

# ANNUAL REPORT

OF THE

## Attorney General of Ohio

TO THE

## Governor of Ohio

FOR THE

Period from January 9, 1911 to January 1, 1912.

Springfield, Ohio:  
The Springfield Publishing Company,  
State Printers.  
1913.

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VOLUME II.

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## Attorneys General of Ohio

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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
Isaiiah 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 .....	1908-1910
Timothy S. Hogan .....	1911

## Attorney General's Department

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Timothy S. Hogan.....Attorney General  
Joseph McGhee.....First Assistant Attorney General  
P. J. Monahan.....Second Assistant Attorney General  
John A. Smith.....Chief Clerk  
Charles C. Marshall.....Special Counsel  
Frank Davis, Jr.....Special Counsel  
Clarence D. Laylin.....Special Counsel  
Peter E. Dempsey.....Special Counsel  
Charles Follett.....Special Counsel  
Britton S. Johnson.....Special Counsel  
Jacob Schlesinger.....Special Counsel  
Leroy H. Godman.....Special Counsel  
Wm. F. McNamara.....Willis Tax Clerk  
Sallie Gallagher.....Stenographer  
Clara K. Carey.....Stenographer  
Margaret Nelson.....Stenographer  
Mary G. McMahan.....Stenographer  
Anna Crossin.....Stenographer  
Helen A. Dury.....Stenographer  
August R. Seel.....Stenographer  
Joseph Hogan.....Messenger  
Wm. H. Beasley.....Janitor

## Annual Report of the Attorney General of Ohio for the Year 1912

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COLUMBUS, OHIO, January 1, 1912.

HONORABLE JUDSON HARMON, *Governor of Ohio, Columbus, Ohio:*

DEAR SIR:—I submit herewith the annual report of the Attorney General for the calendar year 1911. This report is similar to reports submitted to you by Attorneys General during recent years, and contains:

First. A statement of the organization of my Department and the method followed in transacting the legal work of the State, together with a brief review of the more important work of the Department during the year.

Second. A statement of the actions and prosecutions pending or disposed of during the year 1911.

Third. A statement of all collections and disbursements for the period covered by this report.

Fourth. A complete list of all official opinions rendered by the Attorney General during the said year.

### I.

#### IMPORTANT WORK OF THE YEAR.

(a) ORGANIZATION OF THE DEPARTMENT: Upon assuming the office of Attorney General on January 9, 1911, I found a great accumulation of urgent work on hand. This was necessarily so because my predecessor's time during the last few weeks of his term was almost entirely occupied in arranging the office to be turned over to me, and to the fact that the Legislature was in session; and, with the exception of the offices of Governor, Auditor of State, and Treasurer of State, a change was made at this time in all the elective State offices. The courts were all in session, and many cases in which this Department was interested were set for trial, or were to be reached within a very short time. It was necessary to become familiar with all these cases as rapidly as possible, and also to become familiar with all the branches of the work of the office.

Messrs. Alburn, Laylin and Kirtley, who were connected with the office under my predecessor, were retained by me until my own force

could be completed. Mr. Kirtley was assigned to the condemnation cases of the Mansfield Reformatory, which were then ready for trial; Mr. Alburn, as special counsel, was retained until March, and Mr. Laylin was afterwards made one of my regular office force. I also retained Mr. W. H. Miller, First Assistant Attorney General under my predecessor, to continue the prosecutions of the Newark lynching cases. A report of these cases will be found hereinafter. In the Willis Tax Department, Mr. McMillen was retained until April, and Mr. McCann, as Willis Tax Clerk, until April.

My own office force, in the order of their assuming office, is as follows:

Timothy S. Hogan	Attorney General
Jos. McGhee	First Assistant Attorney General
Charles C. Marshall	Special Counsel
Frank Davis, Jr.	Special Counsel
Clarence D. Laylin	Special Counsel
P. J. Monahan	Chief Clerk
P. E. Dempsey	Second Assistant Attorney General
B. S. Johnson	Special Counsel
Charles Follett	Special Counsel
Jacob Schlesinger	Special Counsel
John A. Smith	Chief Clerk
William McNamara	Willis Tax Clerk
L. R. Godman	Special Counsel
Clara K. Carey	Stenographer
Sallie Gallagher	Stenographer
Margaret Nelson	Stenographer
Mary G. McMahon	Stenographer
August Seel	Stenographer
Helen A. Dury	Stenographer
Anna Crossin	Stenographer
Jos. Hogan	Messenger
W. H. Beasley	Janitor

On October 31 Mr. P. E. Dempsey resigned as Second Assistant Attorney General and was appointed special counsel, and Mr. Monahan at the same time resigned as Chief Clerk and was appointed Second Assistant Attorney General, and Mr. John A. Smith, of Cleveland, was appointed Chief Clerk.

The persons named above devote their entire time to the work of this office. During the administration of my predecessor certain departments of the State Government were assigned to respective counsel in the office. The counsel became the lawyers in all respects for each of such departments, and every request for an opinion was written by the counsel assigned to the department making the request, and all litigation involving a given department of the State Government was attended to by counsel assigned to such department. This plan has been followed to a certain extent, but on account of the increase in the number of State departments, and on account of the unprecedented amount of litigation handled by this Department during the past year, it has been impossible to carry it out entirely. During certain periods some of the members of

my Departments have been so completely occupied in the trial of cases and preparation for trial that it has been impossible for them to write opinions, and as it is always sought to render opinions as promptly as possible, at such times it became necessary to have opinions rendered by the man who at the time could most expeditiously attend to the same. It thus became necessary to revise the old system to a certain extent. Under it, when a request for an opinion was received, all that was necessary for the Chief Clerk to do was to ascertain the lawyer assigned to the department requesting the opinion, and to then refer the request to him; but with the vastly increasing amount of work, and the increasing flood of requests for opinions coming to the office, it was found that the Chief Clerk could not properly attend to this work and at the same time perform his other duties. Therefore, Mr. Follett devised a system by which a complete and accurate record is kept of each request for an opinion that comes to the office, of the progress of such request from the time it is received until the opinion is written and mailed. Under this system he knows at all times the requests that are in the hands of each counsel and whether the opinions have been written and are ready for approval, or whether the work of counsel having the opinion is such that the same may be rendered within a given time. With this data on hand, he refers each opinion as it comes in to the counsel who can give the same the quickest attention, having regard at all times to the assignment of counsel to the different departments. The work of the Department, as stated above, as far as possible, is apportioned among the different lawyers, *i. e.*, each lawyer has certain departments of which he is the adviser, and so far as possible he prepares all opinions desired by that department, board, or officer, and the preparation and trial of all law suits affecting the departments to which he is assigned. The assignment of work is as follows:

Timothy S. Hogan, Attorney General.	Governor. Executive management of the office in all its departments, including inspection, revision and signing of all opinions and official communications from the Department. General supervision of all litigation; trial of important cases and all cases in the Supreme Court. Grand jury work.
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Joseph McGhee, First Assistant Attorney General.	State Mine Inspector. Approval of bonds and contracts. Grand jury work. Auditor of State. General supervision of all departments. State Institutions. Special cases assigned.
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- P. J. Monahan,  
Second Assistant  
Attorney General.
- State Highway Department.  
Public Printer.  
Roads and Highways.  
State Armory Board.  
Secretary of State—Automobile Department.  
Inspector of Stationary Engineers.  
Boiler Inspector.  
Special work assigned.
- \* \* \*
- John A. Smith,  
Chief Clerk.
- Justice of the Peace.  
Special work assigned.
- \* \* \*
- Charles C. Marshall,  
Special Counsel.
- Public Service Commission (Railroad Commission).  
Ohio Penitentiary.  
Board of Administration.  
State Board of Health.  
State Board of Charities.  
Special work assigned.  
Special cases assigned.
- \* \* \*
- Frank Davis, Jr.,  
Special Counsel.
- Insurance Department.  
State Liability Board of Awards.  
Superintendent of Banks.  
State Treasurer.  
Bureau of Accountancy.  
Board of Vital Statistics.  
Special work assigned.  
Special cases assigned.
- \* \* \*
- Clarence D. Laylin,  
Special Counsel.
- Tax Commission.  
Secretary of State.  
Fiscal and taxation matters.  
Special work assigned.  
Special cases assigned.
- \* \* \*
- Peter E. Dempsey,  
Special Counsel.
- Adjutant General.  
State Board of Agriculture.  
Labor Commissioner.  
Inspector of Workshops and Factories.  
State Sealer of Weights and Measures.  
Matters pertaining to elections.  
Matters pertaining to sale of intoxicating liquors.  
Boards of Review.  
Dairy and Food Commissioner.  
Special work assigned.  
Special cases assigned.
- \* \* \*
- Charles Follett.
- Bureau of Inspection and Supervision of Public Offices.  
Medical Board.  
Pharmacy Board.  
Dental Board.  
Veterinary Board.  
State Board of Embalming Examiners.  
State School Commissioner.  
Special work assigned.  
Special cases assigned.



Britton S. Johnson. Fish and Game Department.  
Board of Public Works.  
Dairy and Food Commissioner.  
Adjutant General.  
State Fire Marshal.  
State Oil Inspector.  
State School Commissioner.  
Special work assigned.  
Special cases assigned.

\* \* \*

Jacob Schlesinger, Willis Tax Collections.  
Special Counsel. Excise Tax Collections.  
All other collections.

\* \* \*

Leroy H. Godman, Abstracts.  
Special Counsel. Special work assigned.

The number of opinions issued during the year 1911 was 793.

On account of this great increase in opinion work over former years, and on account of the great increase in litigation, which will be more fully referred to hereinafter, it was found necessary to increase the office force, otherwise the work of the Department could not be accomplished. It was also found that even with the increase in the office force, and though practically all of the lawyers returned to the office for at least two hours every night, still the work could not be accomplished in the office hours which had formerly been observed in the Department, namely, from 9 until 12 in the morning, and from 2 until 5 in the afternoon. Therefore, it was found necessary to add an additional hour and a half to the working day, and the hours for the entire force were changed to 8:30 until 12 in the morning, and from 1:30 until 5:30 in the afternoon. Even with this increase of time it has been almost a physical impossibility to accomplish all the work necessary.

There are many cases in litigation, begun before the present year, or during it, which do not fall naturally within any particular State department, or within the particular work of any given special counsel. To all of these cases special counsel from the office force have been assigned, and in most of the cases it has been found best to assign at least two men to attend to same. In the cases of great importance which were reached during the past year, and which had been begun during the term of my predecessor, I retained as special counsel, to assist members of my Department, the counsel who had been in charge of such cases under my predecessor. This seemed to be best for the reason that they were handled by them from their inception through the trial of same through the lower courts. These cases were three in number, namely, State ex rel. vs. Cleveland Terminal and Valley Railroad Company; State ex rel. vs. Miami and Erie Canal Transportation Company, and State ex rel. vs. Union Central Life Insurance Company. All the other cases have been tried wholly by my Department without employing

counsel from the outside. All litigation and all the work of the Department is carried on and done under the personal supervision of the Attorney General.

The salary list of persons constituting the office force giving their whole time in the Department to the work of the office during the year 1911 was as follows:

Attorney General.....	\$6,500 00
First Assistant Attorney General.....	4,000 00
Second Assistant Attorney General.....	2,500 00
Two Special Counsel, \$4,000.00 each .....	8,000 00
Three Special Counsel, \$3,000.00 each.....	9,000 00
One Special Counsel.....	2,600 00
Two Special Counsel, \$1,800.00 each .....	3,600 00
Chief Clerk.....	1,500 00
Two Stenographers (by statute), each \$1,200.00 .....	2,400 00
Two Special Stenographers from appropriation therefor, each \$1,200.00 .....	2,400 00
One Special Stenographer .....	840 00
One Special Stenographer (employed October 16th).....	900 00
One Special Stenographer (employed December 4th).....	900 00
One Willis Tax Clerk.....	1,200 00
One Messenger.....	600 00
One Janitor.....	600 00
	\$47,540 00

Section 333 of the General Code of Ohio provides in part that,

“The attorney general shall be the chief law officer for the state and all its departments. No state officer, board or the head of a department or institution of the State shall be employed or be represented by other counsel or attorneys at law.”

Section 341, General Code, provides that,

“The attorney general, when so requested, shall give legal advice to a state officer, board or commission \* \* \* the superintendent \* \* \* of a benevolent or reformatory institution of the state, and the trustees of the Ohio State University, in all matters relating to their official duties.”

Section 342 provides that,

“When so required by resolution, the attorney general shall give his written opinion on questions of law to either house of the general assembly.”

Section 343 provides as follows :

“When requested by them, the attorney general shall advise the prosecuting attorneys of the several counties respecting their duties in all complaints, suits and controversies, in which the state is, or may be a party.”

Upon reflection, it will at once occur to any one familiar with the development of the State and local governments in Ohio during the past few years, that the work of this Department must have greatly increased during that time. Such has indeed been the case. Within the past decade have been created several departments of the State Government, having powers far more extensive than some of the constitutional offices. State departments like the present Public Service Commission, the Tax Commission, the Department of Banks and Banking, and the Bureau of Vital Statistics, were unknown when the laws I have quoted were passed. By virtue of these laws, however, the creation of each new State department has called into being a new client of the Attorney General.

The General Assembly in session when I assumed the duties of this office was not unlike its immediate predecessors, in the respect to which I have just alluded. Acts passed by it created the State Liability Board of Awards, the Public Service Commission (as such), the State Board of Administration, simplified and otherwise changed the provisions of existing laws respecting the powers and duties of the Tax Commission, provided an entirely new scheme of legislation for the enforcement of the regulations respecting weights and measures, established an elaborate Building Code to be administered by the various State authorities, re-enacted in modified form the statutes providing for the State Highway Department, extended the jurisdiction of the Chief Inspector of Workshops and Factories to the enforcement of the newly-enacted law respecting the employment of women in certain industrial pursuits, and made other changes in and additions to the body of law of the State which had a great and immediate effect upon the volume of work in this office.

It must be borne in mind that when a department is newly created, not only is a new client furnished to the Attorney General, but new statutes, presenting in many instances numerous questions of interpretation, and even of constitutionality, are certain to arise as soon as such department undertakes to administer the laws relating to it. Thus it results that the responsibility of the Attorney General has increased in a proportion similar to the volume of the work itself. Many difficult questions, arising under new legislation like that to which I have referred, as well as under statutes less recently enacted, have been referred to this Department by the various State departments upon the understanding, on the part of private parties with which such departments would be dealing, to the effect that my decision was to be accepted as final. In

other instances my advice, given to State officers, has been questioned by interested parties, and litigation, expensive to the State, but in which the opinions in question have almost invariably been sustained, has resulted. From either point of view, I have felt that my responsibility in such matters is great, and becoming greater. I have, therefore, required -- what I had found already to be the practice—the asking of advice and opinions in writing; by adhering to this policy confusion and misunderstanding in the important matters to which I have referred can, and is, being avoided. When a written question is submitted an opinion in writing is prepared and strictly limited to the question so stated.

In this connection it gives me great pleasure to acknowledge the uniformly courteous treatment and co-operation which I have received from my clients, the other State departments.

(b) OPINIONS: The method which I have adopted in the preparation of opinions is slightly different from that described by my predecessor in his annual report of the year 1910. Instead of submitting opinions concerning which there is any doubt to the joint consideration of the Attorney General, First Assistant Attorney General, and counsel preparing the original draft of the opinion, it is at present customary for such an opinion to be discussed in a conference of as many members of the Department as may be conveniently assembled. I think I may say, also, that only opinions concerning which there is not the shadow of a doubt are approved by the First Assistant Attorney General and signed by me without being submitted to such a conference. In this way opinions upon all matters, however important, receive consideration as careful, I believe, as is consistent with the expeditious performance of public duty.

In view of the facts to which I have referred in discussing the responsibilities of the Attorney General as the legal adviser for State departments, and in view also of my conception of the duties of the office, I have deemed it proper to follow, and extend what seems to have been the policy of some few of my predecessors, with respect to the manner of writing opinions; that is to say, I have preferred to prepare opinions in a judicial way, supporting the conclusions reached by me, and the practical advice given to my clients, by a full, though not elaborate, statement of the reasons and authorities upon which I rely.

I do not, however, believe that a strictly judicial attitude of mind should be assumed by the Attorney General in the preparation of opinions on matters referred to him. In many cases which have arisen during the first year of my administration, questions of grave doubt, from the technical standpoint, have afforded me the option of reaching one of two alternative conclusions, one of which might be technically more satisfactory, and the other of which seemed to me to be in furtherance of

justice and public welfare; in all such cases I have resolved every doubt on the side of justice and the public welfare.

I have already alluded in a general way to the large volume of recent legislation affecting State departments, and so involved in questions presented to me for solution. Constitutional objections have been urged against some of these statutes. It has been my policy to afford every presumption of constitutionality to a statute and not to presume to hold it unconstitutional and void unless such a conclusion is manifest and inevitable, or unless the courts have themselves passed upon the question.

As a matter of course, I have, in obliging those who have requested my opinions, followed the decisions of the Supreme Courts of the United States and of this State. To no less a degree, however, do I follow the decisions of the Circuit Court, unless, of course, different circuits are in conflict upon a question; in which case I feel at liberty to follow the decision which I think is sound. In the absence of any decision of the Supreme Court or the Circuit Court upon a question, I have followed the decisions of the Common Pleas Courts, when aware of them; here, again, I have felt at liberty to adopt the same policy with respect to choosing between conflicting decisions that I have already mentioned with respect to the decisions of the Circuit Court.

In some cases the principles at stake have been so important to public and private interests, and the questions involved so novel or doubtful that I have preferred to encourage such friendly litigation as may be necessary to set all such doubts at rest. In such cases, as well as in other cases in which the Department has participated in court, it has been my policy to prosecute proceedings by appeal and error until a final adjudication of all questions involved has been secured. I believe that the Attorney General cannot devote his time and energies more profitably than to securing the authoritative decision of the court of last resort upon questions involving important principles.

Wherever opinions of this Department are called in question, and wherever questions of great doubt are submitted to the courts without an opinion being rendered by the Attorney General, I have favored the bringing of suits under amicable arrangement. I wish to acknowledge the courtesy of numerous counsel who have disagreed with this office and with rulings of other State departments, but who have co-operated with me in the presentation of such test cases.

(c) SMITH ONE PER CENT. LAW: The Act of the last General Assembly known as the Smith One Per Cent. Tax Law has been a prolific source of litigation and advisory work during the past year. The sweeping changes in the methods of levying taxes and of expending the proceeds thereof, which have been effected by this law, were not readily

understood by many local authorities, and many questions which have arisen in the administration of the law have been submitted to the Bureau of Inspection and Supervision of Public Offices, the Tax Commission, the Auditor of State, and State Commissioner of Common Schools, and referred by these departments to this office. Many of these questions are very difficult, both from the technical and from the practical standpoint. In like manner many prosecuting attorneys, as members of budget commissioners, have directly sought the advice of the Attorney General upon perplexing problems that have arisen in the discharge of their duties.

Perhaps the most difficult questions that have arisen out of the Smith Law are those which have resulted from its requirement that all taxing districts be operated upon a strictly cash basis through semi-annual appropriations of moneys known to be in the treasury. The failure of the legislature, in enacting the Smith Law, expressly to repeal statutes already in force as to the expenditure of public moneys, and to provide specifically for a uniform fiscal year for appropriation purposes, has given rise to seemingly endless confusion, out of which, because of the impracticability of testing such cases in the courts, the Attorney General seems to have chosen, by the force of circumstances, to find a way, with the complete and active co-operation of the Bureau of Inspection and Supervision of Public Offices. Suggestions have been made in opinions of this Department, which it is believed are solving some of the principal difficulties which have been thus encountered, and will afford workable rules for operating the fiscal affairs of the various taxing districts under the strict requirements of the law. I ought to state, however, that while I have been able to reach conclusions satisfactory to myself, and, I think, to all concerned, respecting the meaning of doubtful provisions of the law, and the legal and proper methods of doing business under some of its provisions, some of such conclusions could not be put into immediate effect. The policy of the Smith Law, with respect to the appropriation and expenditure of the proceeds of taxation, has been amply justified, if by no other consideration, by the disclosures which have been made as to the lamentable condition of the finances of many of the counties of this State. I do not think I am exaggerating when I say that some counties have been spending their money more than a year before it was received from taxation. But this very situation has made it impracticable for such counties at once to place themselves upon the strict cash basis enjoined by Section 5649-3*d* of the Smith Law. It was a difficult enough matter for me to determine with accuracy the proper method of handling the finances of a county, for example, under the new law; it was impossible, in some instances, for me to point out a way in which a county, which was so far in arrears, could place itself upon a strict cash basis without in some way violating the strict and technical requirements of the law as I was obliged to interpret it. Under these extraordinary

circumstances I felt justified in lending my assent to a suggestion of the Bureau of Inspection and Supervision of Public Offices that any effort made in good faith by the officers of a taxing district for the purpose of placing the district ultimately upon a cash basis ought to be approved, and not criticised, although such effort might involve a technical violation of law. This policy of the Bureau will, I think, in the course of a year or so, enable the particular purpose of the Smith Law, which I have been discussing, to be accomplished to the full extent of the letter and spirit of the law.

The litigation which has ensued from the Smith Law, and in which this office has been concerned, has related exclusively to the limitations upon the rates and amounts of levies for taxation which are imposed by that law. On this side of the law the Tax Commission has been very active and diligent to prevent any levy in excess of fifteen mills for all purposes, or in excess of any other of the limitations of the law, where such excessive levy has been brought to its notice. Its rulings, based generally upon the advice of this Department, have been questioned in several instances, and some litigation is now pending in which such questions are involved. Other cases brought to test the rulings of the Commission have resulted favorably to such rulings, and the contentions of this Department. A full statement of all such cases will be found in another part of this report.

The Tax Commission of Ohio has, by the efficiency of its administration of the tax laws of the State, fully justified the expectations of those who were instrumental in securing the enactment of this legislation. The Commission has been doing pioneer work in many particulars, and has not been content to permit the tax laws to be administered according to time-honored custom, when, in its opinion, such custom was not legal or equitable to the State and the taxpayer. Accordingly, many questions have arisen; some of them quite novel. An examination of the list of important cases which is embodied in this report will disclose that a considerable number of them arise out of the work of the Tax Commission. Most of these cases present questions of vital importance to the taxpayers of the State.

In equal degree the Tax Commission has been the source of the advisory work handled by the Department. The Commission has been very considerate and has referred to me for opinion a number of questions which, I apprehend, is relatively small as compared with the number of legal questions which constantly arise in the course of the performance of its duties. Such questions as have been referred to me by that department have, therefore, been questions of considerable difficulty, as an examination of the portion of this report in which the opinions to the Tax Commission are printed will disclose.

(d) BUREAU OF ACCOUNTING: Upon assuming the duties of my office I found that there was no definite system for keeping the various reports of the Bureau of Inspection and Supervision of Public Offices in this office, and I immediately caused said reports to be collected and the same indexed in such manner as to be accessible for ready reference. As far as I am able to ascertain, there had been, up to the time of my assuming office, no definite endeavor to see that the various findings of said Bureau were collected and paid into the treasuries of the various taxing districts. Although Section 286 of the General Code provides that only upon refusal or neglect of the proper legal offices of the particular taxing district to take action, and upon direction of the Auditor of State, the Attorney General shall institute and prosecute such action, yet as I am the legal adviser of the Bureau of Public Accounting, the prosecuting attorneys and other legal officers, and as it is made the duty of such legal officer to notify the Attorney General of the findings or actions for recovery on the findings made by the Bureau, and that he be kept fully advised as to the progress thereof, and no settlement or compromise of any claim can be made without first giving notice to the Attorney General, I undertook to get into communication with the legal officers of the various taxing districts, and especially the prosecuting attorneys, in order to find the present status of the various findings of the Bureau. In response to my inquiries I received ready answers from the various officers and have taken up and adjusted with them a large number of findings, the exact amount of which I am unable to state, as the payments are not made through this Department, but are recovered directly into the treasuries of the various taxing districts.

I find that many of the findings are mere legal violations, without any dishonesty or any injustice to the State, in that the services were rendered in good faith and the taxing district had received full value for the work performed. Several of these matters were adjusted by me with the prosecuting attorneys. The work for the past year has been so onerous that it has been impossible for me to settle and adjust all of the findings which have heretofore been made by the Bureau, but material progress has been made, so that a considerable amount of money has been returned to the treasury of the proper taxing district, due to the work done by this Department and the uniform co-operation received from the proper legal officers of the taxing districts. The Attorney General's office has given as prompt attention as possible to all matters pertaining to the work of the Bureau of Inspection and Supervision of Public Offices, and I have been endeavoring throughout the year to settle and adjust with the various legal officers those findings which were made in reports filed with this Department prior to my assuming the duties thereof, in order that each taxing district may from this time forward proceed with a clean sheet. While this has entailed a great amount of work upon the



Department, yet the result of such work has restored a great amount of money to the various taxing districts reported upon.

(e) A GENERAL REVIEW OF THE LITIGATIONS, PROSECUTIONS AND INVESTIGATIONS: The list of cases pending and disposed of in the various State Courts and the Courts of the United States, since I assumed office, is of such length, and the cases disposed of are of such great importance, that it is impossible in a report of this character to give a full statement of the same without printing a separate volume, therefore I am compelled to make the statement as brief as possible, and to pass without remark some cases which, on account of the importance of the principle involved, should be discussed.

The case of *The State of Ohio vs. Union Central Life Insurance Company* is referred to at length in the report of the Attorney General for the year 1910. This case was presented to the Supreme Court by counsel who had had charge of the case prior to my assuming office; the decision of the Court was adverse to the contention of the State.

The case of *The State of Ohio vs. The Cleveland Terminal and Valley Railroad Company et al.*; *The City of Greenville vs. Demorest et al.*; *The State of Ohio vs. Miami and Erie Canal Transportation Company*, and the cases of *State vs. McKinnon et al.*, and *State vs. Cameron et al.*, referred to at length in the report of the Attorney General for 1910, are now pending in the Supreme Court of Ohio, and will be presented by this Department. I feel quite certain that the decisions will be favorable to the State in most, if not all, of the said cases.

The cases known as the Standard Oil Cases, pending in the Circuit Court of Hancock County, referred to at length in the previous report of the Attorney General, were disposed of by the decision of the United States Supreme Court in the case of *The United States vs. Standard Oil Company*, decided in 1911.

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#### LEGISLATIVE BRIBERY.

During the latter part of April, 1911, it was rumored in public print and elsewhere that certain members of the Ohio Legislature, then in session, had been receiving money to influence their action on bills then pending before the Legislature, and that the Grand Jury of Franklin County, which was then about to meet, would investigate the charges which had been made in this regard. On the fifth day of May, 1911, the following resolution, being Senate Joint Resolution No. 20, was passed by the General Assembly:

## JOINT RESOLUTION.

Directing the Attorney General, under Sections 333 and 13560 of the General Code, to appear, on behalf of the State, before the grand jury of Franklin County, Ohio, relative to criminal offenses under Section 12823 of the General Code, and also in any court wherein said cause or any like cause or proceedings may come.

WHEREAS, Certain proceedings have been commenced in the courts of Franklin County, Ohio, involving charges of criminal offenses under Section 12823 of the General Code, and

WHEREAS, The grand jury of said County, beginning Tuesday, May 2, 1911, is to consider said alleged offenses; therefore be it

*Resolved*, By the General Assembly of the State of Ohio, that under the lawful authority of the General Assembly the Attorney General be and he is hereby directed to appear for the State before said grand jury, and in any court wherein said cause or any like causes or proceedings may be brought; and be it further

*Resolved*, That a duly certified copy of this resolution be by the clerk of the House and the clerk of the Senate delivered to the Attorney General immediately after its adoption.

S. J. VINING,  
Speaker of the House of Representatives.  
HUGH L. NICHOLS,  
President of the Senate.

Adopted May 5th, 1911.

In response to said resolution the Attorney General personally appeared before the said Grand Jury, together with Edward C. Turner, Prosecuting Attorney of Franklin County. As the result of said investigation a number of indictments were returned against members of the Seventy-ninth General Assembly and certain officers of said Assembly. A list of said indictments is hereto appended, which also shows proceedings on the same during the year 1911:

**Legislative Bribery Cases Disposed of in the Common Pleas Court of Franklin County, Ohio, During the Year 1911.**

No.	Name.	Charge.
9641	State of Ohio v. Rodney Diegle.....	Aiding and abetting L. R. Andrews in soliciting a bribe.
9643	State of Ohio v. George B. Nye .....	Soliciting a bribe.
9652	State of Ohio v. Owen J. Evans.....	Soliciting a bribe.
9659	State of Ohio v. Owen J. Evans.....	Soliciting a bribe.
9660	State of Ohio v. Owen J. Evans.....	Soliciting and accepting a bribe.

**Legislative Bribery Cases Pending in Common Pleas Court of Franklin County, Ohio, During the Year 1911.**

No.	Name.	Charge.
9640	State of Ohio v. Issac E. Huffman.....	Soliciting and accepting a bribe.
9641	State of Ohio v. L. R. Andrews.....	Soliciting and accepting a bribe.
9642	State of Ohio v. George K. Cetone.....	Soliciting and accepting a bribe.
9644	State of Ohio v. George B. Nye .....	Soliciting and accepting a bribe.
9645	State of Ohio v. George B. Nye .....	Soliciting a bribe.
9646	State of Ohio v. George B. Nye .....	Soliciting a bribe.
9647	State of Ohio v. A. Clark Lowrey.....	Soliciting a bribe.
9653	State of Ohio v. A. Clark Lowrey.....	Soliciting a bribe.
9654	State of Ohio v. Edgar T. Crawford.....	Soliciting a bribe.
9657	State of Ohio v. Chas. A. Bond and Thomas A. Dean.....	Offering a bribe to W. L. Atwell.

9658	State of Ohio v. Chas. A. Bond and Thomas A. Dean.....	Offering a bribe to John C. Drake.
9671	State of Ohio v. L. C. Miller .....	Perjury (growing out of testimony before grand jury in bribery cases)
9661	State of Ohio v. L. C. Miller .....	Giving a bribe.
9672	State of Ohio v. L. C. Miller and J. C. Mæder	Giving a bribe.
9673	State of Ohio v. L. C. Miller and J. C. Mæder	Offering a bribe.
9675	State of Ohio v. Frank M. Colvey .....	Soliciting a bribe.
9676	State of Ohio v. Frank M. Calvey .....	Soliciting a bribe.
9677	State of Ohio v. George B. Nye and Stanley Harrison .....	Soliciting a bribe.
9678	State of Ohio v. George B. Nye and Stanley Harrison .....	Soliciting by Nye of a bribe and aiding and abetting of Nye by Harrison in soliciting a bribe.

**Legislative Bribery Cases Disposed of in Circuit Court of Franklin County,  
Ohio, During the Year 1911.**

No.	Name.	
3141	Rodney J. Diegle v. State of Ohio .....	On error from Common Pleas.

**Legislative Bribery Cases Pending in Supreme Court of Ohio During  
the Year 1911.**

No.	Name.
13296	Rodney Diegle v. State of Ohio.

These indictments, and trials of persons indicted, showed the existence of an appalling state of affairs in the Legislature, as to the conduct of some of its members.

The first trial, that of George B. Nye, for soliciting a bribe of five hundred dollars from E. A. Crawford, in connection with House Bill No. 555, resulted in a verdict of acquittal. The trial of this case and the verdict, for reasons which I do not deem proper to place in this report, were not satisfactory to the State.

The next trial, that of Rodney J. Diegel, Sergeant-at-Arms of the Senate, for aiding and abetting L. R. Andrews in soliciting and accepting a bribe of two hundred dollars from F. S. Harrison, in connection with Senate Bill No. 256, resulted in a conviction and sentence for three years in the Ohio Penitentiary. This conviction was affirmed by the Circuit Court on the twelfth day of October, 1911, and is now pending in the Supreme Court. I have no doubt that the Supreme Court will affirm the action of the lower court. This case is, in a way, a test case. Questions involved in it will be raised in the trial of other indicted legislators, and after it is disposed of by the Supreme Court the other defendants will be put on trial as rapidly as possible. For the reason that until this case is finally disposed of by the Supreme Court, and the other defendants tried, a comprehensive report as to this matter cannot be made,

I shall defer further statement in regard to it at this time and in my report for 1912 shall go into the matter fully.

The resolution of the General Assembly above referred to was regarded by this Department as requiring the personal attention of the Attorney General in these cases, and with that view of the resolution, and also having in mind the importance to the people of this State of having an effective check put upon corrupt practices in the lawmaking body of Ohio, which can only be done by the conviction and punishment of those guilty, I have made these cases, both before the Grand Jury and in the trial, paramount to everything else. The results so far attained justify my conduct.

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#### PROSECUTIONS ARISING OUT OF THE NEWARK LYNCHING.

My predecessor, Hon. U. G. Denman, reported to you that under authority of the Governor he had designated his First Assistant, Hon. W. H. Miller, to co-operate with the Prosecuting Attorney of Licking County in the investigation and prosecution of the crimes perpetrated in connection with the lynching of Carl Etherington, at Newark, on July 8, 1910. Mr. Denman's report sets forth a full account of the lynching, the indictment by the special grand jury of a large number of persons for participation therein, and the conviction of one of the participants of the crime of manslaughter. Mr. Denman concluded this portion of his report with a strong recommendation that the remaining prosecutions be conducted as vigorously as the one completed under his administration. During my administration this recommendation has, with the co-operation of the Governor and the Prosecuting Attorney of Licking County, been fully carried out. I have already stated that I retained Mr. Miller in the capacity in which he had been designated by Mr. Denman in connection with these cases. During the year 1911 Mr. Miller completed the work of the prosecution of all of these cases, securing thirty convictions in all. He is personally entitled to the highest commendation which I can give him for the prompt and vigorous manner in which he has performed the task committed to him; and all others concerned in this work are also entitled to high praise for what has been done by them.

I submit herewith Mr. Miller's detailed report to me, submitted December 28, 1911, in which is set forth not only a recapitulation of what has actually been done, but a number of succinct and salient observations as to the value of that work, and as to apparent defects in the criminal procedure of our State, which have been encountered by him in his experience in connection therewith. I do not think I can add anything to what Mr. Miller says in either of these particulars. I commend his report, and the recommendations therein, to the Governor and to the General Assembly, with my heartiest approval, and in the hope that remedial legislation may result from such suggestions.

**Report of Hon. W. H. Miller in the Newark Riot Case.**

Columbus, Ohio, December 28, 1911.

Hon. Timothy S. Hogan,  
Attorney General of Ohio,  
Columbus, Ohio.

Dear Sir:

I herewith submit for the permanent files in your Department a detailed report of all the prosecutions arising out of the riot and lynching which occurred in the city of Newark, this state, on the 8th day of July, 1910.

This report shows that within the year beginning December 5, 1910, and ending December 4, 1911, all the cases in connection with the lynching of Carl Etherington have been disposed of with one exception—Dick Holler, indicted for first degree murder, has not been apprehended and is yet to be tried.

The recapitulation found on page 3 of the report shows one conviction for murder in the second degree, thirteen for manslaughter, seven for riot and nine for assault and battery—in all thirty. Of these eleven are now serving their sentences in the Ohio penitentiary and the Mansfield reformatory.

The work has been prosecuted with all dispatch possible under existing criminal procedure. Much delay has been caused by the provision in the law that in murder cases fifteen days must elapse between the return of the sheriff summoning the special venire to serve as jurors and the day of trial. There is no reason or excuse for this provision. The prisoner is entitled to a list of the veniremen three days before trial, but why the State should be required to wait twelve additional days before beginning the prosecution is without answer. It cannot be assumed that the Legislature provided this interim to give opportunity to tamper with prospective jurymen in order to miscarry justice. This provision of law has caused frequent delays of a week or more between trials.

Too much time is also required in impaneling juries in murder cases. The defense is granted sixteen peremptory challenges while the state is given four. That is, when twelve men have passed for cause and are qualified under the law to sit as a jury the defendant can peremptorily dismiss all of them and a third of another jury besides. A reasonable number of peremptory challenges for the state and defense is essential, but why give the defendant four times as many as the state?

Fewer crimes will be committed when the road to justice is more speedy and less obstructed. Many other changes might be suggested in our criminal procedure which would inure to the benefit and safety of society

All the cases except one have been tried in Licking County. The Bolton case was tried under a change of venue in Knox County and resulted in an acquittal. No Licking County jury has failed to do its duty where the evidence was sufficient to warrant a conviction, and credit is due the people of Licking County in their determined effort to bring the guilty perpetrators of that disgraceful tragedy to justice.

Life and property are only secure when the law is enforced. The same lawless spirit that storms a jail and murders a defenseless man will, when enraged, apply the torch to the shop, factory and the home.

More than 50,000 words were sent broadcast over the telegraph wires from Newark on the night of this lynching telling the world that their local government was broken down and that mob law reigned. Now that these prosecutions are ended not only Newark but government everywhere will be benefited when it is known with equal publicity that the participants in that horrible crime have been compelled to answer for their lawlessness at the bar of justice and that the rioters and murderers have been lawfully punished. Then it may be that the terrors of mob violence and lynch law will cease to menace our people.

I want to thank you for the earnest support given me in this work by you as Attorney General and your Department. It has been a big factor toward success that the power of the Law Department of the State was back of these prosecutions.

I am also greatly indebted to the Prosecuting Attorney of Licking County for his earnest cooperation. I am not unmindful that local conditions have made him the subject of some criticism, but I speak whereof I know when I say that Mr. Smythe has been faithful to his trust as Prosecuting Attorney and has performed his full duty in these cases without fear or favor and with marked ability.

Respectfully submitted,

W. H. MILLER.

**Statement Showing Disposition of Cases Growing Out of the Lynching of  
Carl Etherington at Newark, Ohio, July 8, 1910.**

**CONVICTED OR PLEAD GUILTY.**

1. Ohio v. Watha.....	Manslaughter.
2. Ohio v. Schoeller.....	Manslaughter.
3. Ohio v. Graef.....	Manslaughter.
4. Ohio v. Timmons.....	Manslaughter.
5. Ohio v. McKinley.....	Manslaughter.
6. Ohio v. Feuerriegel.....	Manslaughter.
7. Ohio v. Seary.....	Manslaughter.
8. Ohio v. Cleveland.....	Manslaughter.
9. Ohio v. Owens.....	Manslaughter.
10. Ohio v. Bush.....	Manslaughter.
11. Ohio v. Diehl.....	Murder in Second Degree.
12. Ohio v. Richardson.....	Manslaughter.
13. Ohio v. Sutley.....	Manslaughter.
14. Ohio v. Dover.....	Manslaughter.
15. Ohio v. Koster.....	Riot.
16. Ohio v. Vance Moore.....	Riot.
17. Ohio v. Clay.....	Riot.
18. Ohio v. Vance Moore.....	Assault and Battery.
19. Ohio v. Owens.....	Assault and Battery.
20. Ohio v. Mulligan.....	Assault and Battery.

21.	Ohio v. Coffman .....	Assault and Battery.
22.	Ohio v. Stoltz .....	Assault and Battery.
23.	Ohio v. Beuhler .....	Riot.
24.	Ohio v. McKinley .....	Riot.
25.	Ohio v. Baker .....	Riot.
26.	Ohio v. Smith .....	Riot.
27.	Ohio v. Beuhler .....	Assault and Battery.
28.	Ohio v. McKinley .....	Assault and Battery.
29.	Ohio v. Smith .....	Assault and Battery.
30.	Ohio v. White .....	Assault and Battery.

ACQUITTED.

1.	Ohio v. Bolton .....	Murder.
2.	Ohio v. Davis .....	Manslaughter.

NOLLIED.

1.	Ohio v. Denny .....	Murder.
2.	Ohio v. Woolard .....	Murder.
3.	Ohio v. Valentine .....	Murder.
4.	Ohio v. Mulligan .....	Murder.
5.	Ohio v. Reed .....	Murder.
6.	Ohio v. Wolverton .....	Murder.
7.	Ohio v. Tom Valentine .....	Murder.
8.	Ohio v. Henry .....	Murder.
9.	Ohio v. Marlow .....	Murder.
10.	Ohio v. Priest .....	Murder.
11.	Ohio v. Haycock .....	Murder.
12.	Ohio v. Wilson .....	Murder.

ERROR CASES.

1.	Dover v. State .....	Circuit Court.
2.	Dover v. State .....	Circuit Court.
3.	Owens v. State .....	Circuit Court.
4.	Watha v. State .....	Circuit Court.
5.	Watha v. State .....	Supreme Court.

MANDAMUS CASES.

1.	Owens v. Seward .....	Circuit Court.
2.	Dover v. Seward .....	Circuit Court.

HABEAS CORPUS CASES.

1.	Dover v. Sheriff .....	Circuit Court.
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NOT APPREHENDED.

1.	Ohio v. Holler.
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## RECAPITULATION.

Number of cases disposed of .....	53
Convicted or plead guilty:	
Murder in Second Degree .....	1
Manslaughter .....	13
Riot .....	7
Assault and Battery .....	9
Total .....	<u>30</u>
Acquitted .....	2
Nollied .....	12
Not apprehended .....	1
Error cases Circuit Court .....	4
Error cases Supreme Court .....	1
Mandamus cases Circuit Court .....	2
Habeas Corpus cases Circuit Court .....	1
Total .....	<u>53</u>

The State of Ohio,  
vs.  
Edward Schoeller. } Indicted for Murder in First Degree.

Indictment filed August 10, 1910.  
September 30, 1910, arraigned and plea of not guilty entered.  
May 12, 1911, plea of not guilty to murder withdrawn and plea of guilty of manslaughter entered. Sentenced to Mansfield, and sentence suspended.

State of Ohio,  
vs.  
Weldon Denny. } Indicted for Murder in First Degree.

August 10, 1910, indictment filed.  
September 6, 1911, plea of not guilty entered.  
May 12, 1911, indictment nollied.

The State of Ohio,  
vs.  
Montelle Watha. } Indicted for Murder in First Degree.

August 10, 1910, indictment filed.  
September 6, 1910, T. L. King and J. A. Flory, counsel appointed.  
September 6, 1910, plea of not guilty entered.  
December 3, 1910, Challenge to the Array filed.  
December 6, 1910, special venire ordered.  
December 17, 1910, trial had and jury returned verdict of manslaughter.  
December 19, 1910, motion for new trial filed.  
December 22, 1910, affidavits in support of motion for new trial filed.  
December 22, 1910, motion for new trial overruled. Sentenced to twenty years in Ohio Penitentiary.  
January 30, 1911, bill of exceptions filed. Notice sent to P. B. Smythe and W. H. Miller.  
Case heard in Circuit Court and Supreme Court. Common Pleas Court sustained.



The State of Ohio,  
vs.  
Frank Graef. } Indicted for Murder in First Degree.

August 10, 1910, indictment filed.  
August 12, 1910, transcript from Criminal Docket of J. M. Ankele, Mayor, filed.  
August 19, 1910, motion to admit to bail filed.  
September 6, 1910, plea of not guilty entered.  
October 29, 1910, motion to admit to bail filed.  
December 22, 1910, Frank Graef allowed to go to sanitarium.  
January 23, 1911, motion filed.  
February 21, 1911, Drs. Stimson and Wright appointed to examine Frank Graef:  
February 27, 1911, report of Drs. Stimson and Wright reported on the condition of Frank Graef.  
Frank Graef admitted to bail.  
October 18, 1911, precipe for jury filed. Case set for trial November 14, 1911.  
November 14, 1911, plea of not guilty withdrawn and plea of guilty of manslaughter entered. Sentenced to fifteen months in Ohio Penitentiary.

The State of Ohio,  
vs.  
Edward Woolard. } Indicted for Murder in First Degree.

August 10, 1910, indictment filed.  
September 6, 1910, plea of not guilty entered.  
April 15, 1911, motion to make application for bond filed.  
April 17, 1911, motion to admit to bail refused.  
May 31, 1911, precipe for jury filed. Case set for trial June 19, 1911.  
June 6, 1911, motion for change of venue filed.  
June 19, 1911, bond for appearance fixed at \$2,000.00.  
July 8, 1911. Indictment nollied

The State of Ohio,  
vs.  
Levi Valentine. } Indicted for Murder in First Degree.

August 10, 1910, indictment filed.  
September 6, 1910, plea of not guilty entered.  
October 29, 1910, affidavits filed.  
October 29, 1910, motion to admit to bail.  
April 5, 1911, application of Levi Valentine for discharge filed.  
April 5, 1911, application of Levi Valentine for discharge overruled.  
November 15, 1911, Nolle Prosequi entered to indictment.

The State of Ohio,  
vs.  
Clarence Timmons. } Indicted for Murder in First Degree.

August 10, 1910, indictment filed.  
September 6, 1910, plea of not guilty entered.  
January 25, 1911, precipe for special jury filed.  
February 16, Clarence Timmons pleads guilty to manslaughter.  
Sentenced to Ohio Penitentiary for fifteen years.

The State of Ohio,  
vs.  
William McKinley. } Indicted for Murder in First Degree.

August 10, 1910, indictment filed.  
September 6, 1910, plea of not guilty entered.  
December 27, 1910, precipe for jury filed.  
January 18, 1911, 1st venire for special jury issued.  
January 19, 1911, 2nd venire for special jury issued.  
January 23, 1911, 3d venire for special jury issued.  
February 2, 1911, trial had and a verdict of manslaughter returned.  
February 3, 1911, motion for new trial filed.  
February 8, 1911, motion for new trial overruled. Sentenced to twenty years in Ohio Penitentiary.

The State of Ohio,  
vs.  
William Feuerriegel. } Indicted for Murder in First Degree.

August 10, 1910, indictment filed.  
September 6, 1910, plea of not guilty entered.  
April 15, 1911, application for bond filed.  
April 17, 1911, application for admitting to bail refused.  
May 24, 1911, precipe for jury filed, case set for trial.  
June 12, 1911, jury drawn and venire issued.  
June 12, 1911, plea of guilty to manslaughter, sentenced to Ohio Reformatory.

The State of Ohio,  
vs.  
Elmer Seary. } Indicted for Murder in First Degree.

August 10, 1910, indictment filed.  
September 6, 1910, plea of not guilty entered.  
May 12, 1911, plea of guilty to manslaughter entered and sentenced to Ohio Reformatory.

The State of Ohio,  
vs.  
Robert Cleveland. } Indicted for Murder in First Degree.

August 10, 1910, indictment filed.  
September 6, 1910, counsel appointed.  
September 6, 1910, plea of not guilty entered.  
October 29, 1910, plea in abatement filed.  
November 2, 1910, demurrer to plea in abatement filed.  
October 28, 1910, leave given to withdraw pleas and file pleas in abatement.  
November 11, 1910, demurrer to plea in abatement sustained.  
November 15, 1910, plea of not guilty entered.  
February 17, 1911, case assigned for trial March 9, 1911. Precipe for jury filed.  
March 9, 1911, plea of guilty to manslaughter entered. Sentenced to Mansfield Reformatory.

The State of Ohio,  
vs.  
Edgar Owens. } Indicted for Murder in First Degree.

August 10, 1910, indictment filed.  
September 6, 1910, counsel appointed.  
September 6, 1910, plea of not guilty entered.  
October 29, 1910, application for bail.  
October 29, 1911, plea in abatement filed.

November 2, 1910, demurrer to plea in abatement filed.  
 October 28, 1910, leave given to withdraw plea and file plea in abatement.  
 November 11, 1910, application to admit to bail refused.  
 November 11, 1910, demurrer of State to plea in abatement sustained.  
 November 15, 1910, plea of not guilty entered.  
 April 5, 1911, application for discharge filed.  
 April 5, 1911, motion for privilege of giving bail filed.  
 April 5, 1911, application for discharge overruled.  
 April 15, 1911, motion to make application for bond filed.  
 April 17, 1911, motion to admit to bail refused.  
 September 6, 1911, bond fixed at \$10,000. Recognizance filed, justification of surety filed, certificate of release issued to sheriff.  
 September 6, 1911, opinion of Court filed. (Owens.)  
 September 6, 1911, motion to admit to bail sustained.  
 November 8, 1911, precipe for jury filed. Trial set for December 4th.  
 November 16, 1911, motion for change of venue filed.  
 November 18, 1911, special venire returned.  
 November 20, 1911, notice of hearing filed.  
 November 27, 1911, affidavits of State and defendant filed, on motion for new trial.  
 November 27, 1911, demurrer filed.  
 November 27, 1911, plea in abatement filed.  
 December 4, 1911, plea of former conviction filed.  
 December 8, 1911, verdict of manslaughter.  
 December 11, 1911, motion for new trial.  
 December 4, 1911, leave to withdraw plea and plead; demurrer and plea in abatement overruled; defendant rearraigned and plea of not guilty entered.  
 December 14, 1911, motion for new trial overruled, sentenced to Ohio Reformatory.

The State of Ohio, }  
 vs. } Indicted for Murder in First Degree.  
 Joe Bush. }

August 10, 1910, indictment filed.  
 September 6, 1910, plea of not guilty entered.  
 May 12, 1911, plea of guilty to manslaughter entered. Sentenced to Ohio Reformatory.

The State of Ohio, }  
 vs. } Indicted for Murder in First Degree.  
 Lewis Bolton. }

August 10, 1910, indictment filed.  
 September 6, 1910, plea of not guilty entered.  
 October 29, 1910, application for bail filed, with affidavits.  
 March 10, 1911, motion for change of venue filed.  
 March 9, 1911, precipe for jury filed.  
 March 16, 1911, motion for change of venue sustained; Knox County selected as place for trial.  
 March 16, 1911, warrant to convey Lewis Bolton to Knox County. Trial had, defendant found not guilty.

The State of Ohio, }  
 vs. } Indicted for Murder in First Degree.  
 Quincy Sutley. }

August 10, 1910, indictment filed.  
 September 6, 1910, plea of not guilty entered.  
 April 7, 1911, case set for trial May 1st and precipe filed.  
 May 1, 1911, special venire of 150 men ordered.  
 May 12, 1911, plea of guilty of manslaughter entered.  
 Sentenced to Ohio Reformatory.

The State of Ohio,  
vs.  
Walter Diehl. } Indicted for Murder in First Degree.

August 10, 1910, indictment filed.  
July 11, 1911, alias warrant issued.  
September 25, 1911, precipe for jury issued.  
September 30, 1911, counsel appointed for defendant and plea of not guilty entered.  
October 25, 1911, jury impaneled and sworn, verdict of guilty of murder in second degree.  
October 26, 1911, motion for new trial filed; overruled; sentenced to life imprisonment in Ohio Penitentiary.

The State of Ohio,  
vs.  
Samuel A. Holler. } Indicted for Murder in First Degree

August 10, 1910, indictment filed.  
Not apprehended.

The State of Ohio,  
vs.  
Clarence Mulligan. } Indicted for Murder in First Degree.

August 10, 1910, indictment filed.  
September 6, 1910, plea of not guilty entered.  
October 29, 1910, application for bail, and affidavits filed.  
November 11, 1910, application for bail refused. Indictment nollied.

The State of Ohio,  
vs.  
James Richardson. } Indicted for Murder in the First Degree.

August 10, 1910, indictment filed.  
Sept. 6, 1910, counsel appointed for defendant, and plea of not guilty entered.  
April 5, 1911, application for discharge filed; overruled.  
May 13, 1911, precipe for jury filed.  
June 2, 1911, motion for change of venue filed.  
June 5, 1911, motion for change of venue overruled.  
June 9, 1911, trial had, verdict of manslaughter.  
June 10, 1911, motion for new trial filed.  
June 15, 1911, motion for new trial overruled, and defendant sentenced to the Ohio Reformatory at Mansfield.

The State of Ohio,  
vs.  
Amos Reed. } Indicted for Murder in First Degree.

August 10, 1911, indictment filed.  
Indictment nollied.

The State of Ohio,  
vs.  
Art Dover. } Indicted for Murder in First Degree.

August 10, 1910, indictment filed.  
September 6, 1910, counsel for defendant appointed and plea of not guilty entered.  
October 29, 1910, motion of defendant to give bail.  
November 12, 1910, application to be admitted to bail refused.  
April 3, 1911, application for discharge filed.  
April 2, 1911, Court declines to admit Art Dover to bail and to fix bond.  
April 3, 1911, application for discharge overruled.  
April 14, 1911, petition in mandamus filed. (Circuit Court.)  
April 26, 1911, precipe for jury filed. Case set for May 29th.  
April 17, 1911, motion to set aside peremptory writ filed. (Circuit Court.)  
May 5, 1911, mandate from Circuit Court filed.  
April 20, 1911, dismissed without record at costs of Relator. (Circuit Court.)  
April 15, 1911, petition in habeas corpus proceedings filed.  
May 22, 1911, dismissed without record at costs of relator.  
June 1, 1911, Art Dover withdraws plea of not guilty of murder in first degree and enters plea of guilty of manslaughter; sentenced to three years in Ohio Penitentiary, sentence suspended.

The State of Ohio,  
vs.  
Paul Wolverton. } Indicted for Murder in First Degree.

September 1, 1910, indictment filed.  
September 30, 1910, counsel for defendant appointed, plea of not guilty entered.  
March 2, 1911, indictment nollied. Bond as witness fixed at \$1,000.00.

The State of Ohio,  
vs.  
Tom Valentine. } Indicted for Murder in First Degree.

September 1, 1911, indictment filed.  
September 6, 1911, counsel for defendant appointed and plea of not guilty entered.  
June 7, 1911, precipe for jury filed.  
June 12, 1911, motion for change of venue filed.  
June 23, 1911, case continued.  
November 15, 1911, indictment nollied.

The State of Ohio,  
vs.  
Sanford Henry. } Indicted for Murder in First Degree.

September 1, 1911, indictment filed.  
September 30, 1911, plea of not guilty entered.  
January 24, 1911, indictment nollied, bond as a witness fixed at \$1,000.00.

The State of Ohio,  
vs.  
Charles Wilson. } Indicted for Murder in First Degree.

January 13, 1911, indictment filed.  
February 8, 1911, counsel for defendant appointed and plea of not guilty entered.  
July 29, 1911, bond fixed at \$10,000.00.  
July 31, 1911, warrant to discharge prisoner and admit to bail issued; prisoner admitted to bail.

The State of Ohio,  
vs.  
James Marlow. } Indicted for Murder in First Degree.

March 2, 1911, indictment filed.  
March 9, 1911, counsel appointed and plea of not guilty.  
November 15, 1911, nolle as to First and Second Degree Murder.  
November 29, 1911, nolle prosequi entered to indictment.

The State of Ohio,  
vs.  
Cleveland Priest. } Indicted for Murder in First Degree.

March 2, 1911, indictment filed.  
March 9, 1911, counsel appointed for defendant and plea of not guilty entered.  
November 15, 1911, nolle prosequi entered.

The State of Ohio,  
vs.  
Patrick Haycock. } Indicted for Murder in First Degree.

March 2, 1911, indictment filed.  
March 9, 1911, counsel appointed for defendant and plea of not guilty entered.  
May 20, 1911, nolle prosequi entered.

The State of Ohio,  
vs.  
Perry Davis. } Indicted for Murder in First Degree.

January 13, 1911, indictment filed.  
October 4, 1911, counsel for defendant appointed and plea of not guilty entered.  
November 15, 1911, nollied as to First and Second Degree Murder.  
November 27, 1911, trial had, jury returned verdict of not guilty.

Art Dover,  
Plaintiff in Error,  
vs.  
The State of Ohio,  
Defendant in Error. } Circuit Court.  
No. 1219.

April 4, 1911, petition in error filed.  
April 20, 1911, opinion of Circuit Court filed; judgment of Common Pleas Court affirmed and cause remanded.  
May 5, 1911, mandate issued to Common Pleas Court.

The State of Ohio on relation of Art  
Dover,  
vs.  
Chas. W. Seward, as Judge of the Court  
of Common Pleas, Licking County, O. } Circuit Court.  
No. 1229.  
Petition in Mandamus.

April 14, 1911, peremptory writ ordered; bonds fixed at \$2,500.00.  
April 14, 1911, petition in mandamus and precipe filed.  
April 17, 1911, motion to set aside peremptory writ of mandamus and grant a hearing etc.. filed.  
April 17, 1911, sheriff's return filed.  
April 20, 1911, motion filed.  
September Term, 1911, dismissed.

In the Matter of the Application of Art } Circuit Court.  
 Dover for a writ of habeas corpus. } No. 1230.

April 15, 1911, petition filed.  
 April 17, 1911, return of sheriff.  
 September Term, 1911, dismissed.

Art Dover, }  
 Plaintiff in Error, } Circuit Court.  
 vs. }  
 The State of Ohio, } No. 1236.  
 Defendant in Error. }

May 15, 1911, petition in error filed.  
 May 15, 1911, transcript of journal and docket entered from Common Pleas Court filed.  
 May 22, 1911, return day of summons.  
 May 15, 1911, court fixes May 22 for hearing of case.  
 September Term, 1911, dismissed.

Edgar Owens, }  
 Plaintiff in Error, } Circuit Court.  
 vs. }  
 The State of Ohio, } No. 1237.  
 Defendant in Error }

May 17, 1911, petition in error and precipe filed.  
 May 15, 1911, court fixes May 22 as day for hearing.  
 September Term, 1911, dismissed.

The State of Ohio on relation of Edgar }  
 Owens, } Circuit Court.  
 vs. }  
 Chas. W. Seward as Judge of the Court } No. 1231.  
 of Common Pleas, Licking, Co., O. }

April 15, 1911, petition in mandamus filed with precipe; peremptory writ of mandamus ordered.  
 April 19, 1911, dismissed.

The State of Ohio, }  
 vs. } Indicted for Riot.  
 Lewis Bolton. }

August 10, 1910, indictment filed.  
 April Term, 1911, continued.  
 September 6, 1910, arraigned and entered plea of not guilty.

The State of Ohio, }  
 vs. } Indicted for Riot.  
 Jack McKenna. }

August 10, 1910, indictment filed.  
 August 10, 1910, warrant issued; bond fixed at \$500.00.  
 September 6, 1910, plea of not guilty entered.  
 April Term, 1911, continued.

The State of Ohio,  
vs.  
Edward Koster. } Indicted for Riot.

August 10, 1910, indictment filed.  
September 6, 1910, arraigned, plea of not guilty; bond fixed at \$500.00.  
December 5, 1910, plea of guilty.

The State of Ohio,  
vs.  
Vance Moore. } Indicted for Riot.

August 10, 1910, indictment filed.  
April Term, continued.  
September 6, 1910, counsel appointed for defendant.  
September 30, 1910, plea of guilty entered.

The State of Ohio,  
vs.  
Charles Clay. } Indicted for Riot.

August 10, 1910, indictment returned.  
September 6, 1910, plea of not guilty entered.  
September 29, 1910, plea of guilty.

The State of Ohio,  
vs.  
Edgar Owens. } Indicted for Riot.

August 10, 1910, indictment returned.  
September 6, 1910, counsel appointed to defend, and plea of not guilty entered.  
November 17, 1910, cause nollied.

The State of Ohio,  
vs.  
George Johnson. } Indicted for Riot.

August 10, 1910, indictment filed.  
August 10, 1910, warrant issued.  
August 10, 1910, bond fixed at \$500.00.  
September 30, 1910, plea of not guilty entered.  
November 17, 1910, cause nollied.

The State of Ohio,  
vs.  
Ed. Kappes. } Indicted for Riot.

August 10, 1910, indictment filed.  
August 10, 1910, warrant issued to sheriff, bond fixed at \$500.00.  
November 16, 1910, plea of not guilty entered.  
November 17, 1910, cause nollied.

The State of Ohio,  
vs.  
Clarence Mulligan. } Indicted for Riot.

August 10, 1910, indictment returned.  
August 10, 1910, warrant issued to sheriff; bond fixed \$500.00.  
November 16, 1910, plea of not guilty entered.  
November 17, 1910, cause nollied.



The State of Ohio, }  
 vs. } Indicted for Assault and Battery.  
 Vance Moore. }

August 10, 1910, indictment filed.  
 October 3, 1910, arraigned and plea of guilty entered.

The State of Ohio, }  
 vs. } Indicted for Assault and Battery.  
 Edgar Owens. }

August 10, 1910, indictment returned.  
 September 6, 1910, counsel for defendant appointed and a plea of not guilty entered.  
 November 17, 1910, plea of guilty entered.

The State of Ohio, }  
 vs. } Indicted for Assault and Battery.  
 Ed. Kappes. }

August 10, 1910, indictment filed.  
 August 10, 1910, warrant issued; bond fixed at \$200.00.  
 April Term, 1911, continued.

The State of Ohio, }  
 vs. } Indicted for Assault and Battery.  
 Clarence Mulligan. }

August 10, 1910, indictment filed.  
 August 10, 1910, warrant issued.  
 November 17, 1910, plea of guilty entered.  
 November 28, 1910, sentenced to pay a fine of \$25 and 25 days in jail.

The State of Ohio, }  
 vs. } Indicted for Perjury.  
 Elem Tanner. }

August 10, 1910, indictment filed.  
 April Term, 1910, continued.  
 September 6, 1910, plea of not guilty entered.  
 October 25, 1910, motion filed.  
 October 25, 1910, demurrer filed.  
 November 15, 1910, demurrer to indictment sustained.

The State of Ohio, }  
 vs. } Indicted for Assault and Battery.  
 Dan Coffman. }

August 10, 1910, indictment filed.  
 August 10, 1910, warrant issued; bond fixed at \$200.00.  
 April Term, continued.  
 November 22, 1910, plea of guilty entered; fined \$25 and 20 days in jail.

The State of Ohio, }  
 vs. } Indicted for Assault and Battery.  
 Joe Stoltz, alias }  
 Dode Stoltz. }

August 10, 1910, indictment filed.  
 August 10, 1910, warrant issued to sheriff, and bond fixed at \$200.00.  
 November 22, 1910, plea of guilty entered.  
 November 23, 1910, sentenced to pay a fine of \$25 and 15 days in jail and pay the costs.

The State of Ohio,  
vs.  
Tennel Beuhler. } Indicted for Riot.

September 1, 1910, indictment filed.  
September 1, 1910, warrant issued to sheriff; bond \$500.00.  
September 6, 1910, counsel appointed for defendant and plea of not guilty entered.  
September 29, 1910, plea of guilty; fined \$200 and 30 days in jail.

The State of Ohio,  
vs.  
William McKinley. } Indicted for Riot.

September 1, 1910, indictment filed; warrant issued; bond \$500.00.  
April Term, continued.  
September 6, 1910, counsel appointed for defendant; plea of not guilty entered.  
November 28, 1910, plea of guilty entered, \$25 fine and 30 days in jail.

The State of Ohio,  
vs.  
Zella McBride. } Indicted for Riot.

September 1, 1910, indictment filed.  
September 1, 1910, warrant issued to sheriff.  
April Term, 1911, continued.

The State of Ohio,  
vs.  
Steve Ulrich. } Indicted for Riot.

September 1, 1910, indictment filed.  
September 1, 1910, warrant issued to sheriff; bond \$500.00.  
April Term, 1911, continued.

The State of Ohio,  
vs.  
Lem Smith. } Indicted for Riot.

September 1, 1910, indictment filed.  
September 1, 1910, warrant issued to sheriff; bond \$500.00.  
November 18, 1910, motion to quash filed.  
November 18, 1910, demurrer filed.  
November 18, 1910, counsel appointed, plea of not guilty.  
November 18, 1910, demurrer overruled.  
November 18, 1910, motion to quash overruled.  
November 28, 1910, plea of guilty entered; fine of \$25 and 25 days in jail.

The State of Ohio,  
vs.  
Charles Herendon. } Indicted for Riot.

September 1, 1910, indictment filed.  
September 1, 1910, warrant issued to sheriff; bond \$500.00.  
April Term, 1910, continued.  
April Term, 1911, continued.

The State of Ohio, }  
 vs. } Indicted for Riot.  
 Charles Baker.

September 1, 1910, indictment filed.  
 September 1, 1910, warrant issued to sheriff; bond \$500.00.  
 September 29, 1910, plea of guilty entered; fine \$200 and 30 days.

The State of Ohio, }  
 vs. } Indicted for Riot.  
 Howard Priest.

September 1, 1910, indictment filed.  
 September 1, 1910, warrant issued; bond \$500.00.  
 April Term, 1910, continued.  
 April Term, 1911, continued.

The State of Ohio, }  
 vs. } Indicted for Riot.  
 John McKenna.

September 1, 1910, indictment filed.  
 September 1, 1910, warrant issued to Sheriff, and bond \$500.00.  
 September 23, 1910, recognizance filed.  
 April Term, 1911, continued.

The State of Ohio, }  
 vs. } Indicted for Riot.  
 John K. Levingston.

September 1, 1910, indictment filed.  
 September 1, 1910, warrant issued to sheriff; bond \$500.00.  
 September 7, 1910, recognizance filed.  
 September 6, 1910, counsel appointed for defendant and a plea of not guilty entered.  
 April Term, 1911, continued.

The State of Ohio, }  
 vs. } Indicted for Assault and Battery.  
 Tennel Beuhler.

September 1, 1910, indictment filed.  
 September 1, 1910, warrant issued to sheriff.  
 September 6, 1910, counsel appointed for defendant; plea of not guilty entered.  
 September 29, 1910, plea of guilty entered; fine \$20 and 10 days.

The State of Ohio, }  
 vs. } Indicted for Assault and Battery.  
 William McKinley.

September 1, 1910, indictment filed.  
 September 1, 1910, warrant issued.  
 September 6, 1910, counsel appointed; plea of not guilty entered.  
 September 1, 1910, precept filed.  
 November 21, 1910, jury impaneled and sworn and bring in a verdict of guilty.  
 November 28, 1910, sentenced to pay a fine of \$25 and 25 days.

The State of Ohio,  
vs.  
Lem Smith. } Indicted for Assault and Battery.

September 1, 1910, indictment filed.  
September 1, 1910, warrant issued.  
September 1, 1910, precipe filed.  
October 18, 1910, bond fixed at \$200.00.  
November 18, 1910, plea of not guilty.  
November 21, 1910, jury impaneled, sworn and return a verdict of guilty.  
November 28, 1910, sentenced to pay a fine of \$25 and 25 days in jail.

The State of Ohio,  
vs.  
John Baird. } Indicted for Assault.

September 1, 1910, indictment filed.  
September 1, 1910, warrant issued; bond \$200.00.  
September 8, 1910, recognizance filed.  
September Term, 1910, continued.  
January Term, 1911, continued.  
April Term, 1911, continued.

Montelle Watha,  
Plaintiff in Error,  
vs.  
The State of Ohio,  
Defendant in Error. } In the Supreme Court of Ohio.

Motion made by plaintiff in error, for leave to file petition in error.

After argument by counsel for both parties and consideration by the Court, the motion for leave to file petition in error was refused.

The above cases constitute only a small portion of the total number of cases tried and disposed of by the Department during the year 1910, and it represents a still smaller proportion of the total number of cases on the docket of the office, including cases not yet disposed of. Other cases have been disposed of which were equally difficult and which necessitated the same amount of attention on the part of the Attorney General as those mentioned, but they are not of as wide public interest or importance. Many of the cases that remain undisposed of are of vital importance to the State, and mention will be made of them and of their disposition in the report of this office for the year 1912.

During the session of the Legislature this Department gave assistance whenever possible in the preparation and enactment of new laws, and a great deal of time was devoted to the tax laws, the act establishing the State Liability Board of Awards, the Corrupt Practices Act, and the Green Law. Cases have been brought testing the validity of the various acts of the General Assembly, especially as to the constitutionality of the Workmen's Compensation Act and the Green Act. These acts are being defended by this Department.

I feel that it is unnecessary to take up space in this report by statements of the work accomplished by other departments under laws re-

cently enacted; the reports of the various departments will give all this information at length, together with reports of the legal proceedings affecting said departments.

The policy of my predecessors as to the canals of the State, and the litigations involving the canals, has been adhered to, and at this time there is nothing to be added to the very full report on this subject contained in the Attorney General's report for 1910.

## II.

### LAW SUITS AND PROSECUTIONS HANDLED BY THE DEPARTMENT FROM JANUARY 9, 1911, TO DECEMBER 31, 1911.

From January 9, 1911, to December 31, 1911, this Department has disposed of 199 cases in the Courts of Common Pleas, Circuit Courts, Supreme Court of the State, and the Federal Courts, and there are still pending 193 cases in all these courts, making a total number of 392 cases which the Department has handled in the courts of record during said period.

From January 9, 1911, to December 31, 1911, the Department has handled 882 criminal proceedings instituted in Magistrate Courts under the respective departments and in the numbers set opposite the names of the departments as follows:

Criminal proceedings instituted before Probate Judges, Justices of the Peace, Police and Mayors' Courts during the year 1911, under the direction of the Attorney General, are as follows:

For violations of child labor laws.....	192
For violation of workshop and factory inspection laws.....	10
For violation of pure food laws.....	244
For violation of medical registration laws.....	47
For violation of pharmacy laws.....	25
For violation of dental laws.....	13
For violation of mining laws.....	42
For violation of fish and game laws.....	309
Total .....	882

### JANUARY 9, 1911, TO JANUARY 1, 1912.

	Cases Disposed of	Cases Pending Jan. 1, 1912.
U. S. Supreme Court.....	---	3
U. S. Circuit Court of Appeals.....	---	1
U. S. Circuit Courts.....	1	10
Supreme Court of Ohio.....	18	54
Circuit Courts.....	31	37
Common Pleas Courts.....	134	87
Probate Courts.....	12	---
Canal Damage Claims.....	3	1
Total .....	199	193

Total number of cases handled during year.....392

## III.

## COLLECTIONS AND DISBURSEMENTS.

Appropriations by General Assembly for Attorney General's Department for year beginning February 16, 1911, and ending February 15, 1912:

Salary of Attorney General.....	\$6,500 00
Salary of First Assistant Attorney General.....	4,000 00
Salary of Second Assistant Attorney General.....	2,500 00
Salary of Chief Clerk.....	1,500 00
Salary of Willis Tax Clerk.....	1,200 00
Salaries of two stenographers at \$1,200.00 each.....	2,400 00
Salary of Messenger.....	600 00
Salary of Janitor.....	600 00
Stenographic work.....	2,400 00
Special Counsel.....	53,150 00
Special Counsel, Canal matters.....	2,800 00
Costs in cases brought by state.....	2,833 04
Furniture, carpets and books.....	1,000 00
Contingent expenses.....	1,838 49
Traveling expenses.....	640 05
Expenses, investigation and prosecution Newark riot.....	8,900 00
Expenses incurred in investigation and prosecution of legislative bribery cases.....	5,000 00
Total.....	<u>\$96,961 49</u>

Appropriations to pay deficiencies incurred by the previous administration:

For expenses of investigation and prosecution of Newark riot.....	\$1,000 00
Costs in cases brought by state.....	1,000 00
Total.....	<u>\$2,000 00</u>

The following sums were credited to the various funds at the beginning of this administration, January 9, 1911:

Salary of Attorney General.....	\$634 55
Salary of First Assistant Attorney General.....	393 04
Salary of Second Assistant Attorney General.....	244 06
Salaries of clerks and stenographers.....	854 19
Stenographic work.....	858 13
Messenger and janitor.....	314 23
Special Counsel.....	3,402 52
Special Counsel, Canal matters.....	1,808 25
Investigation of State Treasury, etc.....	10,890 12
Costs in cases brought by State.....	478 16
Furniture, carpets and books.....	139 49
Contingent expenses.....	343 55
Traveling expenses.....	569 65
Total.....	<u>\$20,929 94</u>

The Emergency Board, on November 18, 1911, authorized the creation of a deficiency in the sum of \$1,000.00 for extra stenographers. Of this amount there was expended up to December 31, 1911, \$100.00.

## Disbursements from January 9, 1911, to January 1, 1912:

Salary of Attorney General.....	\$6,319 55
Salary of First Assistant Attorney General.....	3,885 49
Salary of Second Assistant Attorney General.....	2,431 06
Clerks and stenographers.....	4,776 74
Stenographic work.....	2,975 26
Messenger and janitor.....	1,159 05
Special Counsel.....	45,565 46
Special Counsel, Canal matters.....	2,199 78
Investigation State Treasury, etc.....	7,433 63
Costs in cases brought by State.....	2,319 37
Furniture, carpets and books.....	529 90
Contingent expenses.....	2,062 34
Traveling expenses.....	1,042 52
Newark riot cases.....	7,437 68
Legislative bribery cases.....	4,235 56
Total.....	\$94,373 39

A large portion of the amount paid special counsel, and also of the costs in cases brought by the State, was for payment of counsel fees and costs incurred by the previous administrations which did not become due until after I had assumed office.

The total amount expended is larger than that for the year 1910, but the entire work of the office, in the number of requests for opinions and opinions rendered, suits brought and defended, boards and departments represented, is by far the greatest in the history of the Department. In fact, while the volume of work transacted by the Attorney General's Department has been increasing each year since the Department was established, during the past few years the increase has been out of proportion to what it had formerly been, and the year 1911, with new departments and new acts passed by the last Legislature, caused an increase in every branch of the work of this Department that could not have been anticipated.

## IV.

## OFFICIAL OPINIONS.

During the period from January 9, 1911, to December 31, 1911, the Department has rendered 793 official opinions to various State officers, departments and boards, county prosecuting attorneys and city solicitors in the State. This is the largest number of opinions ever rendered by an Attorney General of Ohio during any one year. These opinions all appear as a part of this report.

Very truly yours,  
TIMOTHY S. HOGAN,  
*Attorney General.*

II.

CASES PENDING AND DISPOSED OF DURING THE YEAR 1911.

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Cases Pending in United States Courts January 1, 1911,

SUPREME COURT.

John W. Browne v. C. L. V. Holtz as Treasurer of Licking County,  
Ohio, and C. H. Riley, as Auditor of Licking County, Ohio.

George Welsch v. Same.

Railroad Commission of Ohio v. B. A. Worthington, Receiver of the  
Wheeling and Lake Erie Railroad Company.

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CIRCUIT COURT OF APPEALS.

Quackenbush v. Elwood, et al.

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CIRCUIT COURTS.

Northern District of Ohio, Eastern Division.

No. 7741.

Mary A. Wightman v. The Pennsylvania Company, et al.

Northern District of Ohio, Western Division.

No. 2197.

Toledo, St. Louis and Western Railway v. The Miami Valley Electric  
Company.

No. 2288.

Chauncey H. Crosby, etc., v. Tax Commission.



Southern District of Ohio, Eastern Division.

No. 1512

Lathrop, Haskins & Company, et al., v. The Columbus Hocking Coal and Iron Company.

No.

Ohio River and Western Railway v. Tax Commission.

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Southern District of Ohio, Western Division.

No. 6799.

Wm. M. Barrett, president Adams Express Company, v. Tax Commission.

No. 6239.

Bird v. The Peoples Gas and Electric Company.

No. 6817.

Louisville and Nashville Railway Company v. Public Service Commission of Ohio.

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Cases Disposed of in United States Courts from January, 1, 1911, to January 1, 1912. United States Circuit Court, Southern District of Ohio, Eastern Division.

No.

In re Frank Janezewski.

Cases Disposed of in Supreme Court of Ohio from January 1, 1911, to  
January 1, 1912.

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No. 11826.

State of Ohio v. The Covington and Cincinnati Bridge Company.

No. 12259.

State of Ohio, ex rel, Attorney General v. The Hocking Valley Rail-  
way Company.

No. 12400.

State of Ohio, ex rel., John A. Cline v. Harry L. Vail et al.

No. 12476.

State of Ohio, ex rel., Fred R. Matthews, v. J. J. Fitzgerald, et. al.

No. 12478.

George Welsch v. C. L. V. Holtz, as Treasurer of Licking County,  
Ohio, and C. L. Riley, as Auditor of Licking County.

No. 12578.

Samuel C. Burrell v. Same.

No. 12606.

John W. Browne v. same.

No. 12700.

State of Ohio, ex rel., Attorney General v. The Union Central Life  
Insurance Company.

No. 12847.

State of Ohio v. Richard Jackson.

No. 12846.

State of Ohio v. Joseph J. Boone.

No. 12897.

Jesse Grooms v. State of Ohio.

No. 12901.

State of Ohio ex. rel., Cleveland, Cincinnati, Chicago and St. Louis  
Railroad Company v. D. S. Creamer, Treasurer of State.

No. 13021.

State of Ohio ex rel., Homer I. N. Stafford v. State Board of Appraisers  
and Assessors.

No. 13196.

State of Ohio ex rel., J. R. Lindemuth and Chas. H. Winch, v. State  
Board of Appraisers and Assessors.

No. 13118.

State of Ohio ex rel., City of Toledo v. Chas. H. Sanzenbacher, Auditor  
of Lucas County.

No. 13245.

State of Ohio ex rel., Frank B. Gott v. Board of Deputy State Super-  
visors of Elections of Cuyahoga County, Ohio.

No.

State of Ohio ex rel., Attorney General and Prosecuting Attorney of  
Hamilton County, Ohio, v. Hunt.

No.

Mantella Watha v. State of Ohio.

Cases Pending in the Supreme Court of Ohio January 1, 1912.

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No. 12479.

Joseph Pinion v. C. L. V. Holtz, Treasurer of Licking County, Ohio,  
and C. L. Riley, as Auditor of Licking County.

No. 12480.

William G. Miller v. same.

No. 12481.

John W. Wiess v. same.

No. 12482.

A. I. Fitzsimmons v. same.

No. 12483.

Charles A. Stoltz v. same.

No. 12484.

Robert Folliard v. same.

No. 12485.

Frank Bader v. same.

No. 12486.

A. O. Kern v. same.

No. 12487.

Paul Turncz v. same.

No. 12488.

Eugene Seidenspinner v. same.

No. 12489.

Wilbert Priest v. same.

No. 12490.

Clarkes Slane v. same.

No. 12531.

Howard Rathburn v. same.

No. 12532.

William C. Vogelmeier v. same.

No. 12533.

Henry Embery, et al., vs. same.

No. 12534.

Adam Lippert v. same.

No. 12535.

William T. Carson v. same.

No. 12536.

Dennis George v. same.

No. 12537.

S. A. Holler v. same.

No. 12538.

William Bergin v. same.

No. 12539.

Jesse Frad v. same.

No. 12540.

Jerry Baker v. same.

No. 12541.

William Schlegel v. same.

No. 12542.

Lee Beatty v. same.

No. 12543.

Frank Graef v. same.

No. 12544.

Richard Dodd v. same.

No. 12545.

Barney Byrnes v. same.

No. 12546.

Al Z. Lott v. same.

No. 12547.

Thomas Dupler v. C. L. V. Holtz, as Treasurer of Licking County,  
Ohio, and C. L. Riley, as Auditor of Licking County.

No. 12548.

Catherine Johl v. same.

No. 12549.

Alonzo C. Foster v. same.

No. 12550.

Frank Steinman v. same.

No. 12579.

Joseph Fritz v. same.

No. 12580.

Charles Henry v. same.

No. 12581.

Geo. Fessler v. same.

No. 12582.

Albert H. Seiler v. same.

No. 12583.

Henry Lowendick v. same.

No. 12604.

Charles Schaller, et al., v. same.

No. 12605.

Louis Bolton v. same.

No. 12839.

State of Ohio, ex rel., Attorney General v. The Miami and Erie Canal  
Transportation Company.

No. 12846.

State of Ohio v. Joseph J. Boone (Rehearing).

No. 13027.

The Cleveland Terminal and Valley Railroad Company et al., v. The  
State of Ohio ex rel., Wade H. Ellis, Attorney General.

No. 13080.

State Board of Health v. City of Greenville.

No. 13158.

Robert E. Blinn, as Treasurer of Jefferson County, Ohio, v. Steuben-  
ville and Wheeling Traction Company.

No. 13247.

Clifton Sipes, as Auditor of Morrow, Ohio, v. State ex rel., Mansfield.

No. 13263.

State of Ohio v. George B. Cox.

No. 13270.

Tax Commission of Ohio v. Cincinnati, Georgetown and Portsmouth  
Railroad Company.

No. 13271.

Tax Commission of Ohio v. Felicity and Bethel Railroad Company.

No. 13282.

In re Anna Hawley ex parte.

No. 13296.

Rodney J. Diegle v. State of Ohio.

No. 13326.

State of Ohio, ex rel., Bucyrus Light and Power Company v. Public  
Service Commission et al.

No. 13300.

State ex rel., Yapple v. D. S. Creamer, Treasurer of State.

No. 13301.

S. I. Gruner, Auditor, v. Defiance Home Savings and Loan Association.

No. 13360.

John W. McBroom v. State Board of Public Works.

Cases 12479 to 12605 have been submitted to the court, but final judgment thereon has not been rendered awaiting the decision of the Supreme Court of the United States, to which two similar cases have been taken and in which Court they are now pending.



Cases Disposed of in Circuit Courts from January 1, 1911, to January  
1, 1912.

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Columbiana County.

No.

Jane McVeigh v. Mary Ann McVeigh et. al.

Cuyahoga County.

No. 4974.

State of Ohio v. The Bailey Company.

No.

James T. Miskell v. J. H. Orgill et al.

No. 4973.

State of Ohio v. A. M. Solomon.

Darke County.

No. 689.

City of Greenville v. M. G. Demorest et al.

Defiance County.

No. 362.

S. I. Gruner, County Auditor, v. The Defiance Home Savings and Loan  
Company.

Franklin County.

No. 3054.

Cincinnati, Georgetown and Portsmouth Railroad Company v. Tax  
Commission.

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No. 3141.

Rodney J. Diegle v. State of Ohio.

No. 3053.

Felicity and Bethel Railroad Company v. Tax Commission.

No.

George F. Feurstein v. State of Ohio.

No. 2814.

Theresa Herman v. State of Ohio

No.

Benjamin F. Reno v. George R. Love et al.

No. 3065.

State of Ohio ex rel. Timothy S. Hogan v. The Count Louis Bethany  
Nursing and Burial Association et al.

No.

State of Ohio ex rel. The Grant Fraternity v. C. C. Lemert, Supt. of  
Insurance.

No. 3043.

State of Ohio ex rel. Timothy S. Hogan, Attorney General v. The Mc-  
Kaskey Register Company.

No. 3164.

State of Ohio ex rel., Village of Grand View Heights, v. G. M. Sayre,  
Auditor Franklin County, Ohio.

Hamilton County.

No. 5268.

Crane Paper Box Company v. State of Ohio.

No.

State ex rel., Gaines, v. Medical Board.

No. 5132.

State ex rel., Twachtman, v. State Medical Board.

Jefferson County.

No.

The Steubenville and Wheeling Traction Co. v. Robert E. Blinn,  
County Treasurer.

Licking County.

No.

Dover v. State of Ohio.

No.

Dover v. State of Ohio.

No.

Owens v. State of Ohio.

No.

Watha v. State of Ohio.

No.

Owens v. Seward.

No.

Dover v. Seward.

No.

Dover v. Link, Sheriff.

**Mahoning County.**

No. 1039.

**Robert Crawford v. State of Ohio.**

No. 1040.

**Curtis Dobson v. State of Ohio.**

**Ottawa County.**

No.

**Harry G. Hammond v. Harry Crossley and John C. Speaks.**

**Summit County.**

No. 957.

**William Winkelman v. State of Ohio.**

Cases Pending in Circuit Courts January 1, 1912.

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Allen County.

No. 520.

State of Ohio ex rel. Attorney General v. The Solar Refining Company.

No. 521.

State of Ohio ex rel. Attorney General v. The Buckeye Pipe Line Company.

No. 522.

State of Ohio ex rel. Attorney General v. The Ohio Oil Company.

Franklin County.

No. 392.

Baltimore and Ohio Railway Company v. Railroad Commission of Ohio.

No. 3170.

Charles J. Castle v. William L. Finley, State Inspector of Oils.

No. 3118.

Ohio Traction Company v. Tax Commission.

No. 3060.

Railroad Commission v. Baltimore and Ohio Railway Company.

No.

State of Ohio v. I. B. Cameron et al.

No.

State of Ohio v. I. B. Cameron et al.

No. 3134.

State of Ohio v. Federal Union Surety Company.

No. 3011.

State of Ohio v. Margaret F. Fenn et al.

No.

State of Ohio v. Herbert McKinnon et al.

No.

Same v. same.

No.

State ex rel. Tax Commission v. Fred M. Sayre, Auditor, Franklin  
County, Ohio.

No. 3150.

State of Ohio ex rel. Joseph A. Allen v. Fish and Game Commission.

No. 2745.

State of Ohio ex rel. Attorney General v. The Cleveland and Pittsburg  
Railroad Company.

No. 3189.

State ex rel. Timothy S. Hogan, Attorney General, v. R. T. Haworth.

No. 3058.

State of Ohio ex rel. Timothy S. Hogan, Attorney General, v. The  
Hocking Valley Railway Company et al.

No. 3059.

State of Ohio ex rel. Timothy S. Hogan, Attorney General, v. The  
Hocking Valley Railway Company et al.

No. 3057.

State of Ohio ex rel. Timothy S. Hogan v. The Lake Shore and Michigan Southern Railway Company, et al.

No. 2639.

State of Ohio ex rel. Attorney General v. The Marion County Telephone Company and The Central Union Telephone Company.

No.

State ex rel. Timothy S. Hogan, Attorney General v. Poor, Nelson, Galentine, et al.

No. 3199.

State of Ohio ex rel. Timothy S. Hogan, Attorney General v. William Tannehill and Ed. Green.

No. 3201.

State ex rel. Whitworth Bros. Company v. Tax Commission.

No. 3073.

Tax Commission of Ohio v. Youngstown and Ohio River Railroad Company.

No. 3074.

Youngstown and Ohio River Railroad Company v. Tax Commission

Hamilton County.

No. 5029.

State of Ohio ex rel. U. G. Denman, Attorney General v. The Debold Loan and Building Company.

Hancock County.

No. 1173.

State of Ohio ex rel. Attorney General v. The Buckeye Pipe Line Company.

Knox County.

No. 2203.

Michael Strang v. State of Ohio.

Licking County.

No. 3756.

Albert Weathers v. William Link, Sheriff.

Lucas County.

No. 63958.

Louis F. Hoff v. State of Ohio.

No. 63959.

Louis F. Hoff v. State of Ohio.

No. 2600.

Jacob M. Oswald et al. v. George H. Watkins, et al. as members of  
Board of Public Works.

No. 2601.

George H. Watkins, et al., as members of the Board of Public Works  
v. Jacob M. Oswald, et al.

No. 63887.

Ernest F. Waldo v. State of Ohio.

No. 63888.

Ernest F. Waldo v. State of Ohio.

Richland County.

No.

Laura Hobson McQueston v. Medical Board.



Cases Disposed of in Common Pleas Courts from January 1, 1911, to  
January 1, 1912.

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Adams County.

No. 7356.

C. C. Lemert, Trustee for policy holders of Interstate Life Assurance  
Company v. A. G. Turnipseed et al.

Ashtabula County.

No. 2513.

State of Ohio v. C. E. Brinkman.

Butler County.

No.

Kate Gough v. State of Ohio.

Clinton County.

No. 10298.

In re Ed. Ertle ex parte.

Cuyahoga County.

No. 126245.

H. A. Cummins v. J. H. Orgill et al.

No.

Z. Dzredzick v. State of Ohio.

No. 126784.

In re George J. Fox.

No. 126121.

P. V. Kalina v. J. H. Orgill et al.

No. 124386.

Albert Mendelson v. Daniel L. Miller et al.

No. 126057.

James F. Miskell v. J. H. Orgill et al.

No. 126247.

H. G. Powell v. J. H. Orgill et al.

No. 114244.

State of Ohio v. Erie Railroad Company.

No. 114875.

State of Ohio v. Thomas J. Holmden, Assignee et al.

No. 11486.

Same v. same.

Darke County.

No. 19626.

Phillipine Klee et al. v. County Commissioners of Darke County.

No. 19549.

State ex rel. John F. Maher, Prosecuting Attorney, v. N. D. Sipple,  
et al.

Defiance County.

No. 8763.

Defiance Home Savings and Loan Association v. S. I. Gruner, County  
Auditor.

Erie County.

No.

Ex parte Joseph A. Allen.

Franklin County.

No. 54989.

Ann Arbor Railroad Company et al. v. Railroad Commission of Ohio.

No. 56014.

Anton J. Adams v. George H. Matson et al.

No. 61360.

Charles J Castle v. William L. Finley, State Inspector of Oils.

No. 58464.

Baltimore and Ohio Railroad Company v. Railroad Commission of Ohio.

No. 60006.

Cincinnati, Georgetown and Portsmouth Railway Company v. Tax Commission of Ohio.

No. 57010.

Drake Coal Company v. State of Ohio.

No. 60007.

Felicity and Bethel Railway Company v. Tax Commission of Ohio.

No.

In re Anna Hawley.

No. 61931.

William C. Miller et al. v. S. E. Strode et al.

No. 62055.

Ohio River and Western Railway Company v. Tax Commission of Ohio.

No.

Ohio Traction Company v. Tax Commission of Ohio.

No. 58486.

A. T. Rohr v. State of Ohio.

No. 54400.

State of Ohio v. Lindsay H. Bounds.

No. 54578.

State of Ohio v. B. & O. S. W. Railway Company.

No. 58323.

State of Ohio v. Isaac B. Cameron et al.

No. 58324.

Same v. same.

No. 58072.

State of Ohio v. M. Francis Cole.

No. 54479.

State of Ohio v. Columbus Railway Company.

No. 9641.

State of Ohio v. Rodney J. Diegle.

No. 58076.

State of Ohio v. Federal Union Surety Company.

No. 9652.

State of Ohio v. Owen J. Evans.

No. 9659.

Same v. same.

No. 9660.

Same v. same.

No. 58105.

State of Ohio v. Flavius Flagle.

No.

State of Ohio v. Keystone Watch Case Company.

No. 58305.

State of Ohio v. Herbert McKinnon et al.

No. 58306

Same v. same.

No. 9643.

State of Ohio v. George B. Nye.

No. 61655.

State of Ohio ex rel. Sartain, Sheriff of Franklin county, v. Fred M. Sayre, Auditor, et al.

No. 61749.

State of Ohio ex rel. Tax Commission v. Fred M. Sayre, Auditor.

No.

State of Ohio ex rel. Village of Grand View Heights, Franklin County, v. Fred M. Sayre et al.

No. 62024.

State of Ohio ex rel. Whitworth Bros. Company v. Tax Commission.

Hamilton County.

No. 138108.

James R. Andrews v. State of Ohio.

No. 139000.

Harry Appel v. State of Ohio.

No. 148993.

Joseph Bernhardt v. T. P. Kearns, Chief Inspector of Workshops and  
Factories.

No. 145840.

Harry Boehn v. S. C. Lemert, Superintendent of Insurance of Ohio.

No.

William Bohnert v. State of Ohio.

No. 130185.

Harry Burs v. State of Ohio.

No. 137470.

Cincinnati Gunning Company v. Charles C. Cooper, Superintendent,  
Miami and Erie Canal.

No. 138629.

Frank Dorger v. State of Ohio.

No. 138627.

Christian Drach v. State of Ohio.

No. 138626.

Frank Dranstetter v. State of Ohio.

No. 138109.

F. J. Minsterketter v. State of Ohio.

No. 138628.

Flora Moeller v. State of Ohio.

No. 138631.

John Reuss v. State of Ohio.

No. 138632.

Joseph Rotert v. State of Ohio.

No. 138107.

E. M. Sickles v. State of Ohio.

No. 138812.

State of Ohio v. B. & O. S. W. Railway Company.

No. 116644.

State of Ohio v. Bellevue Brewing Company.

No. 138811.

State of Ohio v. C., C., C. & St. L. R. R. Company.

No. 143042.

State of Ohio v. Louis W. Foster.

No. 138810.

State of Ohio v. P., C., C. & St. L. Railway Company.

No. 140258.

State of Ohio v. Sayers Life Agency Company.

No. 140026.

State of Ohio v. The Wagner Refining Company.

No. 137913.

State of Ohio v. H. J. Weiler Company.

Henry County.

No. 5974.

State of Ohio v. The Detroit, Toledo and Ironton Railway Company.

Hocking County.

No.

John W. McBroom v. Watkins, et al. State Board of Public Works.

Knox County.

No.

State of Ohio v. Lewis Boulton.

Lawrence County.

No. 9752.

State of Ohio v. The Detroit, Toledo and Ironton Railway Company.

Licking County.

No. 15872.

Vernon Patterson v. State of Ohio.

State of Ohio v. Watha.



No. .  
State of Ohio v. Schoeller.

No. .  
State of Ohio v. Graef.

No. .  
State of Ohio v. Timmons.

No. .  
State of Ohio v. McKinley.

No. .  
State of Ohio v. Feuerriegel.

No. .  
State of Ohio v. Seary.

No. .  
State of Ohio v. Cleveland.

No. .  
State of Ohio v. Owens.

No. .  
State of Ohio v. Bush.

No. .  
State of Ohio v. Diehl.

No. .  
State of Ohio v. Richardson.

No. .

State of Ohio v. Sutley.

No. .

State of Ohio v. Dover.

No. .

State of Ohio v. Koster.

No. .

State of Ohio v. Vance Moore.

No. .

State of Ohio v. Clay.

No. .

State of Ohio v. Vance Moore.

No. .

State of Ohio v. Owens.

No. .

State of Ohio v. Mulligan.

No. .

State of Ohio v. Coffman.

No.

State of Ohio v. Stoltz.

No. .

State of Ohio v. Beuhler.

	No.	.
State of Ohio v. McKinley.		
	No.	.
State of Ohio v. Baker.		
	No.	.
State of Ohio v. Smith.		
	No.	.
State of Ohio v. Beuhler.		
	No.	.
State of Ohio v. McKinley.		
	No.	.
State of Ohio v. Smith.		
	No.	.
State of Ohio v. White.		
	No.	.
State of Ohio v. Davis.		
	No.	.
State of Ohio v. Denny.		
	No.	.
State of Ohio v. Woolard.		
	No.	.
State of Ohio v. Valentine.		
	No.	.
State of Ohio v. Mulligan.		

No. .

State of Ohio v. Reed.

No. .

State of Ohio v. Wolverton.

No. .

State of Ohio v. Tom Valentine.

No. .

State of Ohio v. Henry.

No. .

State of Ohio v. Marlow.

No. .

State of Ohio v. Priest.

No. .

State of Ohio v. Haycook.

No. .

State of Ohio v. Wilson.

Lorain County.

No. 10019.

State of Ohio v. Wheeling Terminal Railroad Company.

Lucas County.

No. 56729.

State of Ohio v. Ann Arbor R. R. Co.

No. 56730.

State of Ohio v. The Pennsylvania Company.

No. 56731.

State of Ohio v. The Wheeling and Lake Erie R. R. Co.

No. 59677.

State of Ohio v. Lake Shore and Michigan Southern Railway Company.

No. 62410.

The Toledo and Ohio Central Railway Company v. The Railroad Commission of Ohio.

No. 64091.

State of Ohio v. W. L. Milner Company.

No. 61628.

Jacob M. Oswald et al. v. George H. Watkins et al. as members of the Board of Public Works.

No. 63066.

Benjamin F. Reno v. George R. Love et al.

No. 62081.

The Toledo and Ohio Central Railway Company v. Railroad Commission of Ohio.

Miami County.

No. 18012.

Missouri R. Hurst et al. v. George H. Watkins et al.

No. 18117.

Jacob A. Davy et al. v. E. P. Nellis et al.

Montgomery County.

No. 29840.

Sany Kindred v. Rell G. Allen et al.

Ottawa County.

No. 6064.

Harry G. Hammond et al. v. Harry Crossley and John C. Speaks.

No. 6139.

Fred H. Nieman v. William H. Milander et al.

Richland County.

No. .

In re Roy Mapes ex parte.

No. 11504.

Laura Hobson McQueston v. The State Medical Board et al.

Stark County.

No. 2061.

John Minehart et al. v. Geo. D. Copeland et al. as Trustees of Massillon State Hospital.

No. 21390.

Caroline Oster et al. v. O. A. Tanzerberger et al.

Summit County.

No. 16286.

William Winkelman v. State of Ohio.

ATTORNEY GENERAL.

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Wayne County.

No. 23665.

Winfield J. Yeisley v. Ammon V. Critchfield.

Wood County.

No. .

Fred Wittmer v. State of Ohio.

Cases Pending in Common Pleas Court January 1, 1912.

---

Allen County.

No. 14658.

Bruce Geach v. State of Ohio.

No. 9064.

C. H. Miller v. State of Ohio.

Butler County.

No.

Clarence Coombs v. State of Ohio.

No. 24708.

S. M. Goodman, Trustee Hamilton Gas and Electric Company v. Public Service Commission.

No. 23194.

C. H. Miller v. State of Ohio.

Butler County.

No.

Clarence Coombs v. State of Ohio.

No. 24708.

S. M. Goodman, Trustee Hamilton Gas and Electric Company v. Public Service Commission.

No. 23194.

State of Ohio v. Judson Harmon, Receiver of the C., H. & D. R. R. Company.



Crawford County.

No. 9492.

Rinsel v. Miller, County Treasurer.

Cuyahoga County.

No. 124511.

Virginia G. Forsythe et al. v. Trustees of Cleveland State Hospital.

No.

Timothy S. Hogan, Attorney General, for and on behalf of the State of  
Ohio v. Edwin R. Perkins, et al.

No.

Same v. Henry C. Ranney et al.

No.

Same v. The Cleveland Museum of Art, et al.

No. 124973.

Ellen Hunt v. State of Ohio.

No. 106219.

State of Ohio v. The Cleveland and Pittsburgh R. R. Company.

No. 62300.

State of Ohio v. First National Bank of Cleveland.

Cuyahoga County.

No. 106218.

State of Ohio v. Forest City Railroad Company.

No. 124131.

Harold H. Wilcox v. Fred Lange.

Defiance County.

No.

State of Ohio v. Michael Donnelly.

Erie County.

No. 11105.

W. H. Weichel v. State of Ohio.

No. 11110.

Same v. same.

Fairfield County.

No. 12525.

Mel Berry v. State of Ohio.

No. 12602.

Dwight Miller v. State of Ohio.

Franklin County.

No. 62318.

The Adena Railroad Company et al. v. The Public Service Commission of Ohio.

No. 51274.

The Akron and Barberton Belt Line Railway Company v. Railroad Commission.

No. 61349.

Baltimore and Ohio Railroad Company et al. v. Railroad Commission.

No. 61218.

Agnes Bentz v. William Lester et al.

No. 59535.

Board of Education of city of Columbus v. George S. Marshall, mayor  
of city of Columbus.

No. 61427.

Hocking Valley Railway Company v. Public Service Commission.

No. 55420.

C. C. Lemert, Superintendent of Insurance v. Interstate Life Insurance  
Company of Cincinnati et al.

No. 55244.

Lincoln National Life Insurance Company v. C. C. Lemert, Superin-  
tendent of Insurance.

No. 61958.

Elmer D. Sharp v. John W. Zuber, State Fire Marshal.

No. 59210.

State of Ohio v. The Buckeye Pipe Line Company.

No. 59183.

State of Ohio v. Cincinnati Distilling Company.

No. 61027.

State of Ohio v. Cincinnati Trust Company.

No. 61518.

State of Ohio v. Columbus Savings and Trust Company.

No. 61934.

State of Ohio v. Coshocton Gas Company.

No. 62159.

State of Ohio v. Hy Davis.

No. .

State of Ohio v. The Hough Savings and Trust Company.

No. 61026.

State of Ohio v. The National Bank of Ashtabula.

No. 62336.

State of Ohio v. Union National Bank.

No. 62339.

State of Ohio ex rel. v. The Union National Bank.

No. 61681.

State of Ohio ex rel. v. Fred M. Sayre, Auditor, Franklin county.

No. 9642.

State of Ohio v. George K. Cetone.

No. 9644.

State of Ohio v. George B. Nye.

No. 9645.

State of Ohio v. George B. Nye.

No. 9646.

State of Ohio v. George B. Nye.

No. 9653.

State of Ohio v. A. Clark Lowry.

No. 9654.

State of Ohio v. Edgar T. Crawford.

No. 9657.

State of Ohio v. Charles A. Bond and Thomas A. Dean.

No. 9658.

State of Ohio v. Charles A. Bond and Thomas A. Dean.

No. 9661.

State of Ohio v. L. C. Miller.

No. 9671.

State of Ohio v. L. C. Miller.

No. 9672.

State of Ohio v. L. C. Miller.

No. 9673.

State of Ohio v. L. C. Miller and J. C. Meader.

No. 9675.

State of Ohio v. Frank M. Calvey.

No. 9676.

State of Ohio v. Frank M. Calvey.

No. 9677.

State of Ohio v. George B. Nye and Stanley Harrison.

No. 9641.

State of Ohio v. L. R. Andrews.

No. 9678.

State of Ohio v. George B. Nye and Stanley Harrison.

No. 9640.

State of Ohio v. Isaac E. Huffman.

Hamilton County.

No. 131660.

Cincinnati Trust Company v. The Miami and Erie Canal Transportation Company.

No. 145815.

Receivership of Post Color Press Company.

No. 138812.

State of Ohio v. B. O. S. W. Railway Company.

No. 139160.

State of Ohio v. The Cincinnati Street Railway Company.

No. 134803.

State of Ohio v. The International Text Book Company.

No. 139159.

State of Ohio v. The Little Miami Railroad Company.

No. .

Herman Wolber v. State of Ohio.

Henry County.

No. 1103.

State of Ohio v. Michael Donnelly.

Licking County.

No.

State of Ohio v. Holler.

Lucas County.

No. 6483.

State of Ohio v. Michael Donnelly.

No. 6484.

Same v. Michael Donnelly and Frederick D. Prentice.

No. 6485.

Same v. Michael Donnelly.

No. 6486.

Same v. same.

No. 6491.

Same v. Michael Donnelly, Frederick D. Prentice, Hope Yeager and  
George C. McCarthy.

No. 6492.

Same v. Same.

**Marion County.**

**The Marion National Bank v. city of Marion.**

**Montgomery County.**

**No. 29582.**

**State of Ohio v. The Dayton, Covington and Piqua Traction Company.**

**No. .**

**Claude Fread v. State of Ohio.**

**No. .**

**Herman Tiegler v. State of Ohio.**

**Putnam County.**

**No. .**

**State of Ohio ex rel. village of Leipsic v. The Budget Commission of Putnam county et al.**

**No. .**

**State of Ohio ex rel. village of Columbus Grove v. The Budget Commission of Putnam county et al.**

**Ross County.**

**No. .**

**State of Ohio v. Nelson Dresbach.**

**Stark County.**

**No. .**

**State National Bank of Canton v. David S. Creamer, Treasurer of State.**



Tuscarawas County.

No. 11200.

Adam H. Baltz v. Charles H. Loy, County Treasurer.

No. 11183.

Charles Bock et al. v. Charles H. Loy, County Treasurer.

No. 11174.

Robert C. Kinsey v. W. C. Schoot, Auditor.

No. 11186.

Henry Kunz v. Charles H. Loy, County Treasurer.

Wayne County.

No. 23666.

Winfield J. Yiesley v. Ammon B. Critchfield.

Warren County.

No. .

Neiderlander v. State of Ohio.

Cases Disposed of in Probate Courts from January 1, 1911, to January  
1, 1912.

---

Lucas County.

No. 1137.

State of Ohio v. C. G. Gillette.

No. 1138.

State of Ohio v. Mrs. C. G. Gillette.

No. 1146.

State of Ohio v. George Halben.

No. 1124.

State of Ohio v. John Eynon.

No. 1125.

Same v. same.

No. 1103.

State of Ohio v. C. E. and H. J. Brinkman.

No. 1100.

State of Ohio v. H. J. Brinkman.

No. 1101.

Same v. same.

No. 1102.

Same v. same.

No. 1097.

State of Ohio v. Alexander Grytza.

Ottawa County.

No. .

State of Ohio ex rel. Timothy S. Hogan, Attorney General v. Mary  
E. Chapman et al.

Richland County.

No. .

Board of Managers of the Ohio State Reformatory v. Fred Spamer  
et al.

**Criminal Proceedings Instituted Before Probate Judges, Justices of the Peace,  
Police and Mayor's Courts During the Year 1911, Under the Direction  
of the Attorney General, as Follows:**

For violation of child labor laws.....	192
For violation of workshop and factory inspection laws.....	10
For violation of pure food laws.....	244
For violation of medical registration laws.....	47
For violation of pharmacy laws.....	25
For violation of dental laws.....	13
For violation of mining laws.....	42
For violation of fish and game laws.....	309
<b>Total .....</b>	<b>882</b>

**CANAL DAMAGE CLAIMS HEARD DURING THE YEAR 1911.**

COMMISSIONERS: FRANK RUTH, GEORGE BENNETT AND W. B. RENNICK.

	Amount Claimed.	Amount Awarded.
C. C. Bellows.....	\$2,347 03	Pending.
Theodore Carl.....	200 00	\$50 00
John Hayes.....	2,000 00	500 00
Whitten & Lutz.....	15 65	6 25

**COLLECTIONS OF THE DEPARTMENT.**

**WILLIS AND EXCISE TAXES AND MISCELLANEOUS COLLECTIONS.**

This Department is charged with the collection of delinquent Willis Taxes from private corporations, and during the period from January 1, 1911, to December 31, 1911, we collected a total amount of \$231,965.10, as follows:

Delinquent taxes and penalties from domestic and foreign corporations, i. e.—Willis taxes .....	\$69,367 95
Under the Cole Law, from Public Service Corporations, excise taxes .....	23,432 97
Fees from foreign corporations for qualifying under Sections 148c and 148d.....	237 72
Fees for the dissolution and retirement of corporations .....	555 00
Miscellaneous collections .....	107 94
Collections from convict labor.....	138,263 52
<b>Grand Total.....</b>	<b>\$231,965 10</b>

## COLLECTIONS BY THE DEPARTMENT.

The number of delinquent corporations in the files of this Department at the beginning of 1911 was 4,370; of this number 2,480 were thoroughly investigated and found uncollectable, 1,737 thereof have been certified to the Tax Commission of Ohio, with the request that their charters or certificates to do business in Ohio be cancelled on account of their failure to file reports and pay the fees required by law; the balance of the corporations found without assets will be certified to the Tax Commission immediately after the first of the year 1912, and there remain in our files 1,890 delinquent corporations which are still being investigated, from which it is hoped some collections can be made.

On November 16, 1911, the Tax Commission of Ohio certified to this Department 375 domestic corporations which were delinquent in the payment of their fees and penalties for the year 1911, and the same are under process of collection at this time, of which number 234 have paid.

Due to the change of the law, an extension of time was granted for the filing of reports and paying of fees for the year 1911, and the certification of delinquent corporations to this Department was not made until November 16, 1911, as above stated, while in previous years this certification was made on July 1.

During past years the law required domestic corporations to have their fees accompany their reports to the Secretary of State, and failure to do so caused such corporations to become delinquent, and they were thereupon immediately certified to this Department for collection, while, under another change in the law, the Treasurer of State has two opportunities now for making collections, one period of thirty days prior to the assessment of penalties, and the second thirty days after such assessment of penalties.

In our examination of the files of this Department, during the past year, old checks, postoffice money orders and currency were found, some having been there as far back as 1906, on which an effort has been made to realize, with success in a few cases.

The receipts from convict labor at the Penitentiary have materially decreased, due to the change in the law governing same.

In the collections from foreign corporations, included in this report, eighteen thereof paid direct to the Treasurer of State the amount of \$1,112.60 for fees and \$123.23 for penalties, total \$1,235.83, but did so after the reports of said corporations had been secured by this Department and the amount due from said corporations directed to be paid into the State Treasury, and consequently credit has been taken for this amount in the accompanying report.

## COLLECTIONS OF WILLIS TAX DEPARTMENT FOR THE YEAR 1911.

	Total	Grand Total	Amounts Converted
588 Domestic corporations, fees ----- \$58,584 04 penalties ----- 4,677 41			
	\$63,261 45		
52 Foreign corporations fees ----- 5,790 78 penalties ----- 315 72			
	6,106 50		
128 Public Utility corporations fees ----- 22,873 03 penalties ----- 559 94			
	23,432 97	\$92,800 92	
Amount converted into State Treasury-----			\$92,800 92
4 Foreign corporations fees provided for under Sections 148c and 148d -----	\$237 72		
111 Corporations paid fees for filing certificates of dissolution, affidavits in lieu of certificates of dissolution, or certificates of retirement-----	555 00	\$792 72	
Amount paid Secretary of State-----			\$792 72
883 Corporations paid-----		\$93,593 64	\$93,593 64

## MISCELLANEOUS.

Date	Account	Amounts Collected	Paid into State Treasury
1911			
Sept. 26	A. L. Hughes, refund of amount overdrawn from expense account-----	\$104 10	
Sept. 26	For copy of files in the Ed. Eitel case-----	3 00	
Nov. 14	Reimbursement of personal telephone bills-----	17 54	
Dec. 28	H. G. DeWeese, refund of amount overdrawn from expense account-----	46 30	\$170 94
	Total -----	\$107 94	\$107 94

COLLECTIONS OF WILLIS TAX DEPARTMENT FOR THE YEAR 1911  
—Concluded.

Date	From Whom Received	Amount Collected	Amount Converted into State Treasury
1910			
Jan. 7	The Baldwin Forging & Tool Co.....	\$2,513 29	\$2,513 29
Jan. 16	The Columbus Bolt Works .....	7,594 44	7,594 44
Jan. 16	The E. B. Lanman Co.....	2,412 39	2,412 39
Jan. 16	The P. Hayden Saddlery Hardware Co .....	2,720 46	2,720 46
Feb. 15	The Columbus Bolt Works .....	7,534 93	7,534 93
Feb. 15	The E. B. Lanman Co .....	2,308 53	2,308 53
Feb. 15	The P. Hayden Saddlery Hardware Co .....	2,522 23	2,522 23
Mar. 15	The Columbus Bolt Works .....	8,145 50	8,145 50
Mar. 16	The E. B. Lanman Co .....	2,502 10	2,502 10
Mar. 16	The P. Hayden Saddlery Hardware Co .....	2,511 90	2,511 90
April 15	The Columbus Bolt Works .....	8,251 78	8,251 78
April 17	The E. B. Lanman Co .....	2,556 13	2,556 13
April 19	The P. Hayden Saddlery Hardware Co .....	2,448 48	2,448 48
May 18	The Columbus Bolt Works .....	7,741 30	7,741 30
May 18	The E. B. Lanman Co .....	2,359 78	2,359 78
May 18	The P. Hayden Saddlery Hardware Co .....	1,425 73	1,425 73
June 16	The Columbus Bolt Works .....	8,775 75	8,775 75
June 16	The E. B. Lanman Co .....	2,676 58	2,676 58
June 16	The P. Hayden Saddlery Hardware Co .....	1,166 38	1,166 38
July 24	The Columbus Bolt Works .....	7,881 52	7,881 25
July 24	The E. B. Lanman Co .....	2,543 50	2,543 50
July 24	The P. Hayden Saddlery Hardware Co .....	688 00	688 00
Aug. 29	The Columbus Bolt Works .....	8,453 21	8,453 21
Aug. 29	The E. B. Lanman Co .....	2,873 88	2,873 88
Aug. 29	The P. Hayden Saddlery Hardware Co .....	493 80	493 80
Sept. 19	The Columbus Bolt Works .....	8,041 53	8,041 53
Sept. 19	The E. B. Lanman Co .....	2,773 13	2,773 13
Sept. 19	The P. Hayden Saddlery Hardware Co .....	350 65	350 65
Nov. 1	The Columbus Bolt Works .....	7,391 24	7,391 24
Nov. 1	The E. B. Lanman Co .....	2,671 91	2,671 91
Nov. 15	The Columbus Bolt Works .....	3,531 38	3,531 38
Nov. 23	The E. B. Lanman Co .....	1,264 56	1,264 56
Dec. 22	The Columbus Bolt Works .....	8,247 08	8,247 08
Dec. 22	The E. B. Lanman Co.....	2,890 55	2,890 55
	Total .....	\$138,263 52	\$138,263 52

RECAPITULATION.

The Baldwin Forging & Tool Co.....	\$2,513 29
The Columbus Bolt Works .....	91,589 66
The E. B. Lanman Co.....	29,832 94
The P. Hayden Saddlery Hardware Co .....	14,327 63
Total .....	\$138,263 52

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