

# Annual Report

OF THE

# ATTORNEY GENERAL

TO THE

Governor of the State of Ohio

FOR THE

YEAR ENDING DECEMBER 31, 1902.



SPRINGFIELD, OHIO:  
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1903

## ATTORNEYS GENERAL OF OHIO.

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HENRY STANBERRY.....	1846-1851
JOSEPH McCORMICK.....	1851-1852
GEORGE E. PUGH.....	1852-1854
GEORGE W. McCOOK..	1854-1856
FRANCIS D. KIMBALL.....	1856-1857
C. P. WOLCOTT.....	1857-1861
JAMES MURRAY.....	1861-1863
LYMAN R. CRITCHFIELD.....	1863-1865
WILLIAM P. RICHARDSON.....	1865-
CHAUNCEY N. OLDS.....	1865-1866
WILLIAM H. WEST.....	1866-1870
FRANCIS B. POND.....	1870-1874
JOHN LITTLE.....	1874-1878
ISAIAH PILLARS.....	1878-1880
GEORGE K. NASH.....	1880-1883
D. A. HOLLINGSWORTH.....	1883-1884
JAMES LAWRENCE.....	1884-1886
JACOB KOHLER.....	1886-1888
DAVID K. WATSON.....	1888-1892
JOHN K. RICHARDS.....	1892-1896
F. S. MONNETT.....	1896-1900
J. M. SHEETS.....	1900-

OFFICERS.

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J. M. SHEETS . . . . . Attorney General.  
J. E. TODD . . . . . Assistant Attorney General.  
\*GEORGE H. JONES . . . . . Assistant Attorney General.  
SMITH W. BENNETT . . . . . Special Counsel.

\*Vice J. E. Todd, who resigned Nov. 1, 1902.

# Annual Report.

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COLUMBUS, OHIO, December 31st, 1902

HON. GEORGE K NASH, *Governor of Ohio.*

SIR:—I have the honor to submit herewith my annual report for the year ending December 31, 1902.

This report includes:

First: A detailed statement of the moneys collected and paid into the State Treasury, amounting to \$180,285.89.

Second: A statement in detail of the cases in the Supreme Court of the United States, Circuit Courts of the United States, Supreme Court of Ohio, Circuit and Common Pleas Courts of the various Circuits and Districts within the state, disposed of and pending, with the questions decided or involved.

I have continued the policy of taking care of all the litigation and other business that comes to the office, as nearly as possible with the corps of assistants in the office. This policy has resulted as heretofore, in very materially reducing the expenses of the department in the way of counsel fees, which the state has heretofore been called upon to pay. The expense of this department is thus reduced nearly fifty per cent.

In my annual report for the year ending December 31, 1901, I had occasion to make the following statement:

“The power of the legislature to levy excise taxes has been further entrenched by the decision of the Supreme Court in the case of Street’s Western Stable Car Line Company against W. D. Guilbert, Auditor.

This case I found pending in the court of common pleas of Franklin county on my advent to the office. It has been successfully defended without assistance in the common pleas, circuit and supreme courts, and the principle involved establishes the right to levy an excise tax on the corporate stock of companies doing business in Ohio. This I regard as an important step in clearing the way for the much desired end of obtaining all the necessary revenues for the State by means other than by levy on real and personal property of the state.”

I am pleased to add that this statement has been vindicated by the decision of the Supreme Court of Ohio in the case of the Southern Gum

Company against Laylin, Secretary of State 66, O. S., 578, in which the Court held that an annual tax of one-tenth of one per cent., levied upon the capital stock of certain classes of corporations doing business in Ohio, was a constitutional enactment.

It has been quite generally claimed by lawyers representing corporations interested, that the law requiring payment into the State Treasury of a tax of one per cent. on the gross receipts of public service corporations, is unconstitutional; and numerous threats have been made to test the act. But the principles announced in the cases above referred to, have removed any doubt that may have heretofore existed with reference to the constitutionality of this class of legislation. Indeed, the way is now clearly open for an extension of the principle of levying excise taxes, to additional objects of taxation, so that all the necessary revenue of the state may easily be obtained from sources other than by levy on real and personal property.

Respectfully submitted,

J. M. SHEETS,

*Attorney General.*

MONEY COLLECTED AND DRAFTED INTO THE STATE TREASURY BY  
THE ATTORNEY GENERAL FOR THE YEAR 1902.

Date.	From Whom Received.	Amount Collected.	Amount Drafted Into Treasury.	
Jan.	1. Columbus Bolt Works.....	\$4,044 24	\$4,044 24	
	2. National Broom Company.....	1,071 11	1,071 11	
	6. Pioneer Stove Company.....	851 25	851 25	
	18. The E. B. Lanman Company.....	1,534 45	1,534 45	
	20. Brown, Hinman & Huntington Company.....	2,094 75	2,094 75	
	21. Columbus Chair Company.....	1,231 85	1,231 85	
	24. George B. Sprague Cigar Company.....	1,463 10	1,463 10	
	25. National Broom Company.....	799 94	799 94	
	30. P. Hayden Saddlery Hardware Company.....	1,989 15	1,989 15	
	Feb.	4. C., C., C. & St. L. Ry. Co., penalty.....	1,809 00	1,809 00
6. George B. Sprague Cigar Company.....		1,319 85	1,319 85	
6. Pioneer Stove Company.....		826 80	826 80	
11. Columbus Bolt Works.....		4,060 61	4,060 61	
14. Columbus Bolt Works.....		3,501 79	3,501 79	
18. Columbus Bolt Works.....		3,758 52	3,758 52	
28. P. Hayden Saddlery Hardware Company.....		2,137 45	2,137 45	
7. American Tin Plate Company, penalty.....		1,000 00	1,000 00	
Mch.	7. American Sheet Steel Company, penalty.....	1,000 00	1,000 00	
	13. Columbus Bolt Works.....	3,349 67	3,349 67	
	19. Brown, Hinman & Huntington Company.....	4,485 15	4,485 15	
	26. George B. Sprague Cigar Company.....	1,360 20	1,360 20	
	31. P. Hayden Saddlery Hardware Company.....	2,366 85	2,366 85	
	April	1. Pioneer Stove Company.....	931 90	931 90
		3. Columbus Bolt Works.....	3,376 97	3,376 97
11. Columbus Chair Company.....		1,197 15	1,197 15	
16. Columbus Chair Company.....		1,020 20	1,020 20	
22. Brown, Hinman & Huntington Company.....		2,262 20	2,262 20	
29. Columbus Chair Company.....		1,146 15	1,146 15	
30. Columbus Bolt Works.....		3,734 60	3,734 60	
30. P. Hayden Saddlery Hardware Company.....		2,081 45	2,081 45	
May		5. George B. Sprague Cigar Company.....	2,756 85	2,756 85
		14. Pioneer Stove Company.....	1,001 40	1,001 40
	17. E. B. Lanman Company.....	1,622 00	1,622 00	
	22. Columbus Chair Company.....	2,071 25	2,071 25	
	31. P. Hayden Saddlery Hardware Company.....	2,192 08	2,192 08	
June	2. George B. Sprague Cigar Company.....	1,474 50	1,474 50	
	16. Pioneer Stove Company.....	1,069 10	1,069 10	
	17. Ohio Glove Company.....	565 96	565 96	
	18. Brown, Hinman & Huntington Company.....	2,422 85	2,422 85	
	21. Columbus Chair Company.....	1,057 50	1,057 50	
	30. P. Hayden Saddlery Hardware Company.....	2,200 00	2,200 00	

Date.	From Whom Received.	Amount Collected.	Amount Drafted Into Treasury.
July 1.	George B. Sprague Cigar Company.....	3,287 85	3,287 85
3.	Columbus Bolt Works.....	3,391 23	3,391 23
7.	National Broom Company.....	4,018 29	4,018 29
17.	E. B. Lanman Company.....	1,674 25	1,674 25
17.	Columbus Bolt Works.....	3,630 55	3,630 55
17.	Pioneer Stove Company.....	1,078 75	1,078 75
18.	Columbus Bolt Works.....	3,730 95	3,730 95
19.	Brown, Hinman & Huntington Company.....	7,933 35	7,933 35
21.	Columbus Chair Company.....	1,014 25	1,014 25
31.	P. Hayden Saddlery Hardware Company.....	2,303 70	2,303 70
Aug. 5.	Brown, Hinman & Huntington Company.....	2,771 70	2,771 70
6.	Columbus Chair Company.....	1,079 25	1,079 25
11.	Columbus Chair Company.....	1,110 75	1,110 75
15.	Columbus Chair Company.....	1,224 00	1,224 00
19.	Pioneer Stove Company.....	1,124 20	1,124 20
30.	P. Hayden Saddlery Hardware Company.....	2,176 62	2,176 62
Sept. 11.	Brown, Hinman & Huntington Company.....	2,459 80	2,459 80
16.	Columbus Chair Company.....	1,160 25	1,160 25
20.	Pioneer Stove Company.....	1,090 20	1,090 20
24.	George B. Sprague Cigar Company.....	1,598 40	1,598 40
30.	P. Hayden Saddlery Hardware Company.....	2,292 22	2,292 22
Oct. 1.	Columbus Bolt Works.....	4,045 55	4,045 55
14.	Brown, Hinman & Huntington Company.....	2,650 10	2,650 10
15.	Columbus Bolt Works.....	3,927 08	3,927 08
15.	E. B. Lanman Company.....	1,503 65	1,503 65
16.	Columbus Chair Company.....	1,217 20	1,217 20
21.	E. B. Lanman Company.....	754 10	754 10
22.	Pioneer Stove Company.....	1,017 25	1,017 25
23.	Columbus Bolt Works.....	3,999 77	3,999 77
29.	George B. Sprague Cigar Company.....	4,595 40	4,595 40
30.	National Broom Company.....	2,154 58	2,154 58
31.	P. Hayden Saddlery Hardware Company.....	2,261 42	2,261 42
Nov. 14.	Brown, Hinman & Huntington Company.....	2,604 85	2,604 85
15.	Columbus Bolt Works.....	3,899 45	3,899 45
17.	Columbus Chair Company.....	1,204 45	1,204 45
17.	E. B. Lanman Company.....	763 03	763 03
21.	E. Gandern, costs case of T. Lees.....	27 86	27 86
24.	Pioneer Stove Company.....	1,058 80	1,058 80
29.	P. Hayden Saddlery Hardware Company.....	2,108 92	2,108 92
Dec. 3.	H. L. McCray, fine in contempt.....	100 00	100 00
3.	F. N. Patterson, fine in contempt.....	125 00	125 00
10.	George B. Sprague Cigar Company.....	1,342 95	1,342 95
16.	Columbus Bolt Works.....	4,087 83	4,087 83
16.	Columbus Chair Company.....	1,156 65	1,156 65
16.	Brown, Hinman & Huntington Company.....	2,546 65	2,546 65
16.	E. B. Lanman & Co.....	742 95	742 95
Total	.....	\$180,285 89	\$180,285 89

## SUMMARY.

Brown, Hinman & Huntington Company.....	\$32,231. 40
Columbus Bolt Works.....	56,538 81
Columbus Chair Company.....	16,890 90
P. Hayden Saddlery Hardware Company.....	24,109 86
E. B. Lanman Company.....	8,594 43
National Broom Company.....	8,043 92
Ohio Glove Company.....	565 96
George B. Sprague Cigar Company.....	19,199 10
Pioneer Stove Company.....	10,049 65
C., C., C. & St. L. Ry. Co. (penalty).....	1,809 00
American Tin Plate Company (penalty).....	1,000 00
American Sheet Steel Company (penalty) .....	1,000 00
H. L. McCray (fine).....	100 00
F. N. Patterson (fine).....	125 00
E. Gandern (costs).....	27 86
Total .....	<u>\$180,285 89</u>



## DISPOSED OF LITIGATION.

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No. 1643.

**The State of Ohio ex rel. Attorney General v. The Lakeshore Building and Loan Company.**

October 21, 1899, petition in quo warranto filed in the Circuit Court of Franklin county, averring that the defendant is a corporation located in Cleveland, Ohio, and that it has misused its corporate authority, franchises and privileges and committed acts which amount to a surrender of its corporate rights, and praying that the defendant be ousted from its right to be a corporation.

September 17, 1900, judgment of ouster was rendered and F. L. Taft and Edmund Hitchens were appointed trustees to wind up the affairs of the institution. Report of trustees filed.

January 6, 1902, report confirmed; trustees discharged. \*1-219 a8-D-15.

**The State of Ohio ex rel. Attorney General v. The Manhattan Athletic Club of Columbus, Ohio.**

October 17th, 1901, petition filed in the Court of Common Pleas of Franklin county for an injunction to enjoin the defendants from holding a prize fight within the county of Franklin.

Perpetual injunction granted. \*2-39; a10-D-22.

No. 41,833.

**The State of Ohio v. William A. Proctor, et al.**

Petition filed in the Common Pleas Court of Franklin county September 7, 1900. Action on the part of the State of Ohio against the defendants to recover possession of certain real estate claimed as part of the canal system of the State of Ohio, lying in Hamilton county, Ohio. December 24, 1900, heard on demurrer of the defendants to the jurisdiction of the Court; demurrer sustained, petition dismissed. January 4, 1901, petition in error filed in the Circuit Court of Franklin county, being No. 1768. October 8, 1901, finding by the Circuit Court in favor of defendants in error, William A. Proctor, et al. Exceptions.

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\*—No. and page of Attorney General's Register of Actions.  
a—File box Court papers.  
b—Briefs or Record.

Judgment of the Circuit Court made final; no proceedings in error prosecuted to Supreme Court. Canal Commission Act amended so that all such actions subsequently may be brought in Franklin county. \*2-14; a8-A-1; b9-D-4.

**The State of Ohio ex rel. Attorney General v. The Manhattan Athletic Club of Columbus, Ohio.**

October 16, 1901, petition in quo warranto filed in the Circuit Court of Franklin county to oust the defendant from exercising franchises not conferred by law.

January 23, 1902, judgment of ouster by default. \*2-37; a10-D-21.

**State of Ohio ex rel. Geo. Wilson v. A. W. Stiles.**

Application for writ of habeas corpus filed in the Court of Common Pleas of Franklin county, December 15, 1901. Return filed December 27; demurrer to return filed December 27.

January 27, 1902, opinion rendered by Bigger, Judge, holding affidavit not objectionable because of indefinite charge made; second, action of Probate Court erroneous because no service made on the father; notice to father is jurisdictional, but holding that the girl remain in charge of the respondent until the father shows he is a proper person to have the custody of her. Reported in Bulletin. \*2-44; a10-D-14.

**The State of Ohio ex rel. Tom L. Johnson v. The Annual State Board of Equalization of the values of the property of Railroad Companies et al.**

Petition in mandamus filed in the Supreme Court November 26, 1901, by leave of Court, seeking to compel the State Board of Equalization of the values of the property of railroad companies to increase the valuations thereof for the purposes of taxation.

November 30, demurrer to petition filed; December 12, motion to dispense with printing record and advance cause submitted; December 17, motion to dispense with printing record and advance cause allowed.

February 4, 1902, heard on demurrer to petition; demurrer sustained. Reported. \*2-40; b3-D.

**No. 1875.**

**State of Ohio, ex rel. Attorney General v. Dayton Gymnasium Club.**

Petition in quo warranto filed in the Circuit Court of Franklin county, January 6th, 1902. Action to oust defendant from being a corporation, it being charged that it was conducting prize fights. Dismissed February 19th, at costs of defendant. \*2-46; a10-D-17.

**No. 1874.**

**State of Ohio ex rel. Attorney General v. Abbey Athletic Club of Cincinnati.**

Petition in quo warranto filed in the Circuit Court of Franklin county,

January 6th, 1902. Action to oust defendant from being a corporation—it being charged that it was conducting prize fights. Judgment of ouster by default February 27th. \*2-46; a10-D-16.

**No. 1876.**

**State of Ohio ex rel. Attorney General v. Phenix Athletic Club.**

Petition in quo warranto filed in the Circuit Court of Franklin county, January 6, 1902. Action to oust defendant from being a corporation, it being charged that it was conducting prize fights. Judgment of ouster by default February 27th, 1902. \*2-47; a10-D-18.

**State of Ohio v. The American Tin Plate Company.**

Petition filed in the Court of Common Pleas of Franklin county, December 6, 1901, for \$35,000 penalty for failing to qualify as a foreign corporation doing business in Ohio under 148d, Revised Statutes.

Settled and dismissed, March 6, 1902. \*2-42; a10-D-10.

**State of Ohio v. The American Sheet Steel Company.**

Petition filed in the Court of Common Pleas of Franklin county, December 6, 1901, for \$20,000 penalty for failing to qualify as a foreign corporation doing business in Ohio under 148d, Revised Statutes.

Settled and dismissed, March 6, 1902. \*2-42; a10-D-11.

**State of Ohio v. Eastern Consolidated Oil Co.**

Petition filed in the Court of Common Pleas of Wood county, March 7, 1902, for the collection of penalty for failure to comply with the foreign corporation laws of Ohio. Settled and dismissed, March 11, 1902. \*2-51.

**State of Ohio ex rel. Physicians Guarantee Co. v. L. C. Laylin, Secretary of State.**

Petition in mandamus filed in the Circuit Court of Franklin county, March 1, 1902, seeking to compel Secretary of State to file articles of incorporation of the above named guarantee company. Dismissed. \*2-50; a11-A-1.

**No. 6000.**

**The State of Ohio ex rel. Attorney General v. The Capital City Dairy Company, a corporation.**

Petition in quo warranto filed in the Supreme Court April 12th, 1898, to oust the defendant from doing business in the State for manufacturing and selling colored oleomargarine. Judgment for plaintiff and writ of ouster allowed April 10th, 1900. Messrs. C. D. Beardsley and Harry Junk appointed trustees to wind up the affairs of the institution. Defendant prosecuted error to the Supreme Court of the United States, where the case was heard and submitted April 15th, 1901.

January 6, 1902, judgment of the Supreme Court of Ohio affirmed by the U. S. Supreme Court. March 19, 1902, report of trustees filed; also

motion to confirm the same and for allowance of compensation; report confirmed, allowance made and trustees discharged March 25, 1902, \*1-176; a8-D-19; b1-D.

**No. 1873.**

**State of Ohio ex rel. Attorney General v. The Wyandotte Savings & Trust Co.**

Petition in quo warranto filed in the Circuit Court of Franklin county January 2nd, 1902. Action to oust defendant from being a corporation for violation of statutes. Dismissed in April, 1902, at costs of defendant. \*2-45.

**No. 1446.**

**The State of Ohio ex rel. Attorney General v. The Union Dairy Company.**

Petition in quo warranto filed in the Circuit Court of Franklin county. Action to forfeit charter for violating the pure food laws. This action to abide the judgment of the Supreme Court of the United States in the case of the State ex rel. v. Capital City Dairy Company.

Decree of ouster entered pursuant to stipulations April term, 1902. Costs adjudged against defendant. \*1-188.

**No. 113,862.**

**The State of Ohio v. The Cincinnati Tin and Japan Company.**

May 27, 1898 petition filed in the Court of Common Pleas of Hamilton county.

August 1, 1900, petition in error in Circuit Court of Hamilton county filed.

Action to eject the defendant from certain canal lands claimed by the State of Ohio. April 1900, trial was had which resulted in judgment in favor of the defendant. January term, 1901, the Circuit Court affirmed the judgment of the Court of Common Pleas; exceptions by plaintiff. March 25, 1901, proceedings in error perfected in the Supreme Court.

December 17, 1901, cause advanced and oral argument noted; January 14, 1902, argued orally; January 21, judgment of Circuit Court affirmed; April 22, rehearing granted; reargued; former judgment adhered to. Reported 66 Ohio St., 182. \*1-178; a7-D-8; a9-B-6; a9-D-3; b2-B; b2-D-E-FG; a10-D-4; b3-E; b3-G.

**No. 577.**

**Ohio ex rel. Warren Gard, Prosecuting Attorney of Butler County, Ohio v. E. H. Harmon, District Examiner of Stationary Engineers.**

September 12th, 1901, petition filed in the Circuit Court of Butler county, to test the constitutionality of Act of March 1st, 1900. (94 O. L. 33-36). October 5, 1901, demurrer to petition filed.

January 23, 1902, demurrer to petition overruled; exceptions by defendant. Defendant not desiring to plead further, final judgment entered;

February 4, 1902, petition in error filed in the Supreme Court; April 22, 1902, judgment of Circuit Court affirmed. \*2-37; a10-B-6; b3-B; b3-G.

**No. 1776.**

**State of Ohio ex rel. Attorney General v. The Ocean Accident Guarantee Corporation, Limited.**

Petition in quo warranto filed in the Circuit Court of Franklin county January 19, 1901. Defendant is a corporation formed under the laws of England and doing what is known as "Credit indemnity insurance" in the State of Ohio. The action is in quo warranto to determine the right of such foreign corporation to transact such business in this State.

May 13, 1902, cause dismissed by relator at his costs. \*2-20; a10-A-7.

**No. 8056.**

**Southern Gum Co. et al. v. L. C. Laylin, Secretary of State.**

Petition filed in the Supreme Court May 31, 1902, to test the constitutionality of the "Willis Law", act of April 11, 1902, 95 O. L. 124. Demurrer filed May 31; demurrer sustained and petition dismissed June 2, 1902. Reported. \*2-54; a11-A-12; b4-H; B5-A.

**No. 817.**

**The Mercantile National Bank of Cleveland, Ohio, Appellant v. R. S. Hubbard, as Treasurer of Cuyahoga county, Ohio, Appellee.**

In Circuit Court of Appeals, U. S., Sixth District. By stipulation filed in the case the same question involving eleven other national banks in the city of Cleveland is to abide the final decision rendered herein.

This cause was commenced in the United States Circuit Court for the Northern District of Ohio, Eastern Division, by the above named bank filing its petition for an injunction against the Treasurer placing additional taxes for the year 1897 as directed by the State Board for the equalization of incorporated banks. Hon. Irvin Belford was appointed Special Master Commissioner to take the testimony and report his conclusions of law and fact thereon; report made, exceptions filed thereto by R. S. Hubbard, treasurer; exceptions argued before Taft, Judge, and the same were sustained. For statement of the case and decision see Ohio Legal News, January 8, 1900, page 162. January —, 1900, appeal from the decision of the Circuit Court filed in the U. S. Circuit Court of Appeals, 6th Circuit. May 22, 1900, cause argued and submitted; decided December 10, 1900, reversing Circuit Court, rendering decision in favor of appellant; January 23, 1901, appeal perfected to the Supreme Court of the United States, being cause No. 227 in that court. March 3, 1901, Marcellus A. Lander, treasurer of Cuyahoga county, substituted as appellant for R. S. Hubbard.

April 18, 1902, argued in the U. S. Supreme Court. June term, 1902, judgment and decree of Circuit Court of Appeals reversed; decree in favor of Treasurer of Cuyahoga county; mandate sent to the U. S. Circuit Court,

Northern District of Ohio, Eastern Division. \*2-4; a9-D-1; b1-D; b2-C; b4-A; b4-B.

**No. 7800.**

**State of Ohio ex rel. Attorney General v. M. W. Beacom et al.**

December 11, 1901, petition in quo warranto was filed in the Supreme Court to oust the Board of Control of the City of Cleveland, and to test the constitutionality of the act under which it holds.

January term, 1902, answer of defendants filed; same day demurrer to answer filed by relator; June 26, 1902, demurrer to answer sustained; writ of ouster awarded, but operation of judgment stayed to October 2, 1902; October 2, 1902, operation of judgment stayed until November 20; November 18, operation of judgment stayed until the further order of this court. \*2-43; a10-D-13; b4-D.

**No. 8014.**

**State of Ohio, ex rel. Knisely et al. v. Samuel M. Jones, et al.**

Petition in mandamus filed in the Supreme Court May 9, 1902. Action to test the constitutionality of the police board act for the City of Toledo. June 26, 1902, demurrer to petition sustained; petition dismissed. Reported 66 Ohio St., 452. \*2-52; a11-A-10.

**No. 4089.**

**State of Ohio, ex rel. Trauger v. Geo. K. Nash, Governor.**

Petition in mandamus filed in the Supreme Court June 13, 1902, seeking to compel the Governor to appoint a person to fill the vacancy caused by the resignation of Lieutenant Governor Nippert. Writ of mandamus awarded June 26, 1902. Reported. \*2-55; b10-D.

**No. 20,519.**

**The State of Ohio v. Frank Saup.**

August 8, 1899, Petition filed in the Court of Common Pleas of Montgomery county. Action to recover possession of real estate claimed by the State of Ohio as belonging to the canal system of the State.

Judgment for plaintiff. \*1-210; a8-D-12.

**No. 64,478.**

**The State of Ohio v. Frank Schlund.**

September 15, 1898, petition filed in the Court of Common Pleas of Cuyahoga county. Action to quiet title to certain canal lands.

Heard and submitted June 27, 1902; judgment in favor of plaintiff for amount of land necessary to maintain tow path. \*1-190; a11-B-2.

**A. I. Vorys, Sup't. Insurance v. E. B. Cassell et al.**

Petition filed in the Court of Common Pleas of Cuyahoga county in June, 1902. Suit brought to foreclose the rights of the Superintendent of Insurance in certain mortgages deposited with the Superintendent to secure

certain obligations. Judgment and decree of foreclosure, July, 1902. \*2-48; a10-D-20.

No. 38,018.

**W. S. Matthews, Superintendent of Insurance v. The Guarantors Liability & Indemnity Company.**

Petition filed in Common Pleas Court of Franklin county March, 1898. March 10, 1898, M. R. Patterson appointed receiver. April 24, 1901, A. I. Vorys, Superintendent of Insurance, substituted as plaintiff, being successor in office of W. S. Matthews. June 1st, 1901, substituted plaintiff, by leave of court, filed amended and supplemental petition, claiming that the appointment of a receiver for funds in the hands of the superintendent of insurance was void, and prayed to have the order made March 19, , 1898, vacated, authorizing the receiver to take possession of funds in the hands of the superintendent of insurance, amounting to \$50,000. Same date motion to compel receiver to file account and turn over the funds to the substituted plaintiff. August 31, 1901, report filed by receiver. September 14, 1901, exceptions to above report filed by A. I. Vorys, superintendent of insurance. Hearing on exceptions. Heard before Judge Bigger.

Cause settled as per directions of creditors of defendant company. Final account of receiver confirmed September term, 1902. \*1-175; a9-D-8.

**State of Ohio ex rel. Lillie Wilson v. A. W. Stiles, as Superintendent of Girls' Industrial Home.**

Petition in habeas corpus filed in the Court of Common Pleas of Franklin county August 23, 1902. Argued and submitted September 9; judgment for defendant and petition dismissed September 30, 1902. \*2-61; a11-A-25.

No. 1777.

**State of Ohio ex rel. M. F. Connell v. A. I. Vorys, as Superintendent of Insurance of Ohio.**

Petition in mandamus filed in the Circuit Court of Franklin county January 22, 1901, to compel the Superintendent of Insurance of Ohio to issue a license to the Relator, M. F. Connell, testing the validity of the statute of Ohio known as the "non-rebating" law. Heard in the Circuit Court of Franklin county on demurrer to the answer of the Superintendent of Insurance; April 1901, demurrer sustained; October, 1901, defendant not desiring to plead further final judgment rendered against him; exceptions noted by defendant; November 12, 1901, petition in error and waiver of summons in error filed in the Supreme Court.

October 14, 1902, judgment of Circuit Court reversed; demurrer to answer overruled; petition dismissed. Reported 67 Ohio St. \*2-21; a8-C-17; b3-C.

No. 8000.

**State of Ohio ex rel. Wirsch v. Theodore Spellmire, et al.**

Petition in quo warranto filed in the Supreme Court April 28, 1902, to

test the constitutionality of an act creating a special school district (95 O. L., 743), in Hamilton county. Judgment of ouster October 28, 1902. Reported. \*2-52; a11-A-8.

**State of Ohio ex rel Att'y. Gen. v. Cloyd Mansfield, Wade Armentrout, F. N. Patterson, Benjamin W. McCray and Henry L. McCray.**

Information in contempt filed in the Supreme Court November 11, 1902, charging the defendants with enjoining a judgment of this Court. Heard and submitted November 20, 1902; judgment as follows: Case dismissed as to defendants Cloyd Mansfield and Benjamin W. McCray; Wade Armentrout, guilty—fined \$50; F. N. Patterson, guilty—fined \$75; Henry L. McCray, guilty—fined \$100; costs adjudged against Benjamin W. McCray, Wade Armentrout and F. N. Patterson; in default of payment to be committed to the jail of Franklin county until paid. \*2-63; a11-B-1.

No. 8135.

**State of Ohio, ex rel. Attorney General v. Alva B. Hall.**

Petition filed in the Supreme Court September 8, 1902. Suit to test the constitutionality of the Act of the General Assembly extending the terms of the existing Clerks of the Courts of Common Pleas. Judgment of ouster. \*2-61; a11-A-24; b5-F.

No. 6562.

**The State of Ohio v. John T. Montgomery and William Stitt.**

Petition filed in the Court of Common Pleas of Mercer County February 28, 1900, to recover possession of certain canal lands alleged to be in the possession of the defendants. Trial had October 3, 1900. Tracts Nos. 1, 2, 3, 4, and 5 withdrawn from the consideration of the court; as to tracts Nos. 6 and 7 finding in favor of plaintiff, and as to tract No. 8, as described in the petition, finding in favor of the defendants. Motion for new trial filed by plaintiff and defendants; motion sustained. Amended petition filed July, 1901.

Judgment for defendant. \*2-6; a9-A-9.

No. 44,660.

**State of Ohio v. Grand Rapids Fire Insurance Co.**

Petition filed in the Court of Common Pleas of Franklin county July 29, 1902. Action to recover excise tax. Settled. \*2-57; a11-A-17.

**State of Ohio v. W. M. Beavers, et al.**

Petition filed in the Court of Common Pleas of Franklin county August 15, 1902. Settled and dismissed. \*2-59; a11-A-20.

**State of Ohio v. The Merchants' Electric Light and Power Company.**

Petition filed in the Court of Common Pleas of Franklin county,



December 6, 1901, for \$30,500 penalty for failing to qualify as a foreign corporation doing business in Ohio under 148d, Revised Statutes.

Dismissed and costs paid. \*2-43; a10-D-12.

**State of Ohio v. Piqua News.**

Petition filed in the Court of Common Pleas of Franklin county August 18, 1902. Settled and dismissed. \*2-59; a11-A-21.

**State of Ohio v. Sunlight Gas Co.**

Petition filed in the Court of Common Pleas of Franklin county August 18, 1902. Settled and dismissed. \*2-60; a11-A-23.

**State of Ohio v. Schmidt Bros. Brewing Co.**

Petition filed in the Court of Common Pleas of Franklin county August 18, 1902. Settled and dismissed. \*2-60; a11-A-22.

**The State of Ohio ex rel. v. The City of Toledo.**

Petition filed November 8, 1901, in the Circuit Court of Lucas county to oust the board of trustees of the Manual Training School.

Judgment for defendant in Circuit Court. \*2-40; a10-D-7.

**State of Ohio, ex rel. Witham v. George K. Nash, et al.**

Action in mandamus to compel the Governor and Secretary of State to issue commission to the relator as infirmary director. Writ refused. \*2-49.

**John Gill, et al. V. George A. Bennett, et al.**

The State of Ohio, by order of Court, was made party defendant in the above entitled cause, and filed its answer and cross petition in the Court of Common Pleas of Cuyahoga county, October 16, 1902, seeking to have lease for Central Armory in the City of Cleveland, heretofore executed by the Commissioners of said county to Frederick Dodge for the use of the National Guard, declared to have been executed to said Dodge in trust for the benefit of the State of Ohio as an armory for certain organizations of the National Guard located in the City of Cleveland. Judgment for State. \*2-62; a11-A-27.

**No. 1565.**

**The State of Ohio ex rel. Attorney General v. The Lucas County Manufacturers' Mutual Insurance Association.**

December 27, 1899, petition in quo warranto filed in the Circuit Court of Franklin county to oust the company from its franchise as a corporation because exercising powers not conferred by law. October 18th, 1901, judgment of ouster rendered against the defendant corporation. George A. Bassett and J. Y. Todd appointed as trustees for the creditors and stockholders. \*1-223; a10-A-9.

## PENDING LITIGATION.

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 No. 2541.

**State ex rel. Attorney General v. Union Mutual Fire Insurance Company of Cincinnati.**

Petition in quo warranto filed in the Supreme Court on December 11, 1890, praying for a judgment of ouster against the defendant company for exercising franchises not conferred upon it by law. Decree of ouster granted. March 21, 1891, first report filed showing the condition of the company; April 13, 1891, supplemental report filed; June 16, 1891, order to make assessment to pay creditors; March 26, 1896, second report filed; April 29, 1901, third report filed. Malcolm G. Davies appointed referee; June 11, 1901, referee's report filed, approved and assessment ordered. June 26, 1901, Trustee's third partial report referred to Malcolm G. Davies for examination and report. Pending. \*1-18; a10-A-10.

No. 2573.

**The State of Ohio ex rel. Attorney General v. The Buckeye Mutual Fire Insurance Company of Shelby, Ohio.**

Petition in quo warranto filed in the Supreme Court on January 2nd, 1891, praying that the defendant corporation be ousted from being a corporation, and that its charter be revoked, on the grounds that it had misused its franchises and privileges, exercised franchises and privileges not conferred upon it; and committed and omitted acts amounting to a surrender of its corporate rights.

February 4th, 1891, judgment of ouster entered and William M. Hahn and Edwin Mansfield were appointed trustees to wind up the affairs of the corporation. Partial report filed May 12th, 1891.

April 19th, 1901, motion to require the trustees to report by May 4th, 1901, was filed. May 4th, 1901, final report of trustees was filed.

May 23rd, 1901, Cummings & McBride filed exceptions to the report. On motion the exceptions were referred to Charles Kinney. Exceptions heard September 3.

September 24, supplemental report of trustees filed and referred to Chas. Kinney.

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\* No. and page Attorney General's Office Register of Actions.  
 a—File box. Court papers.  
 b—Briefs or Record.

February 1, 1902, report of Master filed; exceptions filed to report by creditors of defendant company, and also by trustees; Feb. 24, supplemental report of Master filed; June 3, 1902, Court overruled all exceptions, confirmed Master's report as modified by the supplemental report and found in the Trustees' hands belonging to the trust, \$12,944.56, for which they are ordered to account; further ordered to file list of creditors together with amounts due within 30 days. June 25, 1902, Court ordered the following payments made: To Charles Kinney, Master Commissioner, \$2,000; Floyd Hinkle, expert accountant, \$160; F. H. Wolf, stenographer, \$108.16; Cummings & McBride, a counsel fee of \$500 and \$50 for expense of printing brief, all to be paid out of the trust funds. October 23, 1902, motion of creditors filed to order Trustees to pay dividend on fire losses, and certain preferred creditors. Argued and submitted Dec. 4, 1902. Pending. \*1-19; a9-D-9; b4-C.

**No. 3012.**

**State ex rel. Attorney General v. National Mutual Fire Association of Akron, Ohio.**

Supreme Court of Ohio. Action in quo warranto to oust the defendant from the exercise of franchises not conferred upon it by law. Judgment of ouster March 7, 1893. George T. Whitmore, of Akron, appointed trustee March 21, 1893. First report of trustee filed August 25, 1896; report confirmed October 20, 1896. May 4, 1901, second report and supplemental report filed. June 21, 1901, report and supplemental report confirmed. Trustee ordered to prosecute pending actions; authority given to compromise the same. Pending. \*1-16; a10-A-11.

**No. 3011.**

**State ex rel. Attorney General v. Manufacturers' Mutual Fire Association of Akron, Ohio.**

Supreme Court of Ohio. Action in quo warranto to oust the defendant from the exercise of franchises not conferred upon it by law. Judgment of ouster March 7, 1893. George T. Whitmore, of Akron, appointed trustee March 21, 1893. First report of trustee filed August 25, 1896; report confirmed October 20, 1896. May 4, 1901, second report and supplemental report filed. June 21, 1901, report and supplemental report confirmed. Trustee ordered to prosecute pending actions; authority given to compromise the same. Pending. \*1-15; a10-A-11.

**No. 5853.**

**The State of Ohio ex rel. Attorney General v. The Cincinnati, Hamilton and Dayton Railway Company.**

December 31, 1897, petition in quo warranto was filed in the Supreme Court to oust the defendant from occupying and using canal lands and canal basins in Dayton and Hamilton, for the purpose of maintaining thereon switches, side-tracks and other improvements.

June 29th, 1900, George O. Warrington was appointed special master commissioner to take testimony in the case, and report the same by September 25th, 1900. Awaiting report of special master. \*1-168; a9-D-5.

**No. 38,667.**

**Merchants' & Manufacturers' National Bank v. The Board of Trustees of Ohio State University.**

Petition filed in the Common Pleas Court of Franklin county, August, 1898. Action for the conversion of certain building material claimed by the plaintiff, by virtue of a chattel mortgage executed by the Columbus Construction Company seeking to hold the defendants for converting such material to their own use in buildings constructed as part of the Ohio State University. January term, 1901, trial; March 30, 1901, finding for the plaintiff for the amount claimed; motion for new trial overruled; exceptions by defendant; bill of exceptions taken, petition in error filed in Circuit Court of Franklin county, being cause No. 1893; September term, 1901, heard and argued in the Circuit Court.

June 4, 1902, judgment of Court of Common Pleas affirmed by the Circuit Court; July 23, 1902, petition in error filed in the Supreme Court. Pending on motion of defendant in error to dismiss action for want of jurisdiction. \*1-187; a9-C-1.

**The State of Ohio v. W. P. Bowers.**

September 13, 1898, petition filed in the Court of Common Pleas of Ross county. Action to recover possession of real estate claimed by the State of Ohio as belonging to the canal system of the State. Pending. \*1-186; a8-D-17.

**No. 20,224.**

**The State of Ohio v. Cyrus H. Baldwin.**

Petition filed in the Court of Common Pleas of Montgomery county, March 28, 1899. Action to recover possession of real estate claimed by the State of Ohio as belonging to the canal system of the State. Pending. \*1-207; a9-D-6.

**No. 116,011.**

**The State of Ohio v. Jacob Mandery.**

Petition filed in the Court of Common Pleas, Hamilton county, March 28, 1899. Action in ejectment against the defendant to recover possession of certain canal lands located in Cincinnati, Ohio. Pending. \*1-225; a8-C-14.

**The State of Ohio v. The Bellevue Brewing Company.**

June 30, 1899, petition was filed in the Court of Common Pleas of Hamilton county to recover possession of certain canal lands claimed by the state. Pending. \*1-232; a8-D-10.

**No. 40,216.**

**D. H. Everett v. E. G. Coffin.**

July 10, 1899, Transcript filed in the Court of Common Pleas of

Franklin county. October 6, 1899, Petition filed. Action against E. G. Coffin as warden of the Ohio Penitentiary, to recover a money judgment claimed by plaintiff. Pending. \*1-210; a10-A-2.

No. 1620.

**The State of Ohio ex rel. Attorney General v. The Baltimore & Ohio Railroad Company.**

Petition in Ejectment filed in the Circuit Court of Franklin county, August 8, 1899, averring that the plaintiff is the owner of certain lands located in Licking and Perry counties, being parts of the State lands in the Licking Reservoir of the Ohio canal, and that the defendant is a corporation and is unlawfully in the possession of said lands, and prays that it be ousted from its said possession and compelled to remove its tracks, switches, etc., from the premises, and for other relief. Pending. \*1-211; a8-D-8.

No. 6782.

**The State of Ohio ex rel. Attorney General v. The Crescent Building & Loan Association of Toledo, Ohio.**

August 16, 1899, petition in quo warranto filed in the Supreme Court to oust the defendant from being a corporation, because unlawfully exercising franchises not conferred upon building and loan associations. Heard on demurrer to the petition; demurrer overruled; May 1, 1900, answer of defendant filed. January term, 1901, order made dispensing with printing records and brief; motion of relator for judgment of ouster on the pleadings; February 5, 1901, motion sustained. Judgment of ouster against corporation. Court appointed Lloyd T. Williams and Fred A. Kumlert trustees for the creditors of the defendant corporation.

October 29, 1902, trustees filed inventory. Pending. \*1-212; a9-B-8; b1-D.

No. 38,917.

**The Fultonham Brick & Tile Co. v. Columbus Construction Company, Trustees of Ohio State University, et al.**

Petition filed in the Franklin County Court of Common Pleas September, 1899. Action to collect amount of \$1,950.89 with interest from March 6, 1898, being the amount claimed for certain brick used by the Trustees of the Ohio State University in the construction of certain buildings; September 3, 1900, heard on motion to the petition; motion overruled; February 2, 1901, demurrer to petition filed by Board of Trustees; September 30, 1901, demurrer overruled; October 25, 1901, answer of the Board of Trustees filed.

November 25, 1901, motion by O. S. U. Trustees to make M. & M. Bank party defendant; motion sustained; December 18, 1901, motion by M. & M. Bank to set aside order making it party defendant; March 24, 1902, above order vacated. Exceptions. Pending. \*1-188; a9-C-6.

No. 3745.

**State of Ohio v. John Shell.**

This action was originally commenced in the Court of Common Pleas

of Perry county, October 21, 1899, to recover certain canal lands alleged to be in the possession of the defendant. Answer filed November 16, 1899. May term, 1900, trial had, which resulted in a verdict in favor of the defendant; motion for new trial filed and overruled; taken on error to the Circuit Court of Perry county.

October 31, 1901, judgment of Circuit Court affirming Court of Common Pleas. Exceptions. January, 1902, petition in error filed in the Supreme Court; February 26, 1902, printed record filed; also brief of plaintiff in error and brief of defendant in error. Pending. \*1-218-2-12; a10-A-13; b3-H.

No. 3746.

**State of Ohio v. Jonathan Bope.**

October 21, 1899, Petition filed in the Court of Common Pleas of Perry county. Action for the recovery of real estate claimed by the State of Ohio as a part of its canal system. Pending. \*1-218; a10-A-12.

**The State of Ohio ex rel. Attorney General v. The National Salt Company.**

November 10, 1899, petition in quo warranto filed in the Circuit Court of Meigs county to oust the defendant corporation for exercising franchises not conferred by law. Pending. \*1-221; a8-C-5.

**The State of Ohio v. Christ G. Kellner.**

December 5, 1899; petition filed in the Court of Common Pleas of Montgomery county, Ohio. Action to recover possession of real estate claimed by the State of Ohio as belonging to the canal system of the State. Pending. \*1-220; a8-D-16.

No. 41,199.

**James Kennedy v. E. G. Coffin, et al.**

Petition filed in the Common Pleas Court of Franklin county March 24, 1900. Action against E. G. Coffin, Warden of the Penitentiary for \$10,000 damages for false imprisonment. Answer, general denial. Pending. \*2-4; a10-A-5.

No. 961.

**Maria F. Thomas v. George Folsom, The Ohio State University, and the State of Ohio.**

Bill of complaint filed in U. S. Circuit Court, Southern District of Ohio, Eastern Division, April 26, 1900. Action to construe will and for partition; lands lying in Pickaway county. Pending. \*2-8; a9-C-4.

**John Shell v. Westbrook Still.**

Complaint filed before E. M. Braddock, J. P., Pike township, Perry county, Ohio, July 27, 1900; action in forcible entry and detainer, defendant claiming certain lands by virtue of a lease from the State of Ohio, said lands

being highlands situated in Licking Reservoir. The case was tried before E. M. Braddock, justice of the peace; judgment in favor of plaintiff; petition in error filed in Court of Common Pleas of Perry county August 13, 1900.

January 27, 1902, judgment of Circuit Court for defendant; January 29, motion for new trial filed; February 1st, motion overruled. Petition in error filed in the Supreme Court. Pending. \*2-13; a10-D-19.

No. 1785.

**State of Ohio ex rel. Attorney General v. Pittsburg, Cincinnati, Chicago & St. Louis Railway Company.**

Petition in quo warranto filed in the Circuit Court of Franklin county January 29, 1901. The defendant is conducting, in connection with its business of a railroad corporation, what is known as a "voluntary relief department." The petition in quo warranto claims that the business of this Department is essentially insurance and that the defendant railroad corporation has no authority to engage in such business. Defendant, by answer, admits that it is conducting such Department, but denies that it is exceeding the rights and franchises granted to it as a corporation.

Judgment for defendant in Circuit Court of Franklin county; petition in error filed in the Supreme Court. Pending. \*2-21; a9-B-10; b4-E; 5-B.

No. 42606.

**The State of Ohio v. Cleveland, Cincinnati, Chicago & St. Louis Railway Company.**

Petition filed in the Court of Common Pleas of Franklin county, March 13, 1901. Action for penalty under the Ohio statute for permitting an employee to act as conductor on a passenger train without having the experience and qualifications prescribed by the statute. Judgment in favor of the State for \$500 and costs. Pending on error to the Circuit Court. \*2-23; a8-C-21; b3-F.

No. 985.

**John Arbuckle, Wm. V. R. Smith, James N. Jarvie and Wm. A. Jamison v. Joseph E. Blackburn, Dairy and Food Commissioner of Ohio.**

Bill of complaint filed in Circuit Court of United States, Southern District of Ohio, Eastern Division, February, 1901. Action brought by John Arbuckle et al. to enjoin Joseph E. Blackburn, Dairy and Food Commissioner of the State of Ohio, from prosecuting the vendors of Ariosa coffee. April —, 1901, argued before Hon. A. C. Thompson, Judge of the Circuit Court of the United States, Southern District of Ohio; injunction refused, bill of complaint dismissed; notice of appeal given by the respondents of their intention to appeal to the Circuit Court of Appeals of the United States.

Judgment of the Circuit Court affirmed by the Court of Appeals. Pending on error to the U. S. Supreme Court. \*2-23; a9-A-7.

**No. 21,953.****The State of Ohio v. The Southern Ohio Traction Company.**

Petition filed in the Court of Common Pleas, Montgomery county, April 8, 1901, praying for a money judgment against the defendant for alleged violation of the law requiring safety devices to be placed at grade crossings of one railroad over another. The defendant answered June 12, 1901, and denied that the Act of April 27, 1896, has any application to a street railroad, and denies that the Commissioner of Railroads and Telegraphs has any authority to make an order in regard to the crossing of a steam railroad at grade by a street railroad.

June term, 1901; judgment of the Court of Common Pleas for defendant. Petition in error filed in the Circuit Court of Montgomery county. Pending. \*2-26; a9-C-5.

**No. 42,736.****The State of Ohio v. The Columbus Construction Company, John J. Dun, Herbert K. Knopf, John Dun and Rebecca Knopf**

Petition filed in the Court of Common Pleas, Franklin county, April 8, 1901, to recover \$53,648.41 from the bondsmen of the Columbus Construction Company by reason of their default and failure to construct three buildings for the Ohio State University as per contract. Answer of defendants filed November 6th, 1901.

November 29, 1901, replies filed to defendants' answer. Pending. \*2-26; a9-C-7.

**The State of Ohio v. The Brewster Coal Company.**

Petition filed in the Court of Common Pleas of Summit county, April 17, 1901, action for possession of real estate belonging to the State of Ohio, and rentals claimed, in the amount of \$5,400. Pending. \*2-30; a8-C-3.

**The State of Ohio v. F. M. Stoker et al.**

Petition filed in the Court of Common Pleas, Auglaize county, April 24, 1901, to quiet title to certain canal lands. Pending. \*2-31; a8-C-19.

**No. 7708.****State of Ohio ex rel. Attorney General v. The Northern Ohio Building and Loan Company.**

August 29th, 1901, petition in quo warranto filed in the Supreme Court to oust the defendant company from its charter, as provided by Section 3836-18. Revised Statutes, August 31, Paul Howland and E. S. Griffis, Cleveland, Ohio, appointed temporary receivers. October 14, final report filed as receivers; and confirmed.

Howland and Griffis as receivers allowed \$1,000; same parties appointed trustees; November 25, 1901, trustees filed bonds and inventory; May 8, 1902, hearing on motion for distribution; motion allowed, ordering a distribution of 10 per cent to the creditor stockholders and 30 per cent



to the holders of "quarter" certificates. Compensation allowed trustees for services in connection therewith. Pending. \*2-36.

**No. 43,359.**

**The State of Ohio v. Chris McKee.**

September 18th, 1901, petition filed in the Court of Common Pleas of Franklin county, for penalty under the provisions of the Act of April 16, 1900 (94 O. L., 379). Pending. \*2-41.

**No. 7682.**

**The State of Ohio ex rel. Attorney General v. The Guarantee Savings and Loan Company of Cleveland, Ohio.**

September —, 1901, petition in quo warranto filed in the Supreme Court to oust the defendant company from exercising the powers of a building and loan association. October 8, 1901, amended answer filed admitting the allegations of the petition. Frederick L. Taft and J. B. Livingston of Cleveland appointed trustees.

October, 1901, inventory filed; October 8, 1902, second report filed; December 2, 1902, \$6,000 allowed each trustee as partial compensation. Report confirmed. Pending. \*2-38; a10-D-6.

**The State of Ohio ex rel. Attorney General v. The Ohio Merchandise Association.**

October 11th, 1901, petition in quo warranto filed in the Circuit Court of Lucas county to oust the defendant from doing business in Ohio. Joseph R. W. Cooper appointed receiver. Pending. \*2-38; a11-A-5.

**The State of Ohio ex rel. Attorney General v. The City Heat and Light Company.**

October 21, 1901, petition filed in the Circuit Court of Seneca county. This is an action in which the name of the Attorney General was allowed to be used at the request of certain citizens of Fostoria, Ohio, to test the powers contended for by the defendant company. Pending. \*2-39; a10-D-5.

**State of Ohio ex rel. Board of Education of Dennison, Ohio v. Conrad C. Fernsell, Auditor.**

Petition filed in the Court of Common pleas of Tuscarawas county November 27, 1901.

Action involving amount of State common school fund due boards of education of Dennison School District. Pending. \*2-64; a11-B-3.

**No. 20835**

**The State of Ohio v. The Southern Ohio Traction Company, a corporation.**

December 2, 1901, petition filed in the Court of Common Pleas of Butler county. This is an action for \$16,500 penalty for failure to comply

with the order of the Commissioner of Railroads and Telegraphs under Sections 247f to h.

Judgment for defendant in Court of Common Pleas; petition in error filed in the Circuit Court. Pending. \*2-41; a10-D-9.

**The State of Ohio ex rel. Attorney General v. The Board of Education of Toledo, Ohio.**

December 9, 1901, petition in quo warranto filed in the Circuit Court of Lucas county, to oust the Board of Education of Toledo on the ground of the unconstitutionality of the Act of March 23, 1898, under which it is now acting.

Judgment for defendant in Circuit Court; petition in error filed in Supreme Court. Pending. \*2-44; a10-D-25.

No. 7822.

**State of Ohio ex rel. Attorney General v. Imperial Savings Company of Toledo.**

Petition filed in the Supreme Court January 6th, 1902, to wind up corporation and appoint trustees. E. B. Smith, Fremont, Ohio, and Albert V. Baumann, Toledo, appointed trustees. June 16, 1902, inventory filed by trustees; October 14, trustees ordered to appraise and sell real and personal property of defendant. Pending. \*2-45; a10-D-15.

**State of Ohio ex rel. Attorney General v. Provident Savings Co.**

Petition in quo warranto filed in the Circuit Court of Franklin county, February 3rd, 1902, to oust the defendant, appoint trustees and wind up the affairs of the corporation. February 6th, decree of ouster and George W. Bright, Foster Copeland and Ralph E. Westfall appointed trustees. Pending. \*2-49.

**State of Ohio ex rel. Attorney General v. Samuel M. Jones et al.**

Petition in quo warranto filed in the Supreme Court May 9, 1902. Suit to test the constitutionality of Act of April 17, 1902, under which the Toledo Board of Police Commissioners were appointed. Pending. \*2-53; a11-A-11.

**State of Ohio ex rel. v. Hanley et al.**

Action in quo warranto originally commenced in the Circuit Court of Lucas county against the Board of Education of the City of Toledo, involving the constitutionality of the Act creating said Board in said City. Judgment in Circuit Court for defendants; pending on error in the Supreme Court. \*2-51; a4-F.

No. 1911.

**State of Ohio ex rel. Attorney General v. Amazon Insurance Co.**

Petition in quo warranto filed in the Circuit Court of Franklin County, May 16, 1902. Action to oust defendant from engaging in business of fire insurance in the State of Ohio. Pending. \*2-53; a10-D-26.

**No. 44,437.**

**It the matter of the application of Charles F. Kline for a writ of habeas corpus.**

Application for writ of habeas corpus filed in the Court of Common Pleas of Franklin county, May 27, 1902. Proceedings to test the legality of a judgment rendered against petitioner as an "Habitual Criminal", the "Habitual Criminal Act" having been repealed May 6, 1902. Pending. \*2-54.

**State of Ohio ex rel. Attorney General v. J. D. McLain et al.**

Petition in quo warranto filed in the Circuit Court of Cuyahoga County July, 1902, against the Council of the City of Cleveland to test the constitutionality of the Cleveland charter. Pending. \*2-58; a11-A-18.

**No. 8069.**

**State of Ohio ex rel. Attorney General v. Cincinnati, Georgetown & Portsmouth R. R. Co.**

Petition in quo warranto filed in the Supreme Court July 1, 1902. Action to oust the defendant from the exercise of certain franchises. Pending. \*2-56; a11-A-14.

**State of Ohio v. Ohio Glove Co.**

Petition filed in the Court of Common Pleas of Franklin county, July 1, 1902, to collect \$———— from the defendant due on prison contract. Pending. \*2-55; a11-A-13.

**No. 11,064.****Dora L. Palmer v. W. M. Hiltabiddle et al.**

Petition filed in the Court of Common Pleas of Summit county, July 11, 1902. Action for damages. Pending. \*2-57; a11-A-15.

**State of Ohio ex rel. Attorney General v. Cincinnati & Eastern Electric Railway Co.**

Petition filed in the Supreme Court July 25, 1902. Action to oust the defendant from the exercise of certain franchises. Pending. \*2-56; a11-A-16.

**No. 44,694.****A. I. Vorys, Superintendent Insurance v. Ohio Life Insurance Co.**

Petition filed in the Court of Common Pleas of Franklin county August 2, 1902. Action to marshal liens upon fund deposited with the Superintendent of Insurance. Pending. \*2-58; a11-A-19.

**State of Ohio v. Frank L. Yerges et al.**

Petition filed in the Court of Common Pleas of Sandusky county, October 13, 1902. Action against the bond of Frank L. Yerges to collect \$219.27, amount of property and equipments received as captain of Co. K. 6th Reg't., and not accounted for. Pending. \*2-62.

**Charles C. Clayton v. Wm. N. Darby, Warden Ohio Penitentiary.**

Petition filed in the Court of Common Pleas of Franklin county October 28, 1902. A proceeding in habeas corpus to test the constitutionality of the act transferring prisoners from the Reformatory to the O. P. Pending. \*2-63.

**State of Ohio ex rel. Attorney General v. Mansfield Club, et al.**

Petition in quo warranto filed in the Circuit Court of Franklin county November 19, 1902. Action to oust the defendant from being a corporation, it being charged with conducting prize fights. Pending. \*2-64; a11-B-4.

No. 5277.

**John T. French v. State of Ohio.**

Petition filed in the Court of Common Pleas of Ottawa county, November 3rd, 1902. Action for money; amount claimed \$930. Pending. \*2-65; a9-B.

No. 7851.

**State of Ohio ex rel. Guilbert, Auditor, et al. v. John H. McPherson, Auditor of Greene county.**

Action to compel County Auditor to place upon tax duplicate Bell telephone instruments as per appraisement by board of appraisers and assessors. Pending. \*2-48.

**Hamilton v. Walker.**

Action in ejectment against Walker, tenant of the State. Pending. \*2-50.

**State ex rel. Attorney General v. Mutual Home & Savings Company of South Charleston, Ohio.**

Petition in quo warranto filed in the Circuit Court of Franklin county, December 15, 1902, seeking to oust the defendant, appoint trustees and wind up its affairs. Pending. \*2-65; a9-A-16.

No. 45,356.

**State of Ohio v. John L. Wilgus.**

Petition filed in the Court of Common Pleas of Franklin county, December 24, 1902. Action for recovery of canal lands in Tuscarawas county. Pending. \*2-66; a9-C-8.

No. 45,357.

**State of Ohio v. Howard Adamson.**

Petition filed in the Court of Common Pleas of Franklin county, December 24, 1902. Action for recovery of canal lands in Tuscarawas county. Pending. \*2-67; a9-C-10.

No. 45,358.

**State of Ohio v. S. L. Douglass.**

Petition filed in the Court of Common Pleas of Franklin county, December 24, 1902. Action for recovery of canal lands in Tuscarawas county. Pending. \*2-67; a9-C-9.

No. 8194.

**State of Ohio ex rel. v. The Aetna Life Insurance Company.**

Petition in quo warranto filed in the Supreme Court December 27, 1902. Action seeking to oust the defendant company from doing Employers' Liability business in Ohio. Summons issued to sheriff of Franklin county. Pending. \*2-68; a11-B-6.

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