly from county general fund—Section 1178-43 G.C.
2. Money in county general fund, section 6956-1a G.C. may be used by county commissioners to pay premiums on policies of insurance procured under authority of section 2412-3 G.C. 135

ROADS—TOWNSHIP—COUNTY—

Page

1. Roads, township—Statutes confer power and impose duties on township trustees to keep in repair all township roads within townships, including bridges.
2. Duty of county commissioners to keep in repair all necessary bridges over streams and public canals within county on all public highways, including township roads—Section 2421 G.C. 92

ROAD—ALSO SEE HIGHWAY—

RULES—AUTHORITY—

1. Retirement system, public employes—Increased allowance provided by section 486-59b G.C. to members who retired prior to April 2, 1947, effective June, 1947, payable as part of allowance for July, 1947.
2. To determine amount of increase allowance, consider total number of years and fractions to the credit of superannuate.
3. Public employes retirement board has authority to make rules not inconsistent with law to establish basis to determine "total service credit" of any member or pensioner—Sections 486-30 to 486-75, 486-34 G.C.
4. Six months' contribution—To claim benefit of increased allowance, member entitled to include period covered by back payments made pursuant to section 486-33b—486-59b G.C.
5. When superannuate at time of retirement has selected option, increased retirement allowance shall be allocated between pensioner and designated beneficiary in same proportion as stipulated in original election—Sections 486-67, 486-59b G.C.
6. Beneficiary under option selected by former member, deceased prior to enactment of section 486-59b G.C. can receive no benefit from extra allowance under that section. 324

RULES—REGULATIONS—

- Health, state department of—To establish standards to determine qualifications of laboratory to give standard serological test for syphilis has authority to make and enforce reasonable rules relative to equipment, supervision and personnel—Sections 1243-6, 11188 G.C. 291
- Licensing boats—Enforcement of law—Rules and regulations—Section 479 G.C. applicable to lands and waters set aside for public park and recreational purposes—Mosquito Creek Reservoir. 277

SALARY—

1. Dental operations—Company which maintains on premises, place operated or conducted by licensed dentist, salaried employe, where dental services performed gratuitously for company employes, not engaged in practice of dentistry.
2. Dental operations—Where licensed dentist is salaried employe of the company, fees are charged employes and paid to company, the company is engaged in practice of dentistry as manager, proprietor, operator or conductor of place to perform dental operations—Section 1329 G.C. 467

	<i>Page</i>
SALARY—INCREASE—REDUCTION—	
1. "Modified" as used in section 154-45n G.C. should be construed to mean "altered" or "changed."	
2. Wage board convened by Director of Industrial Relations, empowered under section 154-45n G.C. to recommend an increase as well as a reduction in existing wage rates.	477
 SALARY—	
Judge, court of appeals—Incumbent, effective date of Senate Bill 223, 97 General Assembly—Payable entirely from state treasury.	533
1. Judge, court of common pleas—Accepted commission from United States Government—Officer, army of United States—Ipso facto forfeited and vacated office—Article IV, section 14, Constitution of Ohio.	
2. Where such judge served in World War II, Army of United States, commissioned officer and was discharged from military service—Reassumed position on bench—Not entitled to receive salary of office for services performed after discharge.	26
Probate judge—Columbiana County—Also performing functions of judge of juvenile court—Can receive no additional salary or compensation during present term of office—Substitute Senate Bill 223—Amended Senate Bill 50, 97 General Assembly.	451
 SALARIED OFFICE—	
Township trustee—Office not full time salaried office—Section 486-59 G.C....	99
 SALE—AUTOMOBILES—MACHINERY—	
Automobiles—County commissioners—Without statutory authority to sell automobiles and road machinery owned by county, purchased by them under sections 2412-1, 7290 G.C.	107
 SALE—FARM PRODUCE—	
Experiment farms, county—Management—Director, Ohio agricultural experiment station has discretion to determine at what times and in what amounts surplus arising from sale of produce shall be paid to county treasury for credit to county general fund—Sections 1177-4 to 1177-8 G.C.	148
 SALE—FORFEITED LAND—	
Real estate—Forfeited to state for nonpayment of real estate taxes and assessments—Where valid sale and conveyance made by county auditor, purchaser invested with a new and perfect title free from all prior liens and encumbrances, including lien of state of Ohio for delinquent franchise taxes and penalties—Exception, taxes and installments of special assessments and reassessments not due at time of sale—Exception, easements and covenants running with the land created prior to time taxes or assessments become due and payable and nonpayment resulted in land forfeiture.	83

SALE—LIQUOR—

Page

Ordinance, village—To prohibit the sale of intoxicating liquor by any one not holder of permit issued by Department of Liquor Control—Sale authorized—Such village is not a "village in which the sale of intoxicating liquor is prohibited by an ordinance"—Term used in section 13206 G.C. 18

SALE—

Meals furnished by employer to employe—Only charge made is recording meals as part compensation for services performed or work done—Not "selling" within meaning of section 5546-1 G.C. 551

SALESMAN—MOTOR VEHICLE—

1. Auctioneer—Duly licensed and appointed—Engaged by dealer in motor vehicles to auction motor vehicles—Required to be licensed as motor vehicle salesman—Sections 5868, 6302-1 G.C.
2. Registrar of motor vehicles—May not issue another license as salesman of motor vehicles to one whose license is in force and effect. 406

SANDUSKY BAY BRIDGE—

1. Bridge—Acquired and operated by State Bridge Commission of Ohio—Becomes toll free—When all outstanding bonds have been paid and all operative expenses, any surplus from tolls collected on bridge should be paid into state treasury.
2. Sandusky Bay Bridge—Pomeroy-Mason Bridge—Any remaining funds may not be applied to repay loan made by emergency board to meet payments on bonds of East Liverpool—Chester Bridge—Appropriation provided by House Bill 484, 96 General Assembly.
3. Commission not liable to pay and without authority to pay any bills presented by state highway department for repairs on any bridge acquired pursuant to section 1081-1 et seq., G.C. 169

SCALES—CITY—

1. Fire department—Municipality—Moneys received from licenses and other fees—Inspection—Credited to firemen's relief and pension fund—Exception, fees received from other subdivisions for fire protection—Section 4607 G.C.
2. Fees—Services by city fire department, ordinances, operating set of city scales, operating emergency ambulance service—Paid into firemen's relief and pension fund.
3. Fees for making electrical inspections as a means of fire protection, properly paid into firemen's relief and pension fund. 586

SCHOOL—SEE EDUCATION—SUBDIVISION—

SECRETARY—EXECUTIVE—

Child welfare board, county—Section 3070-36 G.C. provides county commissioners shall make sufficient appropriations for board to perform functions under section 3070-1 et seq., G.C.—Mandatory sufficient funds should be appropriated to pay salary of executive secretary and necessary expenses of office. 214

SECURITIES—

Page

- Auditor, county—Not liable for loss occasioned to third person by act of deputy county auditor who stole securities while making an inventory of a lock box after death of owner. 139

SECURITIES—INVESTMENT—

1. International Bank for Reconstruction and Development—Not a corporation within meaning of section 710-111 (i) G.C.
2. State bank—Member of Federal Reserve System—Permitted to invest in investment securities evidencing indebtedness of International Bank for Reconstruction and Development. 435

SENATE—SEE STATE—GENERAL ASSEMBLY—

SERIAL PHOTOGRAMMETRIC METHOD—

- County commissioners, board of—Authority to participate with state highway department and with city in county to share cost of topographic survey to be made by serial photogrammetric methods and production of topographic maps—Purpose, highway, street, freeway and community planning. 304

SEROLOGICAL TEST—SYPHILIS—

- Health, state department of—To establish standards to determine qualifications of laboratory to give standard serological test for syphilis has authority to make and enforce reasonable rules relative to equipment, supervision and personnel—Sections 1243-6, 11188 G.C. 291

SERVICE—UNITED STATES—SEE—UNITED STATES—

SHORTHAND REPORTER—

1. Court of appeals—May appoint same person to act as official shorthand reporter and court constable—May fix compensation for service in each position.
2. Position, shorthand reporter of common pleas court not incompatible with positions, shorthand reporter or court constable, court of appeals—Compensation. 387

SICK LEAVE—

1. State examiners, assistant state examiners—Bureau of Inspection and Supervision of Public Offices—State employes—Included within provisions of section 486-17c G.C.—Sick leave with pay for state employes.
2. Compensation of such employes during sick leave may be charged against amount required by section 287 G.C. to be contributed by several counties toward compensation and expenses of examiners.

SICK LEAVE—Concluded

Page

- 3. If funds provided by sections 287, 288 G.C. are insufficient to pay for sick leave in absence of sufficient appropriation, Bureau may make application for additional funds to emergency board—Board would have power to grant allowance—Section 2313 G.C..... 575

SILLICOSIS—

- 1. When statute adopts part of another statute by specific reference, part adopted as it exists at time of adoption becomes part of reference statute—Any subsequent amendment or repeal of adopted language has no effect on adopting or reference statute.
- 2. Effect of amendment on reference statute—Re-enactment of statute.
- 3. Occupational disease cases—Limitation—Six months after date of death to file claim—Two years after date of death to file claim—Exception—Sillicosis or any other occupational disease of respiratory tract—Section 1465-68a (22) G.C..... 347

SIREN—WHISTLE—BELL—

- 1. Vehicle—Classified as emergency vehicle—Must be equipped with siren, whistle or bell—Type approved by director of highways—Section 6307-93 G. C.
- 2. Volunteer fireman—Not entitled to privilege granted to driver of emergency vehicle unless provisions of section 6307-93 G. C. are observed.
- 3. Volunteer firemen—Not peace officers—Do not possess police powers..... 486

SOLDIER'S DISCHARGE—

- Recorder, county—Without statutory authority to cancel or expurge record of a soldier's discharge which had been recorded under section 2770 G. C.—Discharge was erroneously issued and recorded after soldier's death..... 162

SOLDIERS' RELIEF COMMISSION—

- 1. Relief, Soldiers'—Person eligible under section 2934 G. C. has been placed on list of recipients for a certain year under section 2938 G. C.—Removes to another county or without state—Soldiers' relief commission has authority to continue payment of relief during remainder of such period.
- 2. Soldiers' relief commission authorized to grant and pay relief to veteran out of work because of labor strike, provided he is otherwise eligible..... 457

SPECIAL ELECTION—PRIMARY—

- Elections—Primary—Special—Registration—Absent voting—Fourth Congressional District—September 8, 1947 last day for registration..... 482

STAGE PERFORMANCES—

- Area ordinarily occupied by stage is so constructed no area is available for stage performances—Theater does not contain stage within meaning of section 12600-6 G. C.—Proscenium wall not required..... 296

STATE

ACCOUNTANCY, STATE BOARD OF—

Page

1. Certified public accountant—Application for admission to examination and permission to practice—On file with State Board of Accountancy—Pending proceeding within meaning of section 26 G. C.—House Bill 84, 97 General Assembly, which amended section 1375 et seq., G. C. contains no express provisions to contrary—Sections in force and effect at time application filed are controlling.
2. Applicant for certificate as certified public accountant who is a nonresident of state and employed without state may if approved for examination by State Board of Accountancy prior to September 26, 1947, be admitted to examinations held subsequent to that date.
3. Status where applicant paid examination fee \$25.00 with application filed prior to September 26, 1947—Not required to pay additional fee to take examination—May again take examination if he failed—Limitation eighteen months—No further fee required..... 519

ADJUTANT GENERAL—

- Armories, lease—Adjutant General authorized to enter into contracts of lease for periods in excess of two years—Section 5238 G. C..... 132

AGRICULTURE, DIRECTOR OF—

1. Bakery maintained and operated in connection with department store, grocery store or food market—May be located in basement or cellar if vendor or proprietor were engaged in business there prior to effective date of section 1012 G. C., May 23, 1943.
 2. Establishment operated strictly as bakery can not conduct baking operations in cellar or basement.
 3. Department of Industrial Relations—Responsible to enforce law prohibiting operation of bakeries in cellars or basements..... 313
1. When statute adopts part of another statute by specific reference, part adopted as it exists at time of adoption becomes part of reference statute—Any subsequent amendment or repeal of adopted language has no effect on adopting or reference statute.
 2. Effect of amendment on reference statute—Re-enactment of statute.
 3. Occupational disease cases—Limitation—Six months after date of death to file claim—Two years after date of death to file claim—Exception—Sillicosis or any other occupational disease of respiratory tract—Section 1465-68a (22) G. C..... 347

AGRICULTURAL EXPERIMENT STATION, OHIO, DIRECTOR—

- Experiment farms, county—Management—Director, Ohio agricultural experiment station has discretion to determine at what times and in what amounts surplus arising from sale of produce shall be paid to county treasury for credit to county general fund—Sections 1177-4 to 1177-8 G. C..... 148

AID FOR THE AGED, DIVISION OF—

Page

1. Inmate of county home—Funds received from division of aid for the aged—When turned over to county must be deposited with county treasurer to credit of inmate and disbursed under section 2549 G. C.
2. No authority in law for division of aid for the aged, department of public welfare or other authority to restrict use of moneys awarded to inmate of county home..... 413

AID—STATE—RELIEF AUTHORITIES—

1. Hospitalization—Duty local relief authorities to furnish hospital care to persons in need, entitled to poor relief under section 3391 et seq., G. C.—Period not to exceed three months in any one calendar year.
2. Township trustees—Conditions under which they are required to furnish hospitalization—When obligated to furnish hospitalization without aid from the state—Section 3476 et seq., G. C.
3. Where township trustees furnish hospital care, responsibility of local relief authority to provide medical care..... 632

AVIATION—DIRECTOR OF—

Aviation—Maximum speed limit, fifteen miles per hour, section 479, rule 45 G. C., as to boats and water craft of all kinds upon state reservoir, public park and pleasure resort and penalties, section 479-1 G. C. do not apply to operation of aircraft landing upon and taking off from such waters..... 228

AUDITOR OF STATE—

1. Judge, court of common pleas—Accepted commission from United States Government—Officer, army of United States—Ipsa facto forfeited and vacated office—Article IV, section 14, Constitution of Ohio.
2. Where such judge served in World War II, Army of United States, commissioned officer and was discharged from military service—Reassumed position on bench—Not entitled to receive salary of office for services performed after discharge..... 26

Public Works Director—Quo warranto action—Supreme Court of Ohio—Appointee de facto officer pending court decision—De jure officer—Sections 154-3, 404 G. C..... 15

Salary—Judge, court of appeals—Incumbent, effective date of Senate Bill 223, 97 General Assembly—Payable entirely from state treasury..... 533

Tubercular patients who receive treatment outside state of Ohio—State funds may not be used to pay state's share for their support—Section 3139-23 G. C..... 603

BANK—STATE—

1. International Bank for Reconstruction and Development—Not a corporation within meaning of section 710-111 (i) G. C.
2. State bank—Member of Federal Reserve System—Permitted to invest in investment securities evidencing indebtedness of International Bank for Reconstruction and Development..... 436

	<i>Page</i>
BANKS, SUPERINTENDENT OF	436
BOWLING GREEN STATE UNIVERSITY, BUSINESS MANAGER—	
1. Bus—State university—Board of trustees—Not liable as a board or individually for damages to person or property growing out of negligence—Employe in operation of bus purchased with public funds by trustees—Use, activities, conduct and management of university—Proviso, reasonable care in selection of employe and no active participation in negligence which produces injury.	
2. Bowling Green State University—Board of trustees—Without authority to expend public funds for protective insurance against liability growing out of operation of bus.....	431
BRIDGE COMMISSION OF OHIO, STATE—	
1. Bridge—Acquired and operated by State Bridge Commission of Ohio—Becomes toll free—When all outstanding bonds have been paid and all operative expenses, any surplus from tolls collected on bridge should be paid into state treasury.	
2. Sandusky Bay Bridge—Pomeroy-Mason Bridge—Any remaining funds may not be applied to repay loan made by emergency board to meet payments on bonds of East Liverpool—Chester Bridge—Appropriation provided by House Bill 484, 96 General Assembly.	
3. Commission not liable to pay and without authority to pay any bills presented by state highway department for repairs on any bridges acquired pursuant to section 1084-1 et seq., G. C.....	169
BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES—	
BUREAU—	
1. Automobile—County commissioners have authority, with approval, common pleas court judge, to purchase automobile for their own use, for relief director and other employes in administration of relief to needy blind and general poor relief—Sections 2412-1, 2412-2 G. C.	
2. Cost should be paid out of general funds of county—No authority to pay cost out of poor relief funds or funds provided for relief of needy blind....	198
County commissioners, board of—Authority to participate with state highway department and with city in county to share cost of topographic survey to be made by serial photogrammetric methods and production of topographic maps—Purpose, highway, street, freeway and community planning.....	304
1. Court of appeals—May appoint same person to act as official shorthand reporter and court constable—May fix compensation for service in each position.	
2. Position, shorthand reporter of common pleas court not incompatible with positions, shorthand reporter or court constable, court of appeals—Compensation	387

BUREAU OF INSPECTION AND SUPERVISION OF
PUBLIC OFFICES—Continued

Page

1. Education, board of—Authorized to levy tax upon taxable property of district for support of school district library—Irrrespective of participation in proceeds of classified property taxes provided for in section 5625-20 G. C.—Sections 7639, 4840-3 G. C.
2. Board not required to provide by tax levy amount necessary for full amount certified by library trustees as needed for maintenance and operation of library—Sections 7639, 4840-3 G. C.—House Bill 125, 97 General Assembly 444
- Education, board of—May send employes and official representatives to attend program of instruction at college or university—Matters pertaining to conduct and management of schools—Expenses may be paid, including registration fee, from "service fund"—Section 4845-8 G. C..... 66
1. Fire department—Municipality—Moneys received from licenses and other fees—Inspection—Credited to firemen's relief and pension fund—Exception, fees received from other subdivisions for fire protection—Section 4607 G. C.
2. Fees—Services by city fire department, ordinances, operating set of city scales, operating emergency ambulance service—Paid into firemen's relief and pension fund.
3. Fees for making electrical inspections as a means of fire protection, properly paid into firemen's relief and pension fund..... 586
1. Municipal library—Clerk, board of trustees—Ex officio treasurer of all funds of library—Such funds will no longer be deposited with treasurer of such municipality—Clerk must be elected and qualified, section 7627 et seq., G. C.
2. Until election and qualifications of such clerk, treasurer of municipality will continue to be custodian of library funds.
3. Neither auditor of city which has a municipal library, nor a deputy auditor may be elected clerk of board of trustees of such library under section 7627 G. C..... 639
1. Municipal university, directors—Not required to advertise for and receive competitive bids as condition to making contracts in behalf of university—No such provision in section 4328 or any other section of General Code.
2. Under Article XVIII, Constitution of Ohio, municipality would have power to require its officers in charge of municipal university to advertise for competitive bids in connection with contracts..... 424
1. State examiners, assistant state examiners—Bureau of Inspection and Supervision of Public Offices—State employes—Included within provisions of section 486-17c G. C.—Sick leave with pay for state employes.
2. Compensation of such employes during sick leave may be charged against amount required by section 287 G. C. to be contributed by several counties toward compensation and expenses of examiners.
3. If funds provided by sections 287, 288 G. C. are insufficient to pay for sick leave in absence of sufficient appropriation, Bureau may make application for additional funds to emergency board—Board would have power to grant allowance—Section 2313 G. C..... 575

	<i>Page</i>
BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES—Concluded	
Tax Commissioner—Agent appointed under section 5348-2b G. C., Amended Senate Bill 345, 97 General Assembly—Entitled to draw monthly compen- sation equal to one-twelfth of annual salary—Compensation according to statutory formula for each month actually served as such agent—In no case shall such compensation exceed \$125.00 per month.....	582
COMMERCE, DEPARTMENT OF, DIRECTOR—	
Building and loan association—Ohio State chartered—Can not legally make loan for amount in excess of \$20,000.00, secured by mortgage on more than one parcel of real estate—Section 9657 G. C.—Not material if building and loan company considers not more than \$20,000.00 to be loaned on any one such property.....	536
CONSERVATION AND NATURAL RESOURCES, DIVISION OF—	
COMMISSIONER—	
Licensing boats—Enforcement of law—Rules and regulations—Section 479 G. C. applicable to lands and waters set aside for public park and recrea- tional purposes—Mosquito Creek Reservoir.....	277
COSMETOLOGY, STATE BOARD OF, CHAIRMAN—	
Beauty shop—Licensed—Moved to new location—Owner must apply for an- other shop license—Second branch of syllabus, opinion 4416, Opinions Attorney General, 1935 page 801, overruled.....	357
DENTAL BOARD, OHIO STATE—	
1. Dental operations—Company which maintains on premises, place operated or conducted by licensed dentist, salaried employe, where dental services performed gratuitously for company employes, not engaged in practice of dentistry.	
2. Dental operations—Where licensed dentist is salaried employe of the company, fees are charged employes and paid to company, the company is engaged in practice of dentistry as manager, proprietor, operator or conductor of place to perform "dental operations"—Section 1329 G. C....	467
FINANCE, STATE DEPARTMENT OF—	
Coal—Authority and duty to purchase for various institutions of state under department of public welfare, vested in division of purchases and printing of department of finance—Purchases must be made by competitive bidding—Rules of director of finance.....	153
FOREIGN—STATE—	
1. Certified public accountant—Application for admission to examination and permission to practice—On file with State Board of Accountancy—Pending proceeding within meaning of section 26 G. C.—House Bill 84, 97 General Assembly, which amended section 1375 et seq., G. C. contains no express provisions to contrary—Sections in force and effect at time application filed are controlling.	

FOREIGN—STATE—Concluded	<i>Page</i>
2. Applicant for certificate as certified public accountant who is a nonresident of state and employed without state may if approved for examination by State Board of Accountancy prior to September 26, 1947, be admitted to examinations held subsequent to that date.....	519
1. Relief, Soldiers'—Person eligible under section 2934 G. C. has been placed on list of recipients for a certain year under section 2938 G. C.—Removes to another county or without state—Soldiers' relief commission has authority to continue payment of relief during remainder of such period.	
2. Soldiers' relief commission authorized to grant and pay relief to veteran out of work because of labor strike, provided he is otherwise eligible.....	457
Tubercular patients who receive treatment outside state of Ohio—State funds may not be used to pay state's share for their support—Section 3139-23 G. C.....	603

GENERAL ASSEMBLY—

1. Governor, succession to office—Devolution of powers and duties—Death of person elected governor prior to induction into office—Law found in Constitution of Ohio, Article III, section 2—Force and effect of any law enacted by General Assembly.	
2. Person elected governor—Entitled to hold office, discharge duties and receive emoluments, terms of two years, commencing on second Monday of January, next after election and until successor elected and qualified.	
3. Where person elected governor dies subsequent to election and prior to second Monday in January next following—Person holding office entitled to continue until successor elected and qualified.	
4. "Governor"—"Governor-elect"—If person elected governor should die before induction into office, duties and powers of office would not devolve upon lieutenant governor.....	53
1. Witness appearing before committee or subcommittee—Compelled to answer all questions and produce books, papers and other documentary evidence demanded.	
2. Testimony of such witness can not be used as evidence in any criminal proceeding against him—Witness can not be prosecuted or subjected to any penalty or forfeiture whether testimony or evidence was voluntarily or involuntarily given or produced.	
3. Witness may not waive immunity given him under section 60 G. C. and place himself in position to claim privilege given by Article I, section 10, Constitution of Ohio to refuse to give self-incriminating testimony.	
4. Persons who volunteer information or documentary evidence to investigators of committee do not acquire amnesty granted by section 60 G. C....	121

CLERK OF SENATE	121
.....	53

GOVERNOR—GOVERNOR-ELECT—

Page

1. Governor, succession to office—Devolution of powers and duties—Death of person elected governor prior to induction into office—Law found in Constitution of Ohio, Article III, section 2—Force and effect of any law enacted by General Assembly.
2. Person elected governor—Entitled to hold office, discharge duties and receive emoluments, term of two years, commencing on second Monday of January, next after election and until successor elected and qualified.
3. Where person elected governor dies subsequent to election and prior to second Monday in January next following—Person holding office entitled to continue until successor elected and qualified.
4. "Governor"—"Governor-elect"—If person elected governor should die before induction into office, duties and powers of office would not devolve upon lieutenant governor..... 53

GOVERNOR—

- Public Works, Director—Quo warranto action—Supreme Court of Ohio—Appointee de facto officer pending court decision—De jure officer—Sections 154-3, 404 G. C..... 15

HEALTH, STATE DEPARTMENT OF—

- Hospital—Designed to care for and treat contagious or infectious diseases, including tuberculosis—General hospital—Subject to approval of state department of health—County commissioners of county where no county hospital for tuberculosis has been provided and no joint tuberculosis hospital district, may contract with general hospital for care and treatment of residents of county suffering from tuberculosis—Section 3139-18 G. C... 402
- Hospitalization and medical treatment of prisoner on parole from penal institution of state—Neither State Department of Health nor State Department of Welfare liable..... 343

HEALTH, DEPARTMENT OF, DIRECTOR—

- To establish standards to determine qualifications of laboratory to give standard serological test for syphilis has authority to make and enforce reasonable rules relative to equipment, supervision and personnel—Sections 1243-6, 11188 G. C..... 291

HIGHWAYS, DEPARTMENT OF, DIRECTOR—

- Bid—Where bidder on project to be let by department of highways submits bid in excess of amount for which he was previously qualified—Section 1178-53 et seq., G. C.—Director required to reject bid even though it appears financial status of bidder has improved since time of certificate of pre-qualification was issued..... 299
1. Bridge or other structure separating grade crossing of railroad and state highway—Not constructed pursuant to sections 8863 et seq., or 6956-22 et seq., G. C., which was laid out and opened after construction of railroad, may be widened, realigned and reconstructed—Sections 1182 et seq., 1182-20 G. C.—Railroad company may be required to bear part of expense—Section 1182-9 G. C.

HIGHWAYS, DEPARTMENT OF, DIRECTOR—Concluded Page

- 2. Such designated bridge or structure may, when necessary for safety or convenience of traveling public, be relocated and reconstructed by director of highways under sections 1182 et seq., 1182-20 G.C.—Railroad company may be required to bear part of expense—Section 1182-9 G. C.
 - 3. Bridge built by railroad company—Separation, grade of tracks over or under state highway—When railroad company must comply with obligation imposed by section 1182-20 G. C.
 - 4. Status where construction prior to Highway Act passed April 21, 1927, 112 O. L., 430—Statutes then in force, later repealed—When railroad company may be required to replace structures to provide safe, adequate and sufficient crossing..... 652
- County commissioners, board of—Authority to participate with state highway department and with city in county to share cost of topographic survey to be made by serial photogrammetric methods and production of topographic maps—Purpose, highway, street, freeway and community planning. 304
- 1. Vehicle—Classified as emergency vehicle—Must be equipped with siren, whistle or bell—Type approved by director of highways—Section 6307-93 G. C.
 - 2. Volunteer fireman—Not entitled to privilege granted to driver of emergency vehicle unless provisions of section 6307-93 G. C. are observed.
 - 3. Volunteer firemen—Not peace officers—Do not possess police powers.... 486

INDUSTRIAL COMMISSION OF OHIO—

- 1. Veteran, disabled—Public Law 16, 78 Congress—Disabled veteran, engaged in “on-the-job” training—Receives compensation for services to employer amenable to Ohio Workmen’s Compensation Law—Injured in course of employment—Entitled to benefits of Workmen’s Compensation Law—Average weekly wage paid by employer—Benefits, irrespective of any disability awards or benefits received from Federal Government.
- 2. In event of death as result of injuries received under such circumstances, employee’s dependents would be entitled to benefits similarly computed.
- 3. Employer amenable to Ohio Workmen’s Compensation Law obliged to report as part of pay roll any compensation paid to disabled veterans who receive “on-the-job” training under Public Law 16, 78 Congress..... 628

INDUSTRIAL RELATIONS, DEPARTMENT OF—

- 1. Bakery maintained and operated in connection with department store, grocery store or food market—May be located in basement or cellar if vendor or proprietor were engaged in business there prior to effective date of section 1012 G. C., May 28, 1943.
- 2. Establishment operated strictly as bakery can not conduct baking operations in cellar or basement.
- 3. Department of Industrial Relations—Responsible to enforce law prohibiting operation of bakeries in cellars or basements..... 313

- INDUSTRIAL RELATIONS, DEPARTMENT OF, DIRECTOR— Page
1. Employment—Hours—Females and minors employed by communications companies—Sections 1008-2, 12996 G. C. applicable to all such companies—Interstate or intrastate communications services.
 2. Female employes of a communications company—Sickness and inadequate help—Not valid causes to exceed working hours.
 3. Lawful for communications company to use minors as operators—Section 1008-2 G. C.—Section 12996 G. C. does not apply to telephone operators.
 4. Director of department of industrial relations—No authority in law to grant permission to employer to employ females and minors for greater number of hours per day than maximum fixed by law..... 285
- “Material”—Means such material as is customarily and generally used in manufacture of bedding—Sections 1038-25 through 1038-36 G. C.—Mattress—Inspection of bedding—Penal statutes..... 589
1. “Modified” as used in section 154-45n G. C. should be construed to mean “altered” or “changed.”
 2. Wage board convened by Director of Industrial Relations, empowered under section 154-45n G. C. to recommend an increase as well as a reduction in existing wage rates..... 477
- Stage performances—Area ordinarily occupied by stage is so constructed no area is available for stage performances—Theater does not contain stage within meaning of section 12600-6 G. C.—Proscenium wall not required... 296
- INSTRUCTION, PUBLIC—SUPERINTENDENT OF—
- School districts, local—Protests against proposed plan of territorial organization—Filed pursuant to section 4831-3 G. C.—May be withdrawn at any time before superintendent of public instruction acts on plan—Section 4831-6 G. C..... 5
- LIEN—STATE—
- Real estate—Forfeited to state for nonpayment of real estate taxes and assessments—Where valid sale and conveyance made by county auditor, purchaser invested with a new and perfect title free from all prior liens and encumbrances, including lien of state of Ohio for delinquent franchise taxes and penalties—Exception, taxes and installments of special assessments and reassessments not due at time of sale—Exception, easements and covenants running with the land created prior to time taxes or assessments became due and payable and nonpayment resulted in land forfeiture..... 83
- LIEUTENANT GOVERNOR—
1. Governor, succession to office—Devolution of powers and duties—Death of person elected governor prior to induction into office—Law found in Constitution of Ohio, Article III, section 2—Force and effect of any law enacted by General Assembly.
 2. Person elected governor—Entitled to hold office, discharge duties and receive emoluments, term of two years, commencing on second Monday of January, next after election and until successor elected and qualified.

LIEUTENANT GOVERNOR—Concluded

Page

- 3. Where person elected governor dies subsequent to election and prior to second Monday in January next following—Person holding office entitled to continue until successor elected and qualified.
- 4. "Governor"—"Governor-elect"—If person elected governor should die before induction into office, duties and powers of office would not devolve upon lieutenant governor..... 53

LIQUOR CONTROL, STATE DEPARTMENT OF—

- Ordinance, village—To prohibit the sale of intoxicating liquor by any one not holder of permit issued by Department of Liquor Control—Sale authorized—Such village is not a "village in which the sale of intoxicating liquor is prohibited by an ordinance"—Term used in section 13206 G. C..... 18

MOTOR VEHICLES, BUREAU OF, REGISTRAR—

- Hospital Reimbursement Law—Sections 6308-7 - 6308-15 G. C.—Specific act to take care of indigent patients injured by operation of motor vehicle on public way—Without assistance from funds, "Old Age Pension Law"—Sections 1359-1 - 1359-30 G. C..... 526

- Mortgage, chattel—On motor vehicle—In absence of "affidavit of claim," "affidavit of good faith" or "sworn statement"—Entitled to be noted as a lien on certificate of title to motor vehicle, the subject of the mortgage... 364

- Motor vehicle—Operator who was convicted of or plead guilty to violation of section 12606 G. C., not amenable to provisions of section 6298-1 G. C. for refusal, upon request, to identify himself after stopping at scene of accident. 144

- Motor vehicles—Rates of taxation set out in House Bill 115, 97 General Assembly become effective April 1, 1948—Cannot be applied to applications for registration of motor vehicles filed and taxes paid before that date... 571

- 1. School bus—Section 6295-1 G. C. authorizes without charge, issuance of annual license tax—Any school bus used exclusively to transport school children to or from school or to and from any school functions.
- 2. School function includes any gathering or event directly pertaining or contributing to education of pupils of a particular school district—Determination by board of education of district in exercise of sound discretion.
- 3. Certificate of registration without charge—Not authorized—School bus to be used for transportation to school functions—Any persons except pupils of school district furnishing vehicle.
- 4. Statute does not authorize remission of license fee for buses to transport pupils to or from places or events which have no relation to education of pupils—Events and places would include: a. Purely pleasure trips—b. Trips by youth organizations having no direct relation to schools.
- 5. Question of legality not affected by fact pupils pay part or all of cost of transportation.
- 6. Board of education without authority to make expenditure of school funds to pay for commercial car license registration required by section 6291 et seq., G. C..... 509

OHIO STATE CHARTERED—

Page

BUILDING AND LOAN ASSOCIATION—

- Building and loan association—Ohio State chartered—Can not legally make loan for amount in excess of \$20,000.00, secured by mortgage on more than one parcel of real estate—Section 9657 G. C.—Not material if building and loan company considers not more than \$20,000.00 to be loaned on any one such property..... 536

PURCHASES AND PRINTING, SUPERINTENDENT—

- Coal—Authority and duty to purchase for various institutions of state under department of public welfare, vested in division of purchases and printing of department of finance—Purchases must be made by competitive bidding—Rules of director of finance..... 153

Superintendent of Purchases and Printing:

1. Has authority to waive defects in form of bid, section 196-7 et seq., G. C. when no prejudice will result to right of any other bidder or of public.
2. Where bids invited for certain supplies, section 196-7 et seq., G. C. and form issued calls for written proposals on form, signed by bidder, telegraphic bid submitted within time limited, clearly referring to specifications, may be considered to determine lowest and best bid..... 269

RACING COMMISSION, OHIO STATE—

- Permit issued to any person, association, corporation or trust—To hold or conduct harness horse racing meeting upon dates specified for maximum number of racing dates legally authorized—Where full days' racing declared off because of inclement weather or muddy track—Commission without authority to issue second permit to carry on harness racing beyond dates specified in first permit..... 554

- Race track—To determine if one race track, place or enclosure, is within thirty miles of another track, section 1079-7 G. C., the "thirty miles" should be measured in a straight line on a horizontal plane..... 644

RETIREMENT SYSTEM, PUBLIC EMPLOYEES—SECRETARY—

1. Former member transferred subsequent to January 1, 1942 to United States Employment Service—Left public service October 21, 1946—Prior to return of employment service to state control—Under section 486-65b G. C. no right to pay to retirement system amount he would have paid had he remained in state service during period of federal employment.
2. Status present member of public employes retirement system who became member upon return of employment service to state control, November 16, 1946—Section 486-65b G. C.
3. Employee of state employment service—Became member of public employes retirement system before December 31, 1940—Transferred to United States Employment Service—Returned to state employment before employment service was returned to state—Has right to pay into fund amount he would have paid had he remained in federal service during entire period of federal control..... 393

RETIREMENT SYSTEM, PUBLIC EMPLOYEES—SECRETARY-

Page

Continued

1. General Assembly—Has power to change by amendment conditions upon which members may retire—Receive allowances provided by law—Sections 486-32 to 486-75 G. C.
2. Member who has established membership prior to amendment of sections 486-33a, 486-47 G. C., Senate Bill 57, 97 General Assembly, is governed by those sections as amended as to his right of retirement and as to retirement allowance he may receive.
3. Member who reaches age of seventy years immediately before or since amendments aforesaid is subject to their provisions as to right of retirement and retirement allowance..... 594
1. Increased allowance provided by section 486-59b G. C. to members who retired prior to April 2, 1947 effective June, 1947, payable as part of allowance for July, 1947.
2. To determine amount of increase allowance, consider total number of years and fractions to the credit of superannuate.
3. Public employes retirement board has authority to make rules not inconsistent with law to establish basis to determine "total service credit" of any member or pensioner—Sections 486-30 to 486-75, 486-34 G. C.
4. Six months' contribution—To claim benefit of increased allowance, member entitled to include period covered by back payments made pursuant to sections 486-33b—486-59b G. C.
5. When superannuate at time of retirement has selected option, increased retirement allowance shall be allocated between pensioner and designated beneficiary in same proportion as stipulated in original election—Sections 486-67, 486-59b G. C.
6. Beneficiary under option selected by former member, deceased prior to enactment of section 486-59b G. C. can receive no benefit from extra allowance under that section..... 324
- Latest date a member over seventy years of age may make application to continue in service—August 31, 1948—Latest date to continue in service—June 30, 1949—Section 486-59 G. C.—Senate Bill 7, 97 General Assembly.. 608
1. Members cease to be members when they come within provisions of police relief and pension fund or firemen's relief and pension fund—Section 486-33c G. C.
2. House Bill 195, 97 General Assembly—Township established under section 4615-2 G. C.—Township firemen's pension fund—Full time regular firemen employed April 1, 1947—Status, cease to be member of public employes retirement system—No other persons under terms of act cease to be members of system.
3. Member through change in law who is brought within provisions of firemen's relief and pension fund—Entitled to refund of accumulated contributions to system.
4. Governmental unit not entitled to refund of contributions made to system when member brought within provisions of firemen's relief and pension fund.

RETIREMENT SYSTEM, PUBLIC EMPLOYEES—SECRETARY—	<i>Page</i>
Concluded	
5. Full time regular policemen or firemen—Come within provisions of police and firemen's relief and pension funds—Section 4600 et seq., G. C.....	542
Member retired for disability—Maximum allowance member would be entitled to receive had retirement been deferred to age of sixty years—Calculated to date when such member would reach age of sixty years, not to end of then current quarter—Section 486-63, paragraph b G. C.....	613
Members who, prior to January 1, 1942, were state employes in connection with state employment service and who transferred service to United States Government—Membership relinquished through withdrawal of accumulated contributions—Upon return to state service and in employment more than sixty days, members may not restore to public employes savings fund accumulated contributions previously withdrawn—Section 486-65b G. C.—House Bill 356, 96 General Assembly.....	180
1. Minor—It is immaterial whether minor is directly employed or permitted or suffered to work in or about a place of amusement—Sections 12996, 13007-3 G. C.	
2. Minor under sixteen years of age employed, permitted or suffered to work in or about place of amusement required to have age and schooling certificate—Exception, when employed in irregular service—Section 12993-1 G. C.	
3. Place of amusement—Stadium, park or other place used to play baseball games, football games or other sports.	
4. Sections 12993, 13007-3 G. C. not in conflict—Interpretation—Section 6064-1 G. C.—Application as to intoxicating liquors sold in place of amusement.	
5. Boy under age of eighteen years—Girl under age of twenty-one years: Shall not be employed, permitted or suffered to work in, about or in connection with a place of amusement before six o'clock in the morning or after ten o'clock in the evening—Boy under sixteen or girl under eighteen—Shall not be employed in place of amusement before seven o'clock in morning or after six o'clock in evening.....	333
Township trustee—Office not full time salaried office—Section 486-59 G. C....	99
 SECRETARY OF STATE—	
Elections—Primary—Special—Registration—Absent voting—Fourth Congressional District—September 8, 1947 last day for registration.....	482
Where in exercise of discretion he properly finds the name of a corporation, applicant to file articles of incorporation, is not distinguishable from a trade name properly registered and the public may be misled, he may properly refuse to accept such articles for filing—Section 6240-11 G. C....	185
 SOLDIERS CLAIMS, DIVISION OF, COMMISSIONER—	
1. Relief, Soldiers'—Person eligible under section 2934 G. C. has been placed on list of recipients for a certain year under section 2938 G. C.—Removes to another county or without state—Soldiers' Relief Commission has authority to continue payment of relief during remainder of such period.	
2. Soldiers' relief commission authorized to grant and pay relief to veteran out of work because of labor strike, provided he is otherwise eligible.....	457

TAX COMMISSIONER, DEPARTMENT OF TAXATION—

Page

- Sale—Meals furnished by employer to employe—Only charge made is recording meals as part compensation for services performed or work done—
Not “selling” within meaning of section 5546-1 G. C..... 551

TREASURY—STATE—

- 1. Bridge—Acquired and operated by State Bridge Commission of Ohio—
Becomes toll free—When all outstanding bonds have been paid and all
operative expenses, any surplus from tolls collected on bridge should be
paid into state treasury.
- 2. Sandusky Bay Bridge—Pomeroy-Mason Bridge—Any remaining funds
may not be applied to repay loan made by emergency board to meet
payments on bonds of East Liverpool—Chester Bridge—Appropriation pro-
vided by House Bill 484, 96 General Assembly.
- 3. Commission not liable to pay and without authority to pay any bills
presented to state highway department for repairs on any bridge acquired
pursuant to section 1084-1 et seq., G. C..... 169
- Salary—Judge, court of appeals—Incumbent, effective date of Senate Bill 223,
97 General Assembly—Payable entirely from state treasury..... 533

WELFARE, PUBLIC, DEPARTMENT OF—CHIEF, DIVISION OF SOCIAL
ADMINISTRATION—

- 1. Aid to the blind—County commissioners—Capacity, administrators of such
aid, required to list names of recipients in such manner identity not dis-
closed by record of proceedings open to general public—Section 2968 G. C.
- 2. County auditor required to maintain records in such manner recipients
may not be readily identified by persons not connected with administration
of aid to the blind..... 77

Child welfare board:

- 1. Placement of child—Must consider need of placement—Ability of parents
to pay for cost and care—Investigation—Approval of juvenile court—
Request of parents or legal custodian of child.
- 2. Status, privately operated day care center—Private agency—Cost of care.
- 3. Need of child for public care or protective services—Best interests of
child—Board may provide facilities for care and collect from parents
amount it determines they are able to pay..... 42

WELFARE, PUBLIC, STATE DEPARTMENT OF—

- Coal—Authority and duty to purchase for various institutions of state under
department of public welfare, vested in division of purchases and printing
of department of finance—Purchases must be made by competitive
bidding—Rules of director of finance..... 153
- 1. Hospitalization—Duty local relief authorities to furnish hospital care to
persons in need, entitled to poor relief under section 3391 et seq., G. C.—
Period not to exceed three months in any one calendar year.

WELFARE, PUBLIC, STATE DEPARTMENT OF—Concluded	<i>Page</i>
2. Township trustees—Conditions under which they are required to furnish hospitalization—When obligated to furnish hospitalization without aid from the state—Section 3476 et seq., G. C.	
3. Where township trustees furnish hospital care, responsibility of local relief authority to provide medical care.....	632
Hospitalization and medical treatment of prisoner on parole from penal institution of state—Neither State Department of Health nor State Department of Welfare liable.....	343
WORKS, PUBLIC DEPARTMENT OF, DIRECTOR—	
Quo warranto action—Supreme Court of Ohio—Appointee de facto officer pending court decision—De jure officer—Sections 154-3, 404 G. C.....	15

STATE—FINIS

STATUTE—REFERENCE—

1. When statute adopts part of another statute by specific reference, part adopted as it exists at time of adoption becomes part of reference statute—Any subsequent amendment or repeal of adopted language has no effect on adopting or reference statute.
2. Effect of amendment on reference statute—Re-enactment of statute.
3. Occupational disease cases—Limitation—Six months after date of death to file claim—Two years after date of death to file claim—Exception—Sillicosis or any other occupational disease of respiratory tract—Section 1465-68a (22) G. C.....

347

STORAGE—TRUCKING COMPANY—

- Secretary of state—Where in exercise of discretion he properly finds the name of a corporation, applicant to file articles of incorporation, is not distinguishable from a trade name properly registered and the public may be misled, he may properly refuse to accept such articles for filing—Section 6240-11 G. C.....

185

STORE—DEPARTMENT—GROCERY—BAKERY—

1. Bakery maintained and operated in connection with department store, grocery store or food market—May be located in basement or cellar if vendor or proprietor were engaged in business there prior to effective date of section 1012 G. C., May 28, 1943.
2. Establishment operated strictly as bakery can not conduct baking operations in cellar or basement.
3. Department of Industrial Relations—Responsible to enforce law prohibiting operation of bakeries in cellars or basements.....

313

STRIKE—LABOR—

Page

1. Relief, Soldiers'—Person eligible under section 2934 G. C. has been placed on list of recipients for a certain year under section 2938 G. C.—Removes to another county or without state—Soldiers' relief commission has authority to continue payment of relief during remainder of such period.
2. Soldiers' relief commission authorized to grant and pay relief to veteran out of work because of labor strike, provided he is otherwise eligible. . . . 457

SUCCESSION—OFFICE—

1. Governor, succession to office—Devolution of powers and duties—Death of person elected governor prior to induction into office—Law found in Constitution of Ohio, Article III, section 2—Force and effect of any law enacted by General Assembly.
2. Person elected governor—Entitled to hold office, discharge duties and receive emoluments, term of two years, commencing on second Monday of January, next after election and until successor elected and qualified.
3. Where person elected governor dies subsequent to election and prior to second Monday in January next following—Person holding office entitled to continue until successor elected and qualified.
4. "Governor"—"Governor-elect"—If person elected governor should die before induction into office, duties and powers of office would not devolve upon lieutenant governor. 53

SUPERINTENDENT—COUNTY CHILDREN'S HOME—

1. Incompatible office—Superintendent of county children's home—Located within territorial limits of school district—Member of board of education of that school district.
2. Member of board of education of city school district—Ipsa facto vacates office when he accepts position of superintendent of county children's home located within territorial limits of school district. 255

SURETY—BOND—

- Auditor, county—Not liable for loss occasioned to third person by act of deputy county auditor who stole securities while making an inventory of a lock box after death of owner. 139

SURVEY—TOPOGRAPHIC—

- County commissioners, board of—Authority to participate with state highway department and with city in county to share cost of topographic survey to be made by serial photogrammetric methods and production of topographic maps—Purpose, highway, street, freeway and community planning. 304

SWIMMING POOLS—PLAYGROUNDS—INDOOR RECREATION CENTERS—

1. Moneys may be transferred from county general fund, sections 5625-13a to 5625-13g G. C. and from county bond retirement fund, section 5625-13 paragraph c, G. C. to acquire lands and buildings, section 4065-1 et seq., G. C.

SWIMMING POOLS—PLAYGROUNDS—INDOOR RECREATION	
CENTERS—Concluded	<i>Page</i>
2. Question, bond issue—May be submitted to electors at special election at any time prior to August 31, 1947 under Amended Senate Bill 296, 96 General Assembly.....	1
SWORN STATEMENT—OATH—	
Mortgage, chattel—On motor vehicle—In absence of “affidavit of claim,” “affidavit of good faith” or “sworn statement”—Entitled to be noted as a lien on certificate of title to motor vehicle, the subject of the mortgage....	364
SYPHILIS—TEST—	
Health, state department of—To establish standards to determine qualifications of laboratory to give standard serological test for syphilis has authority to make and enforce reasonable rules relative to equipment, supervision and personnel—Sections 1243-6, 11188 G. C.....	291
GEORGE T. TARBUTTON, ATTORNEY-AT-LAW, Columbus, Ohio—	
Petition:	
To amend Constitution of Ohio, Article VI, by adding sections 5, 6—Public school fund to support and maintain public school system as outlined—Not certified	254
To add to Article VI two new sections, 5, 6—Public school fund for support and maintenance of public school system.....	303
TAX—	
AGENT—TAX EMPLOYE—	
Tax Commissioner—Agent appointed under section 5348-2b G. C., Amended Senate Bill 345, 97 General Assembly—Entitled to draw monthly compensation equal to one-twelfth of annual salary—Compensation according to statutory formula for each month actually served as such agent—In no case shall such compensation exceed \$125.00 per month.....	582
ASSESSMENT—TAX—	
Real estate—Forfeited to state for nonpayment of real estate taxes and assessments—Where valid sale and conveyance made by county auditor, purchaser invested with a new and perfect title free from all prior liens and encumbrances, including lien of state of Ohio for delinquent franchise taxes and penalties—Exception, taxes and installments of special assessments and reassessments not due at time of sale—Exception, easements and covenants running with the land created prior to time taxes or assessments became due and payable and nonpayment resulted in land forfeiture..	83
AUTHORITY—TAXING—	
Taxing authority of each subdivision:	
1. To prepare budget for ensuing fiscal year for submission to county budget commission, should furnish required detailed information in good faith—Section 5625-21 G. C.	

AUTHORITY—TAXING—Concluded	<i>Page</i>
2. Procedure when information required by section 5625-21 G. C. is not furnished.	
3. Appropriations made from particular fund—Should not exceed amount available as set forth in county budget commission's official or amended certificate of estimated resources.	
4. County auditor and county budget commission—Duty where fixing tax rates for subdivisions to take into consideration taxes shall not be levied at rate greater than necessary to provide necessary funds.	
5. "Tax budget"—Interpretation—Sections 5625-22, 5625-23, 5625-26 G. C.....	260
 BUDGET—COUNTY—COMMISSION—TAX	 260
 BUDGET, TAX	 260
 BULK SALES ACT—	
Taxes, personal property—Bulk Sales Act—Proposed sale, transfer or assignment in bulk of whole or any part of stock of merchandise and fixtures—Conduct of business otherwise than in ordinary course of trade and regular and usual prosecution of business—Where tender made to county treasurer of current taxes and delinquent taxes accrued in 1932 and subsequent years, demand made by taxpayer upon treasurer for certificate to show all taxes due and payable have been paid, section 11102 G. C., duty of treasurer to refuse to issue certificate if delinquent personal and classified property tax list includes unpaid taxes against such taxpayer, which accrued prior to 1932	625
 CERTIFICATE	 625
 COMMISSIONER—TAX—	
Agent appointed under section 5348-2b G. C., Amended Senate Bill 345, 97 General Assembly—Entitled to draw monthly compensation equal to one-twelfth of annual salary—Compensation according to statutory formula for each month actually served as such agent—In no case shall such compensation exceed \$125.00 per month.....	582
 DELINQUENT TAX—	
Real estate—Forfeited to state for nonpayment of real estate taxes and assessments—Where valid sale and conveyance made by county auditor, purchaser invested with a new and perfect title free from all prior liens and encumbrances, including lien of state of Ohio for delinquent franchise taxes and penalties—Exception, taxes and installments of special assessments and reassessments not due at time of sale—Exception, easements and covenants running with the land created prior to time taxes or assessments became due and payable and nonpayment resulted in land forfeiture.....	83

	<i>Page</i>
DELINQUENT TAX—Concluded	
Taxes, personal property—Bulk Sales Act—Proposed sale, transfer or assignment in bulk of whole or any part of stock of merchandise and fixtures—Conduct of business otherwise than in ordinary course of trade and regular and usual prosecution of business—Where tender made to county treasurer of current taxes and delinquent taxes accrued in 1932 and subsequent years, demand made by taxpayer upon treasurer for certificate to show all taxes due and payable have been paid, section 11102 G. C., duty of treasurer to refuse to issue certificate if delinquent personal and classified property tax list includes unpaid taxes against such taxpayer, which accrued prior to 1932	625
EMPLOYEE—TAX—AGENT—	
Tax Commissioner—Agent appointed under section 5348-2b G. C., Amended Senate Bill 345, 97 General Assembly—Entitled to draw monthly compensation equal to one-twelfth of annual salary—Compensation according to statutory formula for each month actually served as such agent—In no case shall such compensation exceed \$125.00 per month.....	582
FOOD—MEALS—	
Sale—Meals furnished by employer to employe—Only charge made is recording meals as part compensation for services performed or work done—Not "selling" within meaning of section 5546-1 G. C.....	551
FORFEITED LAND—	
Real estate—Forfeited to state for nonpayment of real estate taxes and assessments—Where valid sale and conveyance made by county auditor, purchaser invested with a new and perfect title free from all prior liens and encumbrances, including lien of state of Ohio for delinquent franchise taxes and penalties—Exception, taxes and installments of special assessments and reassessments not due at time of sale—Exception, easements and covenants running with the land created prior to time taxes or assessments became due and payable and nonpayment resulted in land forfeiture.....	83
LIEN	83
MEALS—FOOD—	
Sale—Meals furnished by employer to employe—Only charge made is recording meals as part compensation for services performed or work done—Not "selling" within meaning of section 5546-1 G. C.....	551
MERCHANDISE—FIXTURES—STOCK—	
Taxes, personal property—Bulk Sales Act—Proposed sale, transfer or assignment in bulk of whole or any part of stock of merchandise and fixtures—Conduct of business otherwise than in ordinary course of trade and regular and usual prosecution of business—Where tender made to county treasurer of current taxes and delinquent taxes accrued in 1932 and subsequent years, demand made by taxpayer upon treasurer for certificate to show all taxes due and payable have been paid, section 11102 G. C., duty of treasurer to refuse to issue certificate if delinquent personal and classified property tax list includes unpaid taxes against such taxpayer, which accrued prior to 1932	625

	<i>Page</i>
MOTOR VEHICLES—TAX RATE—	
Motor vehicles—Rates of taxation set out in House Bill 115, 97 General Assembly become effective April 1, 1948—Cannot be applied to applications for registration of motor vehicles filed and taxes paid before that date. . . .	571
 OVERPAYMENT—TAXES—	
Auditor, county—May lawfully refuse to issue warrant on county treasurer to pay claim for overpayment of real estate taxes—Paid into general fund of county—Claim presented to county commissioners—Allowed more than twenty years after overpayment made.	165
 SEE—MERCHANDISE—FIXTURES—STOCKS	625
 RATE, TAX—MOTOR VEHICLES—	
Motor vehicles—Rates of taxation set out in House Bill 115, 97 General Assembly become effective April 1, 1948—Cannot be applied to applications for registration of motor vehicles filed and taxes paid before that date. . . .	571
 SALARY—	
Tax Commissioner—Agent appointed under section 5348-2b G. C., Amended Senate Bill 345, 97 General Assembly—Entitled to draw monthly compensation equal to one-twelfth of annual salary—Compensation according to statutory formula for each month actually served as agent—In no case shall such compensation exceed \$125.00 per month.	582
 SALES—TAX—	
Sale—Meals furnished by employer to employe—Only charge made is recording meals as part compensation for services performed or work done—Not "selling" within meaning of section 5546-1 G. C.	551
 UNIFORM TAX LEVY LAW—	
1. Resurfacing state highway—Portion of cost—Assumed by county commissioners to cooperate with director of highways—May not be paid directly from county general fund—Section 1178-43 G. C.	
2. Money in county general fund and in county road maintenance and repair fund, section 6956-1a G. C. may be used by county commissioners to pay premiums on policies of insurance procured under authority of section 2412-3 G. C.	135
 TAX—FINIS—	
 TOLL BRIDGE—	
1. Bridge—Acquired and operated by State Bridge Commission of Ohio—Becomes toll free—When all outstanding bonds have been paid and all operative expenses, any surplus from tolls collected on bridge should be paid into state treasury.	

TOLL BRIDGE—Concluded

Page

2. Sandusky Bay Bridge—Pomeroy-Mason Bridge—Any remaining funds may not be applied to repay loan made by emergency board to meet payments on bonds of East Liverpool-Chester Bridge—Appropriation provided by House Bill 484, 96 General Assembly.
3. Commission not liable to pay and without authority to pay any bills presented by state highway department for repairs on any bridge acquired pursuant to section 1084-1 et seq., G. C. 169

TELEGRAM—

Superintendent of Purchases and Printing:

1. Has authority to waive defects in form of bid, section 196-7 et seq., G. C. when no prejudice will result to right of any other bidder or of public.
2. Where bids invited for certain supplies, section 196-7 et seq., G. C. and form issued calls for written proposals on form, signed by bidder, telegraphic bid submitted within time limited, clearly referring to specifications, may be considered to determine lowest and best bidder. 269

TELEPHONE OPERATORS—

1. Employment—Hours—Females and minors employed by communications companies—Sections 1008-2, 12996 G. C. applicable to all such companies—Interstate or intrastate communications services.
2. Female employes of a communications company—Sickness and inadequate help—Not valid causes to exceed working hours.
3. Lawful for communications company to use minors as operators—Section 1008-2 G. C.—Section 12996 G. C. does not apply to telephone operators.
4. Director of department of industrial relations—No authority in law to grant permission to employer to employ females and minors for greater number of hours per day than maximum fixed by law. 285

TERM OF OFFICE—

- Probate judge—Columbiana County—Also performing functions of judge of juvenile court—Can receive no additional salary or compensation during his present term of office—Substitute Senate Bill 223—Amended Senate Bill 50, 97 General Assembly. 451

TERRITORY—ANNEXATION—

- Municipal corporation—Annexation of territory—Board of elections required to place question on ballot and submit it to electors of unincorporated portion of township—Section 3561-1 G. C.—Question should be submitted before proceedings of county commissioners authorized by section 3561 G. C. are held. 500

TEST—SYPHILIS—

- Health, state department of—To establish standards to determine qualifications of laboratory to give standard serological test for syphilis has authority to make and enforce reasonable rules relative to equipment, supervision and personnel—Sections 1243-6, 11188 G. C. 291

TESTIMONY—

Page

1. General Assembly—Witness appearing before committee or subcommittee—
Compelled to answer all questions and produce books, papers and other
documentary evidence demanded.
2. Testimony of such witness cannot be used as evidence in any criminal
proceeding against him—Witness cannot be prosecuted or subjected to any
penalty or forfeiture whether testimony or evidence was voluntarily or
involuntarily given or produced.
3. Witness may not waive immunity given him under section 60 G. C. and
place himself in position to claim privilege given by Article I, section 10,
Constitution of Ohio to refuse to give self-incriminating testimony.
4. Persons who volunteer information or documentary evidence to investi-
gators of committee do not acquire amnesty granted by section 60 G. C.... 121

THEATER—

Stage performances—Area ordinarily occupied by stage is so constructed no
area is available for stage performances—Theater does not contain stage
within meaning of section 12600-6 G. C.—Proscenium wall not required... 296

THEFT—

Auditor, county—Not liable for loss occasioned to third person by act of
deputy county auditor who stole securities while making an inventory of a
lock box after death of owner..... 139

“THIRTY MILES”—ANOTHER RACE TRACK—

Race track—To determine if one race track, place or enclosure, is within
thirty miles of another track, section 1079-7 G. C., the “thirty miles”
should be measured in a straight line on a horizontal plane..... 644

TIME—FULL—OFFICE—

Township trustee—Office not full time salaried office—Section 486-59 G. C... 99

TOPOGRAPHIC SURVEY—

County commissioners, board of—Authority to participate with state highway
department and with city in county to share cost of topographic survey to
be made by serial photogrammetric methods and production of topographic
maps—Purpose, highway, street, freeway and community planning..... 304

TOWNSHIP FIREMEN’S PENSION FUND—

Retirement System, Public Employes:

1. Members cease to be members when they come within provisions of police
relief and pension fund or firemen’s relief and pension fund—Section
486-33c G. C.
2. House Bill 195, 97 General Assembly—Township established under sec-
tion 4615-2 G. C.—Township firemen’s pension fund—Full time regular
firemen employed April 1, 1947—Status, cease to be member of public
employes retirement system—No other persons under terms of act cease
to be members of public employes retirement system—No other persons
under terms of act cease to be members of system.

TOWNSHIP FIREMEN'S PENSION FUND—Concluded Page

3. Member through change in law who is brought within provisions of firemen's relief and pension fund—Entitled to refund of accumulated contributions to system.
4. Governmental unit not entitled to refund of contributions made to system when member brought within provisions of firemen's relief and pension fund.
5. Full time regular policemen or firemen—Come within provisions of police and firemen's relief and pension funds—Section 4600 et seq., G. C. 542

TOWNSHIP HOSPITAL DISTRICT—JOINT—

1. Hospital district, joint township—Trustees of two or more contiguous townships may join to establish such hospital—Section 3414-1 et seq., G. C.
2. No authority in law for municipality to join with one or more townships to establish joint township—Village hospital district.
3. To determine percentage of favorable votes cast to establish joint township hospital district, votes computed on basis of district as a whole—Sections 3414-2, 3414-3 G. C.
4. Management and control of joint township hospital vested in board of hospital governors—Section 3414-6 G. C. 208

TOWNSHIP—

1. Hospitalization of indigent person—Legal settlement in township—Township not liable for payment of hospital bills unless services were in connection with emergency case.
2. County department of welfare—Vested by law with powers and duties respecting administration of poor relief—Liable for payment of medical care and hospital services for the needy—Section 2511-1 G. C. 375

TOWNSHIP MEMORIAL BOARD—

Incompatible office—Township trustee—Member of township memorial board of trustees created by section 3061 G. C.—May not be held by same person at same time. 23

TOWNSHIP TRUSTEES—

Fire fighting equipment—Purchased on deferred payment plan—Cost may not exceed \$10,000.00—Section 3298-54 G. C. 399

1. Hospitalization—Duty local relief authorities to furnish hospital care to persons in need, entitled to poor relief under section 3391 et seq., G. C.—Period not to exceed three months in any one calendar year.
2. Township trustees—Conditions under which they are required to furnish hospitalization—When obligated to furnish hospitalization without aid from the state—Section 3476 et seq., G. C.
3. Where township trustees furnish hospital care, responsibility of local relief authority to provide medical care. 632

TOWNSHIP TRUSTEES—Concluded		<i>Page</i>
Incompatible office—Township trustee—Member of township memorial board of trustees created by section 3061 G. C.—May not be held by same person at same time.....		23
Office not full time salaried office—Section 486-59 G. C.....		99
Parks, cemeteries, burial grounds—Authority of township trustees—Prescribed and limited by statute—To acquire land by deed of gift or otherwise the statutory conditions, limitations and restrictions must be observed—Trust fund		561
1. Roads, township—Statutes confer power and impose duties on township trustees to keep in repair all township roads within townships, including bridges.		
2. Duty of county commissioners to keep in repair all necessary bridges over streams and public canals within county on all public highways, including township roads—Section 2421 G. C.....		92
TOWNSHIP—UNINCORPORATED—		
Municipal corporation—Annexation of territory—Board of elections required to place question on ballot and submit it to electors of unincorporated portion of township—Section 3561-1 G. C.—Question should be submitted before proceedings of county commissioners authorized by section 3561 G. C. are held.....		500
TOWNSHIP—		
Voting precinct—Village situated in two or more townships cannot legally be made into one voting precinct—Each portion of village lying wholly within one township, if number of electors residing therein is not sufficient to create separate precinct out of such portion, must be combined with township precinct it embraces.....		530
TRACK—RACE—		
Race track—To determine if one race track, place or enclosure, is within thirty miles of another track, section 1079-7 G. C., the “thirty miles” should be measured in a straight line on a horizontal plane.....		644
TRADE NAME—		
Secretary of state—Where in exercise of discretion he properly finds the name of a corporation, applicant to file articles of incorporation, is not distinguishable from a trade name properly registered and the public may be misled, he may properly refuse to accept such articles for filing—Section 5240-11 G. C.....		185
TRANSFER—		
Retirement system, public employees—Members who, prior to January 1, 1942, were state employees in connection with state employment service and who transferred service to United States Government—Membership relinquished through withdrawal of accumulated contributions—Upon return to state service and in employment more than sixty days, members may not restore to public employes savings fund accumulated contributions previously withdrawn—Section 486-65b G. C.—House Bill 356, 96 General Assembly....		180

TREASURER, COUNTY—SEE COUNTY—	<i>Page</i>
TREASURER—MUNICIPALITY—	
1. Municipal library—Clerk, board of trustees—Ex-officio treasurer of all funds of library—Such funds will no longer be deposited with treasurer of such municipality—Clerk must be elected and qualified, section 7627 et seq., G. C.	
2. Until election and qualification of such clerk, treasurer of municipality will continue to be custodian of library funds.	
3. Neither auditor of city which has a municipal library, nor a deputy auditor may be elected clerk of board of trustees of such library under section 7627 G. C.....	639
TREASURER, STATE—SEE STATE—	
TRUCKING COMPANY—STORAGE—	
Secretary of state—Where in exercise of discretion he properly finds the name of a corporation, applicant to file articles of incorporation, is not distinguishable from a trade name properly registered and the public may be misled, he may properly refuse to accept such articles for filing—Section 6240-11 G. C.....	185
TRUST FUND—	
Parks, cemeteries, burial grounds—Authority of township trustees—Prescribed and limited by statute—To acquire land by deed of gift or otherwise the statutory conditions, limitations and restrictions must be observed—Trust fund	561
TRUSTEES, TOWNSHIP—SEE TOWNSHIP TRUSTEES—	
TUBERCULOSIS—GENERAL—HOSPITAL—	
Hospital—Designed to care for and treat contagious or infectious diseases, including tuberculosis—General hospital—Subject to approval of state department of health—County commissioners of county where no county hospital for tuberculosis has been provided and no joint tuberculosis hospital district, may contract with general hospital for care and treatment of residents of county suffering from tuberculosis—Section 3139-18 G. C.....	402
TUBERCULOSIS—	
Hospitalization and medical treatment of prisoner on parole from penal institution of state—Neither State Department of Health nor State Department of Welfare liable.....	343
TUBERCULAR PATIENTS—	
Tubercular patients who receive treatment outside state of Ohio—State funds may not be used to pay state's share for their support—Section 3139-23 G. C.....	603

UNITED STATES ARMED FORCES— Page

- Recorder, county—Without statutory authority to cancel or expurge record of a soldier's discharge which had been recorded under section 2770 G. C.—Discharge was erroneously issued and recorded after soldier's death..... 162

UNITED STATES ARMY—

- 1. Judge, court of common pleas—Accepted commission from United States Government—Officer, army of United States—Ipsa facto forfeited and vacated office—Article IV, section 14, Constitution of Ohio.
- 2. Where such judge served in World War II, Army of United States, commissioned officer and was discharged from military service—Reassumed position on bench—Not entitled to receive salary of office for services performed after discharge..... 26

UNITED STATES EMPLOYMENT SERVICE—

- 1. Retirement system, public employes—Former member transferred subsequent to January 1, 1942 to United States Employment Service—Left public service October 21, 1946—Prior to return of employment service to state control—Under section 486-65b G. C. no right to pay to retirement system amount he would have paid had he remained in state service during period of federal employment.
- 2. Status present member of public employes retirement system who became member upon return of employment service to state control, November 16, 1946—Section 486-65b G. C.
- 3. Employe of state employment service—Became member of public employes retirement system before December 31, 1940—Transferred to United States Employment Service—Returned to state employment before employment service was returned to state—Has right to pay into fund amount he would have paid had he remained in federal service during entire period of federal control 393

UNITED STATES GOVERNMENT—

- Retirement system, public employes—Members who, prior to January 1, 1942, were state employees in connection with state employment service and who transferred service to United States Government—Membership relinquished through withdrawal of accumulated contributions—Upon return to state service and in employment more than sixty days, members may not restore to public employes savings fund accumulated contributions previously withdrawn—Section 486-65b G. C.—House Bill 356, 96 General Assembly.... 180

UNIVERSITY—MUNICIPAL—

- 1. Municipal university, directors—Not required to advertise for and receive competitive bids as condition to making contracts in behalf of university—No such provision in section 4328 or any other section of General Code.
- 2. Under Article XVIII, Constitution of Ohio, municipality would have power to require its officers in charge of municipal university to advertise for competitive bids in connection with contracts..... 424

UNIVERSITY—STATE—

Page

1. Bus—State university—Board of trustees—Not liable as a board or individually for damages to person or property growing out of negligence—
 3. Employe in operation of bus purchased with public funds by trustees—Use, activities, conduct and management of university—Proviso, reasonable care in selection of employe and no active participation in negligence which produces injury.
2. Bowling Green State University—Board of trustees—Without authority to expend public funds for protective insurance against liability growing out of operation of bus..... 431

VACANCY—

1. Judge, court of common pleas—Accepted commission from United States Government—Officer, army of United States—Ipsa facto forfeited and vacated office—Article IV, section 14, Constitution of Ohio.
2. Where such judge served in World War II, Army of United States, commissioned officer and was discharged from military service—Reassumed position on bench—Not entitled to receive salary of office for services performed after discharge..... 26

Office of county engineer :

1. No one can perform statutory official duties imposed on county engineer.
2. County commissioners may continue to pay county employes retained under section 2411 G. C. for work done on county roads.
3. Certification of plats not one of official duties of county engineer—Section 3585 G. C.
4. County commissioners may employ engineer upon written request of county engineer—Where vacancy, office county engineer, county commissioners may not employ engineer..... 616

VEHICLE—EMERGENCY—

1. Vehicle—Classified as emergency vehicle—Must be equipped with siren, whistle or bell—Type approved by director of highways—Section 6307-93 G. C.
2. Volunteer fireman—Not entitled to privilege granted to driver of emergency vehicle unless provisions of section 6307-93 G. C. are observed.
3. Volunteer firemen—Not peace officers—Do not possess police powers..... 486

VEHICLE—SEE—MOTOR VEHICLE—

VETERAN—DISABLED—

1. Public Law 16, 78 Congress—Disabled veteran, engaged in “on-the-job” training—Receives compensation for services to employer amenable to Ohio Workmen’s Compensation Law—Injured in course of employment—Entitled to benefits of Workmen’s Compensation Law—Average weekly wage paid by employer—Benefits irrespective of any disability awards or benefits received from Federal Government.

VETERAN—DISABLED—Concluded	<i>Page</i>
2. In event of death as result of injuries received under such circumstances, employe's dependents would be entitled to benefits similarly computed.	
3. Employer amenable to Ohio Workmen's Compensation Law obliged to report as part of pay roll any compensation paid to disabled veterans who receive "on-the-job" training under Public Law 16, 78 Congress.....	628
VETERANS—EMERGENCY HOUSING—	
All or any part of rentals arising from such housing facilities may be used to purchase or construct additional houses for veterans—Proviso, rentals not needed for maintenance and operation—Sections 1078-62 through 1078-71 G. C.....	569
VETERAN'S PLOT—	
Burial—Residence in county in which veteran's plot located, or in state of Ohio, not necessary prerequisite for burial in veteran's plots—Section 2943 et seq., G. C.....	622
VILLAGE—	
Voting precinct—Village situated in two or more townships cannot legally be made into one voting precinct—Each portion of village lying wholly within one township, if number of electors residing therein is not sufficient to create separate precinct out of such portion, must be combined with township precinct it embraces.....	530
VILLAGE HOSPITAL DISTRICT—JOINT TOWNSHIP—	
1. Hospital district, joint township—Trustees of two or more contiguous townships may join to establish such hospital—Stction 3414-1 et seq., G. C.	
2. No authority in law for municipality to join with one or more townships to establish joint township—Village hospital district.	
3. To determine percentage of favorable votes cast to establish joint township hospital district, votes computed on basis of district as a whole—Sections 3414-2, 3414-3 G. C.	
4. Management and control of joint township hospital vested in board of hospital governors—Section 3414-6 G. C.....	208
VILLAGE ORDINANCE—	
Ordinance, village—To prohibit the sale of intoxicating liquor by anyone not holder of permit issued by Department of Liquor Control—Sale authorized—Such village is not a "village in which the sale of intoxicating liquor is prohibited by an ordinance"—Term used in section 13206 G. C.....	18
VOID—MEETING—RACING—	
Racing Commission, Ohio State—Permit issued to any person, association, corporation or trust—To hold or conduct harness horse racing meeting upon dates specified for maximum number of racing dates legally authorized—Where full days' racing declared off because of inclement weather or muddy track—Commission without authority to issue second permit to carry on harness racing beyond dates specified in first permit.....	554

VOLUNTEER FIREMAN—

Page

1. Vehicle—Classified as emergency vehicle—Must be equipped with siren, whistle or bell—Type approved by director of highways—Section 6307-93 G. C.
2. Volunteer fireman—Not entitled to privilege granted to driver of emergency vehicle unless provisions of section 6307-93 G. C. are observed.
3. Volunteer firemen—Not peace officers—Do not possess police powers..... 486

VOLUNTEER WITNESS—

1. General Assembly—Witness appearing before committee or subcommittee—Compelled to answer all questions and produce books, papers and other documentary evidence demanded.
2. Testimony of such witness cannot be used as evidence in any criminal proceeding against him—Witness cannot be prosecuted or subjected to any penalty or forfeiture whether testimony or evidence was voluntarily or involuntarily given or produced.
3. Witness may not waive immunity given him under section 60 G. C. and place himself in position to claim privilege given by Article I, section 10, Constitution of Ohio to refuse to give self-incriminating testimony.
4. Persons who volunteer information or documentary evidence to investigators of committee do not acquire amnesty granted by section 60 G. C.... 121

VOTE—

1. Hospital district, joint township—Trustees of two or more contiguous townships may join to establish such hospital—Section 3414-1 et seq., G. C.
 2. No authority in law for municipality to join with one or more townships to establish joint township—Village hospital district.
 3. To determine percentage of favorable votes cast to establish joint township hospital district, votes computed on basis of district as a whole—Sections 3414-2, 3414-3 G. C.
 4. Management and control of joint township hospital vested in board of hospital governors—Section 3414-6 G. C..... 208
- Municipal corporation—Annexation of territory—Board of elections required to place question on ballot and submit it to electors of unincorporated portion of township—Section 3561-1 G. C.—Question should be submitted before proceedings of county commissioners authorized by section 3561 G. C. are held..... 500

VOTER—ABSENT—

- Elections—Primary—Special—Registration—Absent voting—Fourth Congressional District—September 8, 1947 last day for registration..... 482

VOTING PRECINCT—

- Village situated in two or more townships cannot legally be made into one voting precinct—Each portion of village lying wholly within one township, if number of electors residing therein is not sufficient to create separate precinct out of such portion, must be combined with township precinct it embraces..... 530

	<i>Page</i>
WAGE BOARD—	
1. "Modified" as used in section 154-45n G. C. should be construed to mean "altered" or "changed."	
2. Wage board convened by Director of Industrial Relations, empowered under section 154-45n G. C. to recommend an increase as well as a reduction in existing wage rates.....	477
WALL—PROSCENIUM—	
Stage performances—Area ordinarily occupied by stage is so constructed no area is available for stage performances—Theater does not contain stage within meaning of section 12600-6 G. C.—Proscenium wall not required....	296
WAR MEMORIALS STATUTES—	
Memorial hospital, county—Must be erected under county hospital statutes, section 3127 et seq., G. C.—Cannot be constructed under war memorials statutes, section 5059 et seq., G. C.....	369
WARRANT—	
Auditor, county—May lawfully refuse to issue warrant on county treasurer to pay claim for overpayment of real estate taxes—Paid into general fund of county—Claim presented to county commissioners—Allowed more than twenty years after overpayment made.....	165
WELFARE, PUBLIC—	
Coal—Authority and duty to purchase for various institutions of state under department of public welfare, vested in division of purchases and printing of department of finance—Purchases must be made by competitive bidding—Rules of director of finance.....	153
Hospitalization and medical treatment of prisoner on parole from penal institution of state—Neither State Department of Health nor State Department of Welfare liable.....	343
1. Hospitalization—Duty local relief authorities to furnish hospital care to persons in need, entitled to poor relief under section 3391 et seq., G. C.—Period not to exceed three months in any one calendar year.	
2. Township trustees—Conditions under which they are required to furnish hospitalization—When obligated to furnish hospitalization without aid from the state—Section 3476 et seq., G. C.	
3. Where township trustees furnish hospital care, responsibility of local relief authority to provide medical care.....	632
WELFARE BOARD, CHILD—	
1. Placement of child—Must consider need of placement—Ability of parents to pay for cost and care—Investigation—Approval of juvenile court—Request of parents or legal custodian of child.	
2. Status, privately operated day care center—Private agency—Cost of care.	
3. Need of child for public care or protective services—Best interests of child—Board may provide facilities for care and collect from parents amount it determines they are able to pay.....	42

	<i>Page</i>
WELFARE BOARD, COUNTY CHILD—	
Child welfare board, county—Section 3070-36 G. C. provides county commissioners shall make sufficient appropriations for board to perform functions under section 3070-1 et seq., G. C.—Mandatory sufficient funds should be appropriated to pay salary of executive secretary and necessary expenses of office	214
 WELFARE, COUNTY DEPARTMENT OF—	
1. Aid to the blind—County commissioners—Capacity, administrators of such aid, required to list names of recipients in such manner identity not disclosed by record of proceedings open to general public—Section 2968 G. C.	
2. County auditor required to maintain records in such manner recipients may not be readily identified by persons not connected with administrations of aid to the blind.	77
Complete control vested in county commissioners—Voucher for expenditures must be approved by commissioners—Senate Bill 241, 97 General Assembly—Sections 2511-2, 2511-3, 2511-4, 2572 G. C.	648
1. Inmate of county home—Funds received from division of aid for the aged—When turned over to county must be deposited with county treasurer to credit of inmate and disbursed under section 2549 G. C.	413
2. No authority in law for division of aid for the aged, department of public welfare or other authority to restrict use of moneys awarded to inmate of county home.	413
1. Hospitalization of indigent person—Legal settlement in township—Township not liable for payment of hospital bills unless services were in connection with emergency case.	
2. County department of welfare—Vested by law with powers and duties respecting administration of poor relief—Liable for payment of medical care and hospital services for the needy—Section 2511-1 G. C.	375
 WHISTLE—BELL—SIREN—	
1. Vehicle—Classified as emergency vehicle—Must be equipped with siren, whistle or bell—Type approved by director of highways—Section 6307-93 G. C.	
2. Volunteer fireman—Not entitled to privilege granted to driver of emergency vehicle unless provisions of section 6307-93 G. C. are observed.	
3. Volunteer firemen—Not peace officers—Do not possess police powers.	486
 WILD ANIMALS—	
1. Imprisonment for failure to pay fines and costs assessed—Sections 13451-9, 13451-15 G. C. general in nature—No application in violation of laws dealing with taking, protection, preservation, possession or propagation of wild animals.	
2. Default, payment of fines and costs assessed—Violation General Code provisions dealing with taking, protection, preservation, possession or propagation of wild animals—Person entitled to credit of only one dollar for each day confined in county jail or workhouse because of such default.	419

WITHDRAWAL—FUND—

Page

- Retirement system, public employees—Members who, prior to January 1, 1942, were state employees in connection with state employment service and who transferred service to United States Government—Membership relinquished through withdrawal of accumulated contributions—Upon return to state service and in employment more than sixty days, members may not restore to public employes savings fund accumulated contributions previously withdrawn—Section 486-65 G. C.—House Bill 356, 96 General Assembly..... 180

WITNESS—

1. General Assembly—Witness appearing before committee or subcommittee—Compelled to answer all questions and produce books, papers and other documentary evidence demanded.
2. Testimony of such witness cannot be used as evidence in any criminal proceeding against him—Witness cannot be prosecuted or subjected to any penalty or forfeiture whether testimony or evidence was voluntarily or involuntarily given or produced.
3. Witness may not waive immunity given him under section 60 G. C. and place himself in position to claim privilege given by Article I, section 10, Constitution of Ohio to refuse to give self-incriminating testimony.
4. Persons who volunteer information or documentary evidence to investigators of committee do not acquire amnesty granted by section 60 G. C.... 121

WORDS AND PHRASES—

- “Material”—Manufacture of bedding..... 589
1. “Modified” as used in section 154-45n G. C. should be construed to mean “altered” or “changed”..... 477
- “On-the-job” training—Workmen’s Compensation—Disabled veteran—Public Law 16, 78 Congress..... 628
- Sale—Meals furnished by employer to employe—“Selling”—“Sale”..... 551
- “Thirty miles”—Distance—Another race track..... 644

WORKHOUSE—

1. Imprisonment for failure to pay fines and costs assessed—Sections 13451-9, 13451-15 G. C. general in nature—No application in violation of laws dealing with taking, protection, preservation, possession or propagation of wild animals.
2. Default, payment of fines and costs assessed—Violation General Code provisions dealing with taking, protection, preservation, possession or propagation of wild animals—Person entitled to credit of only one dollar for each day confined in county jail or workhouse because of such default..... 419

WORKMEN'S COMPENSATION LAW—

1. Veteran, disabled—Public Law 16, 78 Congress—Disabled veteran, engaged in “on-the-job” training—Receives compensation for services to employer amenable to Ohio Workmen’s Compensation Law—Injured in course of employment—Entitled to benefits of Workmen’s Compensation Law—Average weekly wage paid by employer—Benefits, irrespective of any disability awards or benefits received from Federal Government.

WORKMEN'S COMPENSATION LAW—Concluded	<i>Page</i>
2. In event of death as result of injuries received under such circumstances, employe's dependents would be entitled to benefits similarly computed.	
3. Employer amenable to Ohio Workmen's Compensation Law obliged to report as part of pay roll any compensation paid to disabled veterans who receive "on-the-job" training under Public Law 16, 78 Congress.....	622
WRIT OF EXECUTION—FOREIGN—	
Sheriff—Entitled to poundage on money paid to him by judgment debtor—	
Where debtor contacted and advised by sheriff that foreign writ of execution is in his hands for enforcement and sheriff paid the money in satisfaction of writ—Section 2845 G. C.....	104

CITATIONS:

Page

SECTIONS GENERAL CODE:

9	139
18	561
26	519
50	644
60	121
154-3	15
154-37	153
154-45	285
154-45c	477
154-45n	477
154-60b	343
154-62	519
154-67	519
154-73	519
196-1 through 196-18.....	153
196-7	153
196-7	269
196-9	269
196-10	269
196-11	269
274 through 291.....	575
276	575
287	575
288	575
404	15
420	255
479	228
479	277
479-1	228
486-17c	575
486-32 through 486-75.....	324
486-32 through 486-75.....	594
486-33a	594
486-33b	99
486-33b	324
486-33c	542
486-34	324
486-40	324
486-47	594
486-59	99
486-59	594
486-59	608
486-59	613
486-59b	324
486-60	99
486-63	613
486-65a	393
486-65b	180
486-65b	393
710-5	436

CITATIONS—Continued

Page

SECTIONS GENERAL CODE—Continued

710-111(i)	436
771	277
1008-2	285
1012 through 1019	313
1038-25 through 1038-36	589
1078-62 through 1078-71	569
1078-63	569
1078-66	569
1079-1 through 1079-7	554
1079-1 through 1079-15	644
1079-7	644
1082-2	357
1082-3	357
1082-16	357
1082-18	357
1082-20	357
1084-1 through 1084-17.....	169
1084-13	169
1084-14	169
1084-15	169
1090-22	313
1090-23	313
1090-42	313
1098	313
1174 through 1177-9	148
1175	148
1177-4	148
1177-5	148
1177-8	148
1178	304
1178-33	234
1178-43	135
1178-43	304
1178-49a	135
1178-49b	135
1178-53 et seq.	299
1178-54	299
1178-55	299
1178-59	299
1182 et seq.	652
1182-9	652
1182-18	652
1182-20	652
1232	343
1233	343
1236-6	156
1237	343
1243-6	291
1243-9	291
1261-58	156

CITATIONS—Continued

Page

SECTIONS GENERAL CODE—Continued

1261-59	156
1314 through 1335-1	467
1320	467
1329	467
1329-1	467
1345-13a	393
1345-13b	393
1359-1 through 1359-30	526
1359-3	526
1359-17	526
1373	519
1375	519
1392	387
1454	419
1465-61	628
1465-68a	347
1465-72b	347
1465-82	347
1520	387
1639-7	451
1639-7a	451
1835	343
1890-7	319
1890-98	319
1949	153
2251	533
2253-2	533
2288-2	132
2293-1	208
2293-2	304
2293-37b	304
2313	575
2317	269
2406	77
2407	77
2411	616
2412-1	198
2412-2	198
2412-3	135
2421	92
2447	107
2447	244
2447-1	244
2511-1	375
2511-2	375
2511-2 through 2511-4	648
2511-4	375
2549	413
2550	413
2563	139

CITATIONS—Continued

Page

SECTIONS GENERAL CODE—Continued

2570	77
2570	165
2572	648
2589	165
2590	165
2757	503
2770	162
2782-1	616
2845	104
2845	249
2855-5	156
2855-12	156
2900	249
2900	496
2901	496
2906	249
2934	457
2936	457
2937	457
2938	457
2939	457
2943 et seq.	622
2949	622
2949-2	622
2949-3	622
2968	77
3059 et seq.	369
3060-2	23
3061	23
3063	23
3064-1	23
3064-2	23
3065	369
3066	369
3070-1 et seq.	214
3070-12	214
3070-17	42
3070-20	42
3070-36	214
3127 et seq.	369
3132-2	603
3139 through 3139-22	343
3139-10	343
3139-18	343
3139-18	402
3139-18	603
3139-23	603
3268	99
3291	561
3294	99

CITATIONS—Continued

Page

SECTIONS GENERAL CODE—Continued

3295	92
3298-54	399
3298-55	399
3298-56	399
3370	92
3391 et seq.	632
3391	375
3391-1	198
3391-1	375
3391-2	198
3391-2	375
3391-2	457
3391-2	632
3391-7	198
3391-9	198
3391-10	198
3414-1 et seq.	708
3414-2	208
3414-3	208
3414-6	208
3420	561
3427-1	561
3441 et seq.	561
3476 et seq.	632
3476	375
3476	457
3480	375
3480	632
3558	500
3559	500
3560	500
3561	500
3561-1	500
3580	616
3582	616
3583	92
3583	616
3666	419
4001	424
4003-13	424
4004	639
4065-1 et seq.	1
4227-2	5
4284	639
4298	639
4328	424
4378	586
4600 et seq.	542
4607	586
4609	542

CITATIONS—Continued

Page

SECTIONS GENERAL CODE—Continued

4615-1	542
4615-2	542
4615-13	542
4631-3	542
4648-4	491
4692	219
4726	219
4727	219
4785-3	482
4785-22	530
4785-39	482
4785-97	482
4785-135	482
4785-137	482
4785-175	254
4785-175	303
4785-175	566
4785-175	568
4785-175	612
4831-3	5
4831-4	5
4831-6	5
4832-10	381
4834-5	319
4834-10	115
4836-1	115
4836-1	464
4836-2	464
4838-3	255
4838-4	319
4840-3	444
4842-6	191
4842-7	237
4842-8	237
4842-9	191
4842-9	237
4845-8	66
4846	381
4848-4	203
4848-4	464
4848-6	491
4855 et seq.	109
4855	203
4855-3	203
4855-3	464
4855-5	509
4855-6	109
4860-3	431
5235	132
5348-2	139

CITATIONS—Continued

Page

SECTIONS GENERAL CODE—Continued

5348-2b	582
5398-2	625
5506	83
5546-1	551
5625-10	115
5625-11	115
5625-13	1
5625-13a through 5625-139	1
5625-20	444
5626-21	135
5625-22	260
5625-23	260
5625-24	260
5625-26	260
5625-28	260
5625-36	132
5713	83
5755	83
5757	83
5762	83
5840	71
5866	406
5868	406
6064-14	18
6064-17	18
6064-20	18
6240-11	185
6240-12	185
6259 through 6277	156
6268	156
6269	156
6290-9	364
6291 et seq.	509
6291 et seq.	509
6291	571
6291-1	571
6292	571
6294	571
6295	509
6295-1	109
6295-1	509
6296-17	144
6298	571
6298-1 through 6298-26	144
6302-1	406
6302-3	406
6302-4	406
6302-5	406
6307-2	486
6307-24	486

CITATIONS—Continued

Page

SECTIONS GENERAL CODE—Continued

6307-93	486
6308-7 through 6308-15	526
6860	304
6886	92
6956-1a	135
6956-22 et seq.	652
7187	616
7200	107
7214	92
7464	92
7600-1 et seq.	219
7600-7	219
7627	639
7627-1	639
7627-3	639
7630	639
7630-1	639
7639	444
7690-2	191
7731	109
7748	203
7896-101a	608
8538	503
8539	503
8540	503
8541	503
8560	364
8561	364
8562	364
8564	364
8623-5	185
8623-98	185
8628	185
8863 et seq.	652
9657	536
10214	589
10507-8	42
11102	625
11188	291
11228	165
11614	249
11615	249
11617	249
11618	249
12075	165
12600-1 et seq.	296
12600-2	296
12600-4	296
12600-6	296
12606	144

CITATIONS—Continued

Page

SECTIONS GENERAL CODE—Concluded

12714	467
12993	333
12993-3	333
12996	285
12996	333
13007-3	333
13340	121
13451-9	419
13451-15	419
13770	277

GENERAL ASSEMBLY—HOUSE BILLS—SENATE BILLS
 CONSTITUTION—OHIO
 UNITED STATES

GENERAL ASSEMBLY—
 HOUSE BILLS—

House Bill 484 96 General Assembly.....	169
84 97 General Assembly.....	519
115	571
125	444
125	639
195	542

SENATE BILLS—

Amended Senate Bill 296 96 General Assembly	1
Senate Bill 7 97 General Assembly	608
Amended Senate Bill Substitute 48	491
Amended Senate Bill 50	451
Amended Senate Bill 52	575
Senate Bill 57	594
Amended Senate Bill 127	496
Senate Bill 168	500
Amended Senate Bill 178	632
Amended Senate Bill 183	551
Senate Bill Substitute 223	451
Senate Bill 241	648
Amended Senate Bill 345	582

CITATIONS—Concluded

Page

OHIO CONSTITUTION—

Article	I	Section	10.....	121
	II	Section	1c.....	180
	II	Section	20.....	451
	III	Sections	1, 2, 15.....	53
	IV	Sections	12, 14.....	26
	XV	Section	3.....	77
	XVIII		424
	XVIII	Section	3.....	18

UNITED STATES—

Article I, Section 8	277
V Amendment	121
Public Law 16, 78 Congress	628
U.S.C. Title 16, Section 460d	277