

ANNUAL REPORT

OF THE

Attorney General of Ohio

TO THE

Governor of Ohio

FOR THE

Period from January 1, 1914, to January 10, 1915

Springfield, Ohio :
The Springfield Publishing Company,
State Printers.
1915.
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ATTORNEYS GENERAL OF OHIO.

Henry Stanbery.....	1846-1851
Joseph McCormick.....	1851-1852
George E. Pugh.....	1852-1854
George W. McCook.....	1854-1856
Francis D. Kimball.....	1856-1857
C. P. Wolcott.....	1857-1861
James Murray.....	1861-1863
Lyman R. Critchfield.....	1863-1865
William P. Richardson.....	1865
Chauncey N. Olds.....	1865-1866
William H. West.....	1866-1870
Francis B. Pond.....	1870-1874
John Little.....	1874-1878
Isaiah Pillars.....	1878-1880
George K. Nash.....	1880-1883
D. A. Hollingsworth.....	1883-1884
James Lawrence.....	1884-1886
Jacob Kohler.....	1886-1888
David K. Watson.....	1888-1892
John K. Richards.....	1892-1896
F. S. Monnett.....	1896-1900
J. M. Sheets.....	1900-1904
Wade H. Ellis.....	1904-1908
U. G. Denman.....	1908-1911
Timothy S. Hogan.....	1911-1915

ATTORNEY GENERAL'S DEPARTMENT.

(January 1, 1915.)

Timothy S. Hogan.....	Attorney General
Charles Follett.....	First Assistant Attorney General
P. J. Monahan.....	Second Assistant Attorney General
James I. Boulger.....	Special Counsel
Walter L. Connors.....	Special Counsel
Frank Davis, Jr.....	Special Counsel
P. E. Dempsey.....	Special Counsel
W. J. Ford.....	Special Counsel
Leroy H. Godman.....	Special Counsel
B. S. Johnson.....	Special Counsel
Clarence D. Laylin.....	Special Counsel
J. M. McGillivray.....	Special Counsel
Jacob Schlesinger.....	Special Counsel
John A. Smith.....	Special Counsel
Lewis Stout.....	Special Counsel
N. J. Weisend.....	Special Counsel
Joseph L. Stanton.....	Chief Clerk
W. F. McNamara.....	Willis Tax Clerk
Helen Bergin.....	Stenographer
Clara K. Carey.....	Stenographer
Anna Crossin.....	Stenographer
K. Marie Damron.....	Stenographer
Sallie Gallagher.....	Stenographer
Laura E. Kelly.....	Stenographer
Mary G. McMahan.....	Stenographer
A. R. Seel.....	Stenographer
Margaret Nelson Smith.....	Stenographer
R. A. Stremel.....	Messenger

COLUMBUS, OHIO, January 10, 1915.

HON. JAMES M. COX, *Governor of Ohio, Columbus, Ohio.*

DEAR SIR:—I beg leave to submit herewith the annual report of the attorney general for the calendar year 1914, and to the expiration of my term ending this date.

The report hereinafter made will be subdivided, as has been customary in previous reports, and will cover the following matters:

First. The personnel and work of the department during the time above specified.

Second. A summary of the actions and prosecutions pending and disposed of, together with a list of the cases as the same appear on the docket of the various courts.

Third. Report of the Willis law department.

Fourth. A statement of the appropriations to and expenditures of the department.

Fifth. The official opinions rendered by me as attorney general from January 1, 1914, to January 10, 1915.

I.

PERSONNEL OF THE DEPARTMENT.

During the year 1914, there were but two changes made in this department among the special counsel, one of which arose due to the elevation of Judge O. W. H. Wright to the common pleas bench in the seventh district, second subdivision. Mr. W. J. Ford was appointed in place of Judge Wright, resigned, his appointment being made on February 20, 1914.

Mr. Lewis Stout was appointed as special counsel on March 16, 1914, to take up the work of the auditor of state, especially in reference to the bureau of inspection and supervision of public offices which is under the jurisdiction of said auditor of state. The advisability of his appointment to take personal supervision of the findings of the bureau of inspection and supervision of public offices is well seen from the report of the auditor of state relative thereto. With the exception of the appointment of Mr. Ford in place of Judge Wright, and the appointment of Mr. Stout as special counsel in charge of the matters foregoing set forth, the office remained the same as it was at the beginning of the year 1914.

Mr. Ford resigned on January 5, 1915, to assume the duties of assistant prosecuting attorney for Franklin county, Ohio.

WORK OF THE DEPARTMENT.

The department has been very active throughout this year, both in its advisory capacity and in the trial of cases, as will be hereinafter more fully set forth.

The causes mentioned in my previous reports have continued to operate during the year 1914, so as to increase the work of this department.

Perhaps the most fundamental legislation affecting the administration of the state and its subdivisions, which became effective in 1914, was the civil service law. I have co-operated with the state civil service commission in an effort to put this law into practical operation. To that end, all opinions requested, from whatever source, pertaining to the interpretation of the civil service law, have been addressed to the commission, copies thereof being furnished to parties other than the commission in cases wherein such other parties have requested the same. The opinions themselves, hereinafter published, will show the volume of advisory work of this sort which the department has been called upon to handle by reason of this legislation. In addition to the advisory work, the taking effect of the civil service law resulted in some litigation in which the department participated.

Another new law which caused a considerable volume of work to be cast upon the department in the year 1914, was the so-called Torrens land registration act. Under the provisions of this law the attorney general was required to prepare approximately 125 different forms. As a matter of accommodation these were furnished to the various county auditors, probate judges and clerks of courts. In addition to the preparation of these forms, numerous questions have arisen as to the procedure under the Torrens law which have been dealt with in official opinions. Another result of the operation of the Torrens law is that the state has been made a party in numerous proceedings to register land titles under its provisions. The full effect of such litigation upon the interests of the state and the work of this department cannot at this time be accurately estimated.

The voluminous school legislation enacted by the general assembly at its first extraordinary session in the year 1914 has proved to be a prolific source of advisory work in this department, as the opinions hereinafter published will show. In this connection I call attention to the fact that there are several defects of a serious nature in the amended school code. While these defects are perhaps no more numerous than would naturally occur as a result of the adoption of a new legislative policy, it seems to me that they call for immediate curative legislation. For example, the scheme of supervision, which is the keynote of the legislation in question, contemplates the organiza-

tion of county boards of education and the discharge by such boards of very important functions. In order that the law may be executed with efficiency it is necessary that the funds required to carry on the work of county boards of education shall be supplied. The new laws, however, fail to provide any revenues for the use of the county board of education other than such as are necessary to pay certain legally fixed charges, with the exception of funds which may be transferred by the county commissioners from the surplus proceeds of the dog tax. In many counties of the state there is no such surplus. The county board of education does not possess the power to levy taxes and the county commissioners are without authority to levy or appropriate moneys for its use. As I have suggested, this is but one of perhaps several practical defects in the school laws as recently amended which have been disclosed by questions upon which my official opinion has been requested, and I venture to recommend that the entire subject should receive careful consideration by the general assembly.

The compulsory workmen's compensation act, passed in 1913, became effective in 1914. This law has been the source of what may be termed the usual amount of advisory work, but is mentioned in this connection because of the litigation the conduct of which, as a result of its operation, has devolved upon this department. Such litigation may be divided into two classes: In the first place the original law provided that a uniform premium of one per cent. of the payroll should be exacted from all public treasuries as a fund from which compensation to injured employes of the public, or their dependents in case of death, should be paid. There was a disposition in many quarters to test the constitutionality of this provision, which manifested itself in certain actions brought in Hamilton county and taken to the supreme court of the state, wherein this department successfully sustained the law.

The second class of litigation resulting from the compulsory workmen's compensation act is itself divided into two classes:

First. Actions in which the industrial commission, as the state liability board of awards, was sued for compensation on the claims disallowed by it. The department has assisted prosecuting attorneys in numerous cases of this character.

Second. The department has brought suit for premiums which employers, subject to the act, refused to pay; there being a considerable number of actions of this sort.

What may be termed the initial litigation incident to the installation of the scheme of licensing the traffic in intoxicating liquors was mentioned in my report for the year 1913, and was in a large part carried to a successful conclusion in that year. During the year 1914,

however, the department has prosecuted a large number of offenders against the provisions of the license law. In preparing opinions on questions arising under the liquor license law I have adopted the same policy which I have described in speaking of the work of the department in connection with the civil service law; that is to say, all opinions upon matters of this kind have been addressed to the state liquor license board, copies thereof being sent to those who have requested my opinion, when the request has emanated from another source.

COLLECTIONS AGAINST BANKS AND SURETY COMPANIES.

In my last report I called attention to the work of this department in pressing claims against various banks for interest on deposits of state funds made without authority of law in said banks by former state treasurers. In 1913, I set forth, in said report, that the state of Ohio was awarded a judgment of \$42,000 against the Columbus Savings & Trust Co., and in December, 1913, the claim of the state against the Commercial National Bank of Columbus was settled without suit for the sum of \$55,000. At the beginning of the year 1914, the suits which were pending which I had instituted were against

The Cincinnati Trust Company.
 The Hough Bank & Trust Company, Cleveland.
 The First National Bank at Cleveland.
 The Union National Bank of Columbus.
 The Merchants' & Manufacturers' National Bank of Columbus.
 The Marine National Bank of Ashtabula.
 The National Bank of Ashtabula.
 The Farmers' National Bank of Ashtabula.

These suits were all pressed, and during the year settlements were made with the following banks, the amount named being paid into the state treasury:

First National Bank of Cleveland.....	\$4,109 58
Cincinnati Trust Co.....	13,101 30
National Bank of Ashtabula.....	1,003 20
Farmers' National Bank of Ashtabula.....	1,500 78
Marine National Bank of Ashtabula.....	3,052 68
Hough Bank & Trust Co., of Cleveland.....	692 45
Union National Bank of Columbus.....	7,500 00

The above settlements were all based on the reports of expert accountants on funds of the state deposited in said banks without authority of law.

The only case remaining is that against the Merchants' & Manufacturers' National Bank of Columbus. This bank has been for many years in the hands of a receiver, having been closed on account of insolvency, and there are no funds belonging to said bank which can be reached to satisfy the claim of the state against it.

The action against former State Treasurer, Isaac B. Cameron, and his bondsmen, and against the bondsmen of former State Treasurer, W. S. McKinnin, are still pending. In these cases, as I have pointed out in my former reports, the important question was settled by the supreme court of Ohio that the state could recover interest on funds deposited without authority of law. The interest having been recovered from the banks which I have named disposes of the cases against the treasurers and their bondsmen so far as interest on funds deposited in said banks is concerned.

Upon assuming office, in addition to the claims against the various banks of which I have before spoken—the amount of which claims was indefinite—there were three claims by the state surety companies; one against the Empire State Surety Company for \$50,000, one against the Massachusetts Bonding Company for \$25,000, and the claim against the Federal Union Surety Company for \$10,000. The claims against the Empire State Surety Company and the Massachusetts Bonding Company arose out of the deposit of state funds in the Farmers' & Merchants' Bank of Cleveland, Ohio. This bank made an assignment and the assignee refused to allow the claims of the state in the amount in which the same were presented, viz., \$50,000 and \$25,000. The state had, through the preceding administration during which the failure of this bank occurred, entered into a contract with the surety companies under which the surety companies claimed that the state had bound itself to exhaust its remedies against the assignee of the bank before proceeding against the bonding companies. The attorney general had filed two suits in the common pleas court of Cuyahoga county, known as the State of Ohio vs. Thomas J. Holmden, Assignee, et al., but nothing had been done with these suits at the time I took charge of the same. The suits were immediately pressed; the common pleas court held that the state was entitled to its claim in full; the cases were then taken to the circuit court and the circuit court affirmed the common pleas court. The surety company expressed an intention of carrying the cases to the supreme court, but this was abandoned and the Empire State Surety Company paid into the state treasury the sum of \$50,000, together with interest, and the Massachusetts Bonding Company paid \$25,000. Other collections of forfeited bonds amounted to \$11,323.55.

The judgment now rendered against The Federal Union Surety Company is for \$15,788.68.

The total amount of judgments obtained and collections made against the surety companies therefore amounts to \$102,112.23, and the total amount of judgments secured and claims collected against the banks on account of illegal deposits is \$129,035.33, making the total of collections made and judgments obtained against banks and surety companies, during my administration, \$231,147.56.

The legal work which finally resulted in the recovery of such large amounts by the state was enormous. The litigation covered several years, necessitated the employment of special counsel and expert accountants, and the results finally obtained have been most satisfactory.

LEGISLATIVE BRIBERY CASES.

In my report for the year 1913, I set out all of the prosecutions that were disposed of and were still pending in the so-called legislative bribery matters. It appears from said report that there were but three cases still pending, to wit:

- 9644, State vs. Nye.
- 9645, State vs. Nye.
- 9678, State vs. Nye and Harrison

All of these cases were nollied on December 23, 1914, so that the legislative bribery matters have been completely disposed of.

WILLIS LAW DEPARTMENT.

In my Willis tax department, the number of domestic and foreign corporations and public utilities certified during the year as being delinquent was 4,408, this being an increase of more than three hundred per cent. (300%) over the previous year, and of the foregoing number, 3255 were certified for having failed to file annual reports for the years 1912 or 1913, or both, which required an extraordinary effort on the part of the clerk and stenographer having this matter in charge, and resulted in the collection of \$275,968.22 as against \$130,966.15 collected during the year 1913.

More than 600 of these corporations were certified after November 15, 1914, and a good many of them are now in the process of settlement. However, a complete detailed statement will be found further along in this report which will show the amount collected from all sources to be \$403,435.08.

THE ESTATE OF JAMES W. REILLY, DECEASED.

The litigation respecting the title to the property belonging to the late General James W. Reilly, of Wellsville, having terminated during

the year 1914, I feel that it may be of interest to review, briefly, the history of this somewhat unique matter.

In November, 1905, General Reilly died at an advanced age. The decedent was a prominent lawyer, a distinguished soldier of the civil war, a bachelor, and a person of forceful, though eccentric character. In spite of his profession, he had amassed a small fortune estimated at about \$150,000, a part of which was represented by real estate situated in Wellsville, and a part of which was represented by bonds, notes and other similar personal property.

It was known of the general that he was the only son of one Thomas Reilly and his wife, whose maiden name was Elizabeth McVeigh or McAvoy. It was also known that during the later years of his life the decedent had made statements to the effect that he had no living relatives known to him. He had spoken of making a will disposing of his property, but after his death no will was found, though interested parties conducted a diligent search for such an instrument.

The statutes of the state providing for the descent and distribution of real and personal property, make the state the ultimate heir by escheat in case of failure of relatives of the decedent. In view of all of the facts surrounding the case, certain parties in Columbiana county had a receiver appointed to take charge of the real estate of General Reilly, pending the determination of its title, and an administrator was appointed to take charge of the personal property.

A short time after the death of General Reilly an action was filed in the common pleas court, Columbiana county, entitled "Jane McVeigh vs. Mary Ann McVeigh et al." The petition in the case stated that Jane McVeigh and the parties defendant were owners of undivided interests in the real property of the deceased, as next of kin to him through his mother, and prayed that the real estate be partitioned among them as their interests should appear. The plaintiff and all parties defendant named in this petition were residents of Ireland.

The filing of this action produced almost immediately what may be termed a multitude of answers and cross petitions, the partition suit being seized upon by numerous lines of alleged heirs as the most convenient means of establishing their several claims.

The then Attorney General, Honorable Wade H. Ellis, determined that the interests of the state would be properly subserved by filing an answer and cross petition in this case on behalf of the state of Ohio. Such a pleading was filed, its averment that General Reilly died intestate and without heirs or next of kin in any degree of relationship and that the property had escheated to and vested in the state.

The case came on for trial in November, 1909, before Honorable W. W. Hole, judge of the common pleas court, Columbiana county.

At the trial many witnesses were examined in behalf of the several claimants, and the state of Ohio, and numerous depositions, taken both in Ireland and England, and in various parts of the United States were read in evidence. The trial consumed about a month. In January, 1910, Judge Hole rendered a decision finding that none of the lines of claimants had established title to the property and that the property had escheated to the state.

About one-half dozen of the groups of claimants appealed the case to the circuit court, and while the case was pending in that court other parties came in by answer and cross petition. The circuit court, in 1910, referred the case to Honorable N. B. Billingsley as a special referee, to take the testimony and report his findings of fact and conclusions of law to the court. There was another protracted trial before the referee, whose conclusions were the same as those of the common pleas court.

I might state, at this point, that my predecessors, Messrs. Ellis and Denman, had retained Honorable Charles C. Connell as special counsel in the common pleas court, and that I retained Honorable Wm. H. Spence of Lisbon to represent the department in the circuit court.

The trial before the referee was not completed until 1913. The court of appeals confirmed the report of the referee, and entered judgment in conformity with its conclusions of law. Thereupon two of the groups of claimants filed petitions in error in the supreme court.

In the spring of 1914, a proposition of settlement was made to me by counsel for the two groups of parties in the supreme court, which, in the interest of expedition and economy, I deemed it wise to accept on behalf of the state. This settlement was entered into with the co-operation of Honorable Wm. H. Vodrey, prosecuting attorney of Columbiana county, who agreed, on behalf of the county, that the personal property, the proceeds of which on escheat would go into the county treasury for the benefit of the common schools of the county, should contribute to certain expenses incident to the settlement. After this settlement was entered into, and the petitions in error in the supreme court were dismissed, other counsel in the case made application to the court of appeals for allowance of counsel fees out of the estate, which application was refused. Accordingly the case is finally at an end and the title of the state is quieted as against all of the parties who had been brought before either of the courts or those claiming through or under them. There is, of course, no assurance that new groups of claimants to this estate will not arise in the future, but the numerous cross petitions which were filed afford some ground for the belief that the state's enjoyment of this property is not likely to be interrupted, in the future, by the making of adverse claims.

As I have stated, this case was, in many respects, a unique one. The testimony itself is as interesting as any fiction could possibly be. To the lawyer, the case is an object of interest in that practically every scrap of testimony which was considered by either court was admitted as evidence under an exception to the hearsay rule. So far as I am aware, this is the only contested escheat which has ever been successfully prosecuted in behalf of the state of Ohio. The amount of money which will eventually come to the state treasury (representing the proceeds of the real estate only) will be something like \$35,000, while the state has expended in counsel fees and expenses, all paid out of the state treasury, something like \$12,000 or \$13,000. The net proceeds of the litigation to the state will consequently be somewhere in the neighborhood of \$15,000 or \$18,000.

By reason of the procedure the state was made to bear the expenses of litigation which resulted in benefiting the common schools of Columbiana county; for all the litigation related to the real estate and the costs were charged against it, whereas the personal estate is more valuable than the real estate and all of the proceeds thereof go to the common schools of Columbiana county. I am told, however, that the first estimate of the value of the personal estate was considerably in excess of its true value, and that after claims against the estate have been paid by the administrator, there remains between \$50,000 and \$55,000 to be paid into the treasury of Columbiana county for the benefit of the common schools of the county. Nevertheless, I take pleasure in advising that this department has successfully maintained the state's title and has been the means of securing this very substantial addition to the school funds of the county.

IMPORTANT CASES.

During the past year there have been quite a number of important cases in which this department has taken part and which deserve special mention. I feel that it is well here to set out the nature of such cases. The following is a list thereof:

SUPREME COURT OF THE UNITED STATES.

Ohio River & Western Ry. Co. vs. Dittey et al.

Marietta, Columbus & Cleveland Ry. Co. vs. Dittey et al.

These cases have been somewhat fully described in a previous report. For present purposes, it will be sufficient to state that in them an attack was made upon the constitutionality of what is known as the public utility excise tax of this state from which the state derives an annual revenue of approximately \$3,000,000, and particularly the provisions thereof applicable to railroads. The contention was also made that even if the statute was constitutional, as applied to railroads generally, a particular road might escape taxation if it was operating at a financial loss. The

cases were filed originally in the district court of the United States for the southern district of Ohio, western division, and were heard under the federal judicial code by a special bench consisting of a circuit judge and two district judges. That court, in the year 1913, had sustained the law and its application to the plaintiffs. The cases having been taken to the supreme court of the United States, they were argued in that court in January, 1914, and in March, 1914, the supreme court affirmed the district court and sustained both the constitutionality of the act and its application to railroads in the situation of the original plaintiffs.

Hawley vs. Walker.

This case has been mentioned in my previous reports under the style of "In re Anna Hawley." It was a proceeding in habeas corpus instituted in the common pleas court of Franklin county for the purpose of testing the constitutionality of the original law limiting the hours of employment of women in certain establishments and industries, popularly known as the "Woman's fifty-four hour law."

Judge Dillon of the Franklin county common pleas court, in an opinion, had sustained the constitutionality of the law. Error was prosecuted from his decision to the supreme court of the state, which affirmed the same upon the grounds stated in Judge Dillon's opinion. Thereupon proceedings in error in the supreme court of the United States were perfected. The case was argued therein January, 1914, and the United States court affirmed the decision of the supreme court of this state without report.

Rail and River Coal Company vs. Yaple et al.

This case, brought in the United States district court of the northern district of Ohio, embodied an attack upon the constitutionality of the act regulating the weighing of coal at mines and the method of compensating miners and loaders. The law is popularly referred to as the "Anti-screen law" or the "Mine run law." A special district court sustained the constitutionality of the measure. The plaintiffs appealed to the supreme court and twice sought to secure a temporary restraining order in that court, once by application to a single justice, and once by application to the full bench. Both these applications were resisted and were denied. This department thereupon filed a motion to affirm the case. While the motion was not granted, the supreme court, responding to it, assigned the case to the summary docket for immediate hearing, so that it was argued in November, 1914. The case has not yet been decided.

Mutual Film Company vs. Yaple et al.

Mutual Film Corporation vs. Yaple et al.

These two cases were originally brought in the district court of the United States for the northern district of Ohio to enjoin the enforcement of the law of the state providing for the censoring of moving picture films, on the ground that the same was unconstitutional. A special federal court sustained the constitutionality of the law, whereupon the plaintiffs appealed to the supreme court of the United States. An application for a temporary restraining order was made to a single justice and was successfully resisted. The plaintiffs then moved to advance the cases. Their motions were granted and the cases were argued on January 4, 1915, when they were heard in conjunction with a similar case coming up from the state of Kansas.

Jeffrey Manufacturing Company vs. Blagg.

This was an action in damages against defendant for personal injuries suffered by plaintiff while in the course of his employment. On trial of the case, which was heard in the court of common pleas of Franklin county, Ohio, the court denied defendant the right of the common law defenses on the ground that he had not contributed to the state insurance fund as required by the first workmen's compensation law of Ohio, passed in 1911. The case was carried through various courts by the

attorneys who originally appeared in the case, and the rulings of the trial court were sustained by both the court of appeals and the supreme court of this state. The employer then filed error proceedings in the supreme court of the United States on the ground that the workmen's compensation act was violative of the fourteenth amendment to the federal constitution as denying the equal protection of the laws in that there was arbitrary classification in making said laws applicable to those who employed five or more workmen or operatives regularly in the same business, and in excluding from its operation those who employed a fewer number than that mentioned. At the suggestion of counsel for defendant in error, the attorney general filed brief and argued orally in support of the constitutionality of the law in question. On January 5, 1915, the supreme court of the United States affirmed the supreme court of Ohio and thus sustained the constitutionality of the law.

SUPREME COURT OF OHIO.

Ohio Traction Co. vs. Tax Commission.

Ohio Traction Co. vs. State.

These cases, both of which originated in the common pleas court, Franklin county, reached the supreme court during the year 1914. Both of the cases involved the question as to whether or not the receipts of a public utility (interurban railroad company), consisting of dividends upon the stock of kindred but not competing companies, owned and held by such public utility, and of rentals from an office building, owned by it, are to be included in the amount of gross earnings upon which an excise tax of one and two-tenths per cent. is to be computed and paid.

The first of these cases arises under the Langdon law of 1910; the second of them under the somewhat different law of 1911, known as the Hollinger act. There is another difference between the two cases, growing out of a question of procedure, which need not be mentioned. The cases were not advanced in the supreme court and are assigned for argument in March, 1915. Both the common pleas court and the court of appeals in Franklin county have held in favor of the state.

State ex rel. vs. Sayre, Auditor.

State ex rel. vs. Benham, Treasurer.

Both of these cases involve, principally, the question as to the constitutionality of an act entitled "An act to establish an institution for the relief of the needy blind," and subordinate thereto the question as to the rights of pensioners, under previous laws, in the event that the act in question was unconstitutional.

The first of these two cases originated in the court of appeals of Franklin county, and the second of them was an original action in the supreme court. Both of them were actions in mandamus.

While from the first I was doubtful as to the constitutionality of the law in question, I thought that it was incumbent upon me to attempt to sustain the same to the best of my ability. There was such a state of uncertainty and disquiet among the blind people of the state, because of the existence of doubts as to the validity of the legislation in question, that I made an arrangement with Honorable Edward C. Turner, prosecuting attorney of Franklin county, to bring these actions with a view of getting the question definitely settled. Finding that Mr. Turner and myself were in accord as to our views of the law, I suggested an arrangement whereby counsel from his department and counsel from this office should divide their forces on the two sides of both cases, although Mr. Turner appeared as principal attorney of record for the parties denying the constitutionality of the law, while I took the opposite side.

The supreme court held that the act in question was unconstitutional, and that the pensioners, under the prior laws, were entitled to receive payments on their certificates.

State ex rel. Donahey vs. Auditor, Putnam County.

This was an original action in the supreme court to compel by mandamus the extension of the one-half mill state highway levy on the duplicate of Putnam county.

The auditor of that county had neglected and refused to extend the levy, and that fact was not discovered until his semi-annual settlement with the auditor of state, February, 1914, when the first half of the taxes for the current year had been paid. The court, nevertheless, held that the levy should be made and required the auditor to extend it on his duplicate. The auditor's contention in the case was that the law in question had not gone into effect until after the time for making the annual levies. This question, however, had been determined by the court in the previous case of *State ex rel. Donahey vs. Edmondson*, referred to in my report for the year 1913.

Nuhn, Treasurer vs. Cedar Point Resort Co.

This was an injunction suit to prevent the collection of certain personal taxes, filed in the common pleas court of Erie county. All of the proceedings in this case were of a friendly character, it being the design of both parties to narrow the questions in controversy to the single question as to whether or not the county auditor, in assessing property of private corporations other than public utilities, might determine the value of the corporate assets, as a unit, and consider the corporation as a going concern. The common pleas court granted an injunction, holding that the auditor was without such authority. The court of appeals affirmed this decision. The supreme court affirmed the decision of the court of appeals on the authority of the case of *Long vs. Champion Coated Paper Company*, which arose in Butler county and which was decided on the same day on which the Cedar Point case was determined.

The question involved in this case was of very great importance to the taxing officials. The statute governing the assessment of previous corporations had been recently amended and there was doubt as to its proper interpretation.

State vs. Cleveland and Pittsburgh Railway Co.

This case has been fully discussed in previous reports. It involved the liability of what is known as underlying companies (that is, corporations formed for the purpose of operating public utilities, but which have leased their properties to other operating companies and which confine their activities to the receipt of rentals), for the annual franchise tax under the provisions of the original Willis law, and under those of the Langdon law of 1910. As stated in my previous report, the court of appeals of Cuyahoga county had held adversely to the state, in so doing reversing the decision of Judge Lawrence of the common pleas court of Cuyahoga county. Early in the year 1914, an effort was made to have the supreme court review the proceedings of the court of appeals on the ground that the case was one of public and great general interest. The court overruled the motion filed for that purpose, finding that while the case was of admitted public and great general interest, the court of appeals had decided it correctly. It is to be regretted that a case, involving such a tremendous amount of money as was involved in this case, should have been virtually decided by the supreme court without a fuller presentation of its issues than was possible upon a motion for the certification of the record.

State ex rel. vs. Groom.

In this case, which was brought originally in the supreme court, the constitutionality of the Kilpatrick law was attacked on grounds which seemed to endanger the Smith law, as a whole. Therefore, I deemed it proper to file a brief in the case as *amicus curiae*, and a representative of the department made a short oral argument therein. The court held the Kilpatrick law to be unconstitutional insofar as it fixed the personnel of the budget commission, but held also that the other provisions thereof, amending the tax limitations of the Smith law, were valid, and that the Smith law itself was constitutional and in effect.

State ex rel. vs. Spiegel et al.

Though the attorney general was not an attorney of record in this case, which was brought originally in the supreme court. I deem it proper to call attention to it

in this report because the decision of the supreme court thereon sustains an opinion which will be found in this report relative to the interpretation of the words "heretofore" and "hereafter," as found in section 5649-2 of the General Code, as amended in the Kilpatrick law.

Hocking Valley R. R. Co. vs. Public Utilities Commission of Ohio.

This was a proceeding in error in the supreme court to review the proceedings of the public utilities commission upon a complaint to the effect that the Hocking Valley R. R. Company had abandoned, or was about to abandon, interurban service over a certain branch line located in Jackson county. The railroad company claimed the right to abandon such service on the ground that the same was not financially profitable. The case has not yet been decided. It may turn on an issue of fact, but a very important question of law may be involved in it.

State vs. Davis.

This was a prosecuting for bribery. The original defendant was convicted in the common pleas court of Clermont county, for soliciting a bribe. Testimony was admitted on behalf of the state, showing the making of other solicitations, both before and after that specified in the indictment, but the trial court did not limit the use of such evidence by the jury to the question of intent or design on the part of the accused. The court of appeals reversed the judgment of the common pleas court, holding that the evidence was inadmissible. At the request of the prosecuting attorney I assisted him in bringing the case into the supreme court and in presenting it to that court. While the supreme court found it necessary to affirm the judgment of the court of appeals, because of the error of the trial court in not properly limiting the use of the evidence in question in his charge to the jury, a strong opinion sustaining the admissibility of the evidence was handed down. Had it not been for this ruling, a retrial of the defendant would not have been worth while.

State vs. Delbert Hayslip.

State vs. Ownie Hayslip.

These very interesting cases originated in the common pleas court of Adams county. The two defendants were convicted several years ago on their pleas of guilty to the charge of murder in the second degree. Some time in the year 1913, they severally filed in the common pleas court, by which they had been convicted and sentenced, pleadings styled "Petitions in error, *coram nobis*," the purpose of which was to set aside their respective pleas and the sentences thereunder and to secure for themselves new trials on the ground that the pleas had been induced by undue influence and fear of mob violence. The common pleas court dismissed these petitions on the ground that the practice was unknown to our criminal procedure. The court of appeals reversed the common pleas court, holding that the right to the process in question existed under the laws of Ohio. At the request of the prosecuting attorney of Adams county, I assisted him in bringing these cases into the supreme court and in presenting them in that court. The court reversed the court of appeals and held that the proceeding in question is unknown to Ohio criminal jurisprudence.

State ex rel. Young vs. Cox, Governor, et al.

The above cause was an action in mandamus brought in the court of appeals of Franklin county, Ohio, to compel the governor and secretary of state to issue to the relator a commission as clerk of the common pleas court of Seneca county, for the term of three years, on account of his election to that office at the November election for 1912, for which he had already received a commission for two years, which he desired and offered to surrender.

A general demurrer was interposed to the petition and the claim made that the act of April 2, 1906, 98 O. L., 270, wherein it extended the term of the clerk of courts of common pleas then in office, fixed the term at two years, and amended

section 1240, R. S., so as to conform to the holding of biennial elections, was valid and constitutional enactment under article XVII of the constitution, as adopted November 7, 1905, and that said article XVII of the constitution repealed that part of section 16 of article IV of the constitution which fixed the tenure of office of clerks of the common pleas court, at three years.

The demurrer was sustained by the court, judgment was entered for defendant and on petition in error filed by the relator, the judgment of the court of appeals was affirmed.

This action was of the highest importance, as it affected the term of office of every common pleas clerk in the state, the validity of the act of April 2, 1906, and called in question the effect of article XVII of the constitution adopted November 7, 1905.

State ex rel. Ach vs. Evans et al.

This was a proceeding in quo warranto for the purpose of removing from office what is known as the large school board of Cincinnati, Ohio, which in defense to the proceeding denied the constitutionality of the so-called small school board law, the members of which latter board were interested in obtaining possession of office, they having been elected under the new law at the November election, 1913. This case originated in the supreme court of this state, and upon hearing the law providing for the small school board was sustained.

State ex rel. Gongwer vs. Graves, Secretary of State.

State ex rel. Gongwer vs. Graves, Secretary of State.

The two foregoing cases were in mandamus, but directly in the supreme court of Ohio, to compel the secretary of state to submit to a referendum the Warnes, Kilpatrick and workmen's compensation laws, the defendant having found that the petitions for referendum were fraudulent. The court upon hearing sustained the action of the secretary of state and denied the writ.

Castle vs. Mason, State Oil Inspector.

Plaintiff brought suit in the common pleas court of Franklin county, Ohio, to enjoin defendant from collecting fees provided by the oil inspection law of the state on the ground that the law was unconstitutional in that the fees were excessive. Judge Evans of the Franklin county court of common pleas sustained the demurrer of the state to the petition of plaintiff and final judgment was entered. The case was appealed and the court of appeals affirmed the judgment of the lower court. A petition in error has been filed in the supreme court of Ohio, where the case is now pending, briefs for both parties having been filed.

Cincinnati vs. Donahey, et al.

Cincinnati Board of Education vs. Donahey et al.

Hamilton County vs. Donahey et al.

Cincinnati Library Trustees vs. Donahey et al.

The four foregoing cases were in injunction to restrain the collection of premiums payable into the state insurance fund for the insuring under the workmen's compensation act of the employes of the municipality and the political subdivisions hereinbefore referred to, the object of the proceedings being to have the workmen's compensation law declared unconstitutional as to the municipalities and political subdivisions of the state. The common pleas court of Hamilton county on demurrer declared said act valid, and the causes were taken to the court of appeals where the judgment of the lower court was affirmed. Petitions in error were filed in the supreme court. Upon consideration the supreme court decided the cases in favor of the state by upholding the constitutionality of the law in question.

Ex Parte George Winslow.

This action was brought in the supreme court of Ohio. Petition prays for release on habeas corpus from the Ohio penitentiary on the ground that the court had no jurisdiction to give him an indeterminate sentence under the present indeterminate sentence law, for the reason that the offense with which he was charged had been committed prior to the passage of that law. It is also contended that the old indeterminate sentence law is unconstitutional and consequently that the sentence given was of such character as to justify the granting of his release after he had served the minimum sentence prescribed by the original statute for the crime of burglary of which he had been convicted. Briefs of petitioner and of the warden of the Ohio penitentiary have been filed and the matter is now under consideration by the supreme court.

Ex Parte Harry Allen.

Habeas corpus was instituted by petitioner in the supreme court of Ohio for the purpose of obtaining his release from the Ohio penitentiary to which he was sentenced for a second offense under the statute prohibiting the illegal sale of cocaine. Relator contends that his first offense was committed under the statute before its amendment, and therefore that he should have been sentenced as a first offender under the amended law, and as there could be no sentence to the penitentiary for a first offense, his confinement is illegal and without warrant of law. It is also urged that even if relator be found to be a second offender under the statute he should not have been given an indeterminate sentence for the reason that the old indeterminate sentence law, upon which the court passed its sentence, had been repealed by section 13767 of the General Code. It is also asserted that even if these two propositions are not sound, nevertheless he is entitled to release because the indeterminate sentence law is violative of section 2 of article III and section 1 of article IV of the constitution of Ohio, and of section 10 of article 1 of the constitution of the United States. Briefs of petitioner and of the warden of the Ohio penitentiary have been filed with the supreme court, which now has these questions under consideration.

Hockett for Himself and Others vs. The State Liquor Licensing Board of Ohio.

This was an action brought in the common pleas court of Franklin county, Ohio, for the purpose of restraining the state liquor license commission from appointing county liquor licensing boards in Logan county, and in 44 other counties which had voted in favor of prohibition under the county local option law, which was nullified by the adoption of the home rule amendment at the November election, 1914. The petition contains two causes of action. In the first it is contended that there was no authority to submit the so-called home rule amendment to electors of the state if the proper machinery for holding election thereof had not been provided by the constitution or general assembly; the second is based upon the theory that the home rule amendment is violative of section 10 of article I, section 1 of article IV and section 4 of article IV of the federal constitution. A demurrer was interposed to this petition which demurrer was sustained by the court of common pleas of Franklin county, and upon appeal the decision of the lower court was affirmed by the court of appeals. The case was then taken to the supreme court of Ohio, where it was heard on January 8, 1915.

State ex rel. Kautzman vs. Graves, Secretary of State.

This case was heard in the supreme court of Ohio on application for a writ of mandamus to compel the secretary of state as chief supervisor of elections to order a recount of the ballots cast in the various voting precincts of the state on the home rule and prohibition amendments to the constitution or to order the county board of supervisors of elections to make a recount and to preserve the ballots until such recount was completed. Various claims of fraud occurring in the different

precincts of Ohio were set out in the petition. Upon hearing the supreme court refused to issue the writ and held that the allegations of the petition were insufficient to justify the granting of the relief prayed for on the ground that there was no provision in law for such recount. The case has been reported.

State ex rel. Murphy vs. Graves, Secretary of State.

This is a petition in mandamus filed in the supreme court of Ohio for the purpose of compelling the secretary of state as chief supervisor of elections to place the name of relator on the official ballot as judge of the supreme court. Relator was a member of the republican party and at the primary held on August 11, 1914, he voted as a member of said party for the Republican candidates for various offices in Mahoning county, Ohio. At the same primary four members of the Progressive party wrote his name on the Progressive judicial ballot which ballots were certified to the secretary of state as having been cast for him, and he thereby claimed to be the Progressive candidate for judge of the supreme court, although the Progressive party was in principle opposed to partisan nomination for judicial offices. A protest was filed by the chairman of its committee against the placing of Mr. Murphy's name on the official ballot. The secretary of state held that this protest was well taken and in the instant case the supreme court sustained the action of the secretary of state and refused to issue the writ.

In re Steube.

This was a case wherein habeas corpus was brought after conviction, in the justice's court, for selling potatoes by measure instead of by weight. The case involved the constitutionality of the sales-by-weight law. A writ of habeas corpus was granted by the common pleas court and the court of appeals affirmed the judgment. The judgment of the court of appeals was affirmed by the supreme court by a vote of four judges, three judges dissenting.

In re Liquidation of Metropolitan Bank and Trust Company.

This case arose in the common pleas court of Hamilton county, on the intervening petition filed by the Second National Bank of Cincinnati, Ohio, against the superintendent of banks for the allowance of its claim in the amount of \$20,000 on a note signed by the cashier and directors of the Metropolitan Bank and Trust Company and given to the Second National Bank. The question involved is whether under the Ohio negotiable instruments act the word "cashier" written after the signature of one of the signers of a note was sufficient to make the note that of the Metropolitan Bank & Trust Company rather than the individual note of the person signing the same. The case was argued to the supreme court in October and the supreme court affirmed the lower courts, holding in favor of the Second National Bank.

State ex rel. vs. John Renschler.

This was an action in quo warranto brought in the court of appeals of Franklin county, to test the right of an individual to carry on the business of insurance in Ohio. The defendant was an undertaker at Findlay, Ohio, and was transacting what the state claimed to be an insurance business. The important question raised in the case was whether or not the insurance laws of Ohio applied to individuals as well as corporations; the court of appeals found in favor of the state; the defendant prosecuted error to the supreme court, and the supreme court affirmed the court of appeals and held definitely that an individual cannot transact the business of insurance in this state unless he complies with all the provisions of the laws of Ohio relative thereto.

In the Matter of the Exceptions of the Prosecuting Attorney of Greene County, Ohio, in the Case of State vs. John H. Barkman, et al.

The common pleas court of Greene county in this case held that what is known

as the Thomas banking act (99 O. L., 269), repealed by implication the free banking act, sections 9676 to 9701, inclusive, and also the criminal provision of the said banking act which appears as section 12474 of the General Code.

The prosecuting attorney took the matter to the supreme court and the case has been submitted but no decision has as yet been announced. The question is quite important.

State vs. The Federal Union Surety Co.

This case was an action by the state against the Federal Union Surety Company to recover the sum of \$10,000.00 on a bond given by said surety company to secure the deposit of funds of the state in the Euclid Avenue Trust Company. Said trust company became insolvent with state funds on deposit. The loss to the state was the amount sued for, viz.: \$10,000.00. The case was tried in the court of common pleas of Franklin county in December, 1910, under Attorney General Denman, and the common pleas court rendered judgment against the state and in favor of the surety company. Although the case was tried prior to my assuming office the decision and judgment of the court were not given until June, 1911. I took the case to the circuit court of Franklin county, and that court, after a very full hearing and careful consideration, reversed the common pleas and entered judgment in favor of the state. The surety company thereupon prosecuted error to the supreme court of Ohio and the case was heard by said court in November and the judgment of the circuit court was affirmed and the case decided in favor of the state; the surety company filed application for rehearing, which was finally denied on December 16, 1914, thus making the judgment in favor of the state final. This judgment with interest now amounts to \$15,788.68.

Green vs. The State Civil Service Commission.

This case was filed in the court of common pleas of Franklin county, and was carried to the court of appeals and the supreme court.

This action involved the constitutionality of the civil service act, (103 Ohio Laws 698, et seq.), and the right of the state civil service commission to investigate the acts of the mayor of a city in the enforcement of the civil service act.

The court of common pleas and the court of appeals held that the state civil service commission had the right to investigate the case of the mayor under the act and also held the civil service act constitutional.

The supreme court, in a written opinion, held the civil service act constitutional but reversed the court of appeals as to the powers of the state civil service commission. The supreme court held that the state civil service commission, under the act in question, had no right to investigate the acts of the mayor of a city.

COURT OF APPEALS.

Graham vs. State Medical Board.

Hunt vs. State Medical Board.

These two similar cases were filed in the common pleas court of Franklin county, to enjoin the state medical board from proceeding to hear and determine applications for the revocation of physicians' certificates on the ground of gross immorality. The specifications of the charges were to the effect that the plaintiffs in the cases had severally made or caused to be made, knowingly, a false, fraudulent and misleading statement in advertisements in newspapers. Both the common pleas and the court of appeals refused injunctions and sustained the right of the medical board to revoke the certificates upon such charges.

Miller vs. State.

This case arose in the justice's court of Franklin county, wherein the plaintiff was arrested for selling milk in bottles bearing the name of another dealer. The

judgment of the justice's court was affirmed by the common pleas court and the case is now pending in the court of appeals of Franklin county. The question of the constitutionality of the milk bottle law is involved.

Janes, et al., vs. Graves, Secretary of State.

This was an action for the purpose of testing the constitutionality of certain sections of the act governing motor vehicles, and had its origin in the common pleas court of Franklin county. The contention of plaintiffs was that the law in question levied a tax on owners and dealers in automobiles, which tax was so excessive as to constitute the unlawful taking of property under the guise of a police regulation an excise tax. The common pleas court declared those features of the law dealing with the requirement of a license fee to be unconstitutional, and issued a permanent injunction restraining the collection thereof. On appeal the Franklin county court of appeals modified the judgment, upholding the law in its application to dealers in motor vehicles and sustaining the lower court with reference to that part of the law imposing a tax upon the owners of such vehicles, the ground of the decision being that the latter was a privilege tax which was so excessive as to render it obnoxious to the constitution of the state of Ohio. The objectionable features of the statutes were eliminated in the amendment appearing in 104 O. L., and hence the case was carried no further.

Ohio Pharmaceutical Association vs. Sandles, et al., as the Agricultural Commission of Ohio.

Topping, et al., vs. Sandles, et al., as the Agricultural Commission of Ohio.

These two cases were instituted in the court of common pleas of Franklin county, for the purpose of restraining defendants from collecting the license fees provided by the insecticide and fungicide and feed stuffs act of Ohio, on the ground that the fees charged were so excessive as to render the laws violative of the state constitution. Demurrers to petitions by defendants were overruled and final judgment entered for plaintiffs. The case was then appealed and has been heard on demurrer in the court of appeals which sustained the action of the lower court on the authority of *Janes vs. Graves* as secretary of state, *supra*. Leave was granted defendants to answer.

State ex rel. Belknap vs. Deputy State Supervisors of Elections of Jefferson County and Charles H. Graves, Secretary of State.

An action in mandamus was brought in the court of common pleas of Jefferson county, to compel the issuance of a certificate of election and commission to the relator as probate judge of Jefferson county, Ohio. Motions were argued, demurrers presented and overruled and a trial was had in the court of common pleas and a writ of mandamus was issued. The cause was appealed and the judgment of the lower court was affirmed. The case was not carried to the supreme court. It involved the right of the deputy state supervisors of elections to withhold a certificate of election from relator on the ground of his violation of the corrupt practices act of the state and the holding was that such board had no right to inquire into this. The decision may be found reported in 17 C. C. n. s.

Brown vs. The Industrial Commission of Ohio.

This case was heard in the court of common pleas of Hamilton county, on demurrer to a petition appealing from a decision of the industrial commission of Ohio denying appellant the right to compensation for alleged injuries received in the course of his employment on the ground that said injuries were the result of an occupational disease, which did not come within the purview of the workmen's compensation act. The court overruled the demurrer and appeal was perfected. The

action was argued in the court of appeals of Hamilton county, but has not yet been decided. The sole question made is, as has been suggested, whether the workmen's compensation act was intended to cover occupational diseases.

State vs. Cleveland & Pittsburgh R. R. Co.

This proceeding was instituted in the court of common pleas of Cuyahoga county, for the purpose of determining the right of the state to submerged territory along the lake front, which had been filled in and used for the construction of wharves and docks by railroad companies. The claim of the state was that this land belonged to it in a proprietary capacity and any erections thereon were purprestures and therefore subject to abatement by action instituted by the attorney general. Position of defendants was that the English common law which maintained the doctrine of the state was not applicable to our institutions and had been modified by needs, usages and customs of the state to such an extent as to give riparian owners the right to build wharves and docks along the land in question. This latter view was sustained by the common pleas court and an appeal was perfected by the state. Upon hearing in the court of appeals the judgment of the lower court was affirmed. Arrangements have been made to file a motion in the supreme court for the purpose of ordering the court of appeals to certify its record upon the ground that the question is one of great public interest.

State ex rel. Attorney General vs. The Hocking Valley Railway Company, et al.

There are three cases pending in the court of appeals of Franklin county known as cases Nos. 3057, 3058 and 3059 on the docket of said court. The defendants are the Hocking Valley Railway Company, The Chesapeake & Ohio Railway Company, The Lake Shore & Michigan Southern Railway Company, The Toledo & Ohio Central Railway Company, The Kanawha & Michigan Railway Company and The Zanesville & Western Railway Company.

The actions are in quo warranto to oust said railway companies from further continuance in what is claimed to be an illegal combination and also to oust them from their corporate franchises. The principal question involved is that of corporate power. The cases have been pending for some time but the issues have finally been definitely made up, testimony taken and they should be heard during the coming session of the court of appeals.

A complete report of the situation leading up to the commencement of these actions will be found in the report of Attorney General Denman for the year 1910, and also in his printed report to the general assembly. The cases were commenced in January, 1911. Subsequent to that time the United States brought suit against the same railroad companies, attacking the same combination which is attacked in these cases. Owing to the difficulty experienced in getting jurisdiction of the Chesapeake & Ohio Railway Company the government case was reached and tried and decided before the state cases were at issue. The United States court condemned the combination, and ordered its dissolution, and I am informed the decree of the court has been carried out. This decree of the United States court, I take it, established the correctness of the position taken by this department in filing the above suits. The United States court, however, did not directly pass upon the question of corporate power; that is the right of the defendant companies to own stock in and control other of said companies, under the laws of Ohio, and therefore I deemed it best to continue these cases that this question may be finally determined.

State ex rel. Attorney General vs. Order of Owls, et al.

State ex rel. Attorney General vs. Order of Reindeers.

State ex rel. Attorney General vs. Royal Order of Lions.

These cases are actions in quo warranto brought in the court of appeals of Franklin county at the request of the superintendent of insurance. The actions were brought at a time when a very large number of so-called fraternal organiza-

tions were operating in this state and collecting large sums of money through so-called organizers by way of initiation fees, practically all of the initiation fee going to the organizer and that being his only method of compensation. The actions were based on the theory that under the laws of Ohio fraternal organizations which are exempt from the laws relating to fraternal benefit societies cannot pay or allow commissions for obtaining new members.

The cases have never been tried and it is extremely doubtful whether they can be successfully maintained on account of certain defects in what is known as the fraternal society act. The cases had the effect which was desired by the insurance department, however, and as the abuses which were complained of have ceased, or at least have not been reported to this department, no attempt has been made to press the cases.

In re Osborn Bank.

The Bank of Osborn, Greene county, was closed by the banking department in 1913, having on deposit funds belonging to Greene county, funds belonging to the village of Fairfield in said county and funds belonging to a certain township in said county. Actions were begun against the superintendent of banks by the county, township and village to compel the superintendent of banks to allow their respective claims, and pay the full amount of the same, as trust funds.

The court held that the county funds having been deposited in conformity to the depository laws of the state, thereupon became a general deposit and not impressed with any trust. As to the village and township funds the court held that in neither case had the deposit been made in accordance with law, and hence those deposits were impressed with a trust and the full amount recoverable.

State ex rel. vs. Hummer Mutual Aid Association.

State ex rel. vs. The Metropolitan Funeral and Burial Association.

These actions are in quo warranto in the court of appeals of Franklin county against said corporations on the ground that they are operating in such manner as to evade the provision of the laws of Ohio which make it unlawful for any company to contract to pay or pay its insurance to any official undertaker. The cases will be for trial at the next session of the court of appeals.

State vs. Cincinnati, Milford & Loveland Traction Co.

This action instituted in the common pleas court of Franklin county to collect excise taxes, involves a question of considerable importance throughout the state, viz.: as to whether or not amounts paid by an interurban railroad company to a local street railroad company for the use of the tracks of the latter, and based upon the number of passengers carried by the traction company over the rails belonging to the local company, should be deducted from the gross earnings of the traction company for excise tax purposes. The traction company claimed the right to make the deduction on the authority of *State vs. Coshocton Gas Company*, mentioned in my previous reports. The case was submitted to Judge Rogers of the Franklin county common pleas court, who decided the *Coshocton Gas Company* case, and he held that the latter did not apply, sustaining the state's claim for taxes. This has been carried to the court of appeals, but has not as yet been submitted to that court.

COMMON PLEAS COURT.

Ivorydale and Mill Creek Valley Ry. Co. vs. Hopkins, Treas.

This action is pending in the common pleas court of Hamilton county. In this case, the railroad company, which is an appurtenance of the Proctor & Gamble Company of Cincinnati, seeks to enjoin a collection of taxes upon an appraisalment of its property, made by the tax commission. The case may be regarded as a special one not presenting general questions. It has not yet been decided. It is possible, however, that a decision of the court may be based upon more fundamental grounds

than the facts of the particular case, and in that event, the decision would be of great importance. The fundamental question which may be raised in the case is as to whether the tax commission may place an organic or going concern value upon a railroad, considering it as a unit, or whether it is bound to consider only the so-called physical value of the road.

State vs. Cabin Creek Consolidated Coal Company.

This action was instituted in the common pleas court of Franklin county to recover franchise taxes from a foreign corporation involves the question as to proper interpretation of the statute under which the tax commission determines the proportion of the authorized capital stock of a foreign corporation represented by its property and business in Ohio. The tax commission, acting upon advice given to it by my predecessor, Honorable U. G. Denman, but as I think misinterpreting that advice, had assumed the authority to ignore the factor of property where the amount of property owned by the company in the state was insignificant as compared to the volume of business done therein by it. The court, deciding the case on demurrer to the answer, held that the commission's interpretation of the law was erroneous, and that equal weight should be given to property and business as reported in the annual statement of the foreign corporations.

State vs. Little Miami Railroad Company.

Referring to the case of State vs. Cleveland and Pittsburgh Ry. Co., hereinbefore mentioned, this case may be described as presenting the same question as that one, with the exception that the Little Miami case arose under the Hollinger law of 1911. Although this case was filed in the common pleas court of Franklin county sometime ago, nothing was done in it, by arrangement, until the Cleveland, Pittsburgh case was decided. The case was then pressed for hearing, but the employment of non-resident counsel has thus far prevented it from coming to trial.

Williams, et al., vs. Sandles, et al.

This was a case brought in the common pleas court of Franklin county to enjoin the confiscation by the agricultural commission of Ohio of certain measures which were not in conformity with the law prescribing their dimensions. The question involved the constitutionality of the sale-by-measure law and was decided by the common pleas court in favor of the law.

State ex rel. Farmer vs. Frank T. Andrews, et al.

This was an action instituted in the common pleas court of Cuyahoga county, for the purpose of testing the constitutionality of the land registration act. A petition has been filed and a demurrer interposed which has not yet been heard.

Short vs. Industrial Commission of Ohio.

This is an action instituted in the common pleas court of Franklin county against the industrial commission of Ohio to recover compensation for injuries which claimant avers he suffered by reason of his exposure to an excessive glare of light while in the course of his employment. The commission rejected the claim on the ground that the blindness occasioned in the manner stated was an occupational disease, and the workmen's compensation act did not cover occupational disease. A demurrer to the petition has been filed and the matter is now for hearing.

PROBATE COURT.**In re Gainor Erstine.**

This case was tried before the probate court of Fairfield county. It decided that the common pleas court had no initial jurisdiction of a youth under eighteen years for commission of a felony. Such a boy must first be brought before the juvenile court and by that court bound over to the grand jury before the common pleas court may acquire jurisdiction to sentence to the boys' industrial home.

I take pleasure in pointing out that with a very few exceptions all of the important cases in which the department has participated during my administration have been finally disposed of. It has been my aim to accomplish this result as far as possible and to leave to my successor a clean docket. It has not been possible to secure this result in the absolute sense, but broadly speaking, and considering the unusual volume of litigation which has been handled by the department in the last four years, I feel that I may say that I have succeeded in my effort to finish the work committed to me.

CANAL DAMAGE CLAIMS.

Before a commission appointed by the superintendent of public works, to investigate claims for damages.

Wm. H. Smith, et al., Plaintiffs, vs. The State of Ohio, Defendant.

The following claims for damages were for property located at Clinton, Ohio:

Claimant.	Amount of Claim.	Amount Allowed.
W. H. Smith.....	\$1,297 00	\$648 90
Jacob Limbach.....	480 00	240 00
Frank Wolf.....	277 23	138 61
R. S. Appleman.....	200 00	100 00
D. C. Smith.....	1,878 50	939 25
A. Donnenwirth.....	500 00	250 00
Richard Lewis.....	251 00	125 50
Rich & Burger.....	327 17	163 58
Mary & Jacob Herman.....	385 00	192 50
Shondel & Nichter.....	67 15	33 57
Edw. W. Harper.....	450 00	225 00
W. J. Shondel.....	244 00	122 00
U. A. Edwards.....	189 40	94 70

In these cases the commission made a general finding that the claimants were entitled to fifty per cent. of the amount claimed.

E. J. McLaughlin at Canal Fulton filed a claim for \$4,140.00 and the commission made a finding for 15 per cent. of this amount and allowed him \$621.00.

Jacob and Marie Huber filed a claim of \$2,800.00 for damages done to their property at Lock No. 16 in Akron. The commission made no allowance in this case.

Harry Lyons of Newcomerstown filed a claim for \$141.00 and the commission allowed him \$6.00.

Robert Wyss of New Philadelphia, filed a claim for 409.00 and the commission allowed him \$369.00.

All of these claims arose out of the flood of March, 1913.

II.

Cases Handled by the Department from January 1, 1914, to January 10, 1915.

From January 1, 1914, to January 10, 1915, the department has disposed of three hundred and eleven (311) cases in the courts of record. There are still pending one hundred and sixteen (116) cases in said courts. The total number of cases handled by the department in courts of record, during the above period, is four hundred and twenty-seven (427) cases.

During the same period the department has handled one thousand seven hundred and seventy (1,770) criminal prosecutions for misdemeanors and civil suits before magistrates' courts for the various departments of the state as follows:

Medical Board.....	49
Industrial Commission—Child Labor Law.....	108
Industrial Commission—Mine Inspection Law.....	15
Industrial Commission—Workmen's Compensation Law.....	25
Industrial Commission—Workshops & Factories.....	140
Agricultural Commission—Pharmacy & Dairy & Food.....	304
Agricultural Commission—Fish & Game.....	813
Liquor License Commission.....	316
Total	1770

The cases disposed of and pending in the courts of record may be summarized as follows:

	Cases Disposed of.	Cases Pending.
United States Supreme Court.....	4	3
United States District Court.....	8	9
Supreme Court of Ohio.....	44	14
Court of Appeals.....	36	16
Common Pleas Court.....	138	41
Other Courts.....	11	6
Willis Tax Cases in Common Pleas, Probate, In- solvency and Federal Courts.....	70	27
Total	311	116

The list of cases, other than in the Willis law department, pending and disposed of from January 1, 1914, to January 10, 1915, are as follows:

Cases Disposed of in the United States Courts from January 1, 1914,
to January 10, 1915.

SUPREME COURT.

No. 1030.

In re Anna Hawley.

No. 1101.

Jeffrey Manufacturing Co. vs. Harry E. Blagg, et al.

No.

Ohio River & Western Ry. Co. vs. R. M. Dittey, et al.

No.

Marietta, Columbus & Cleveland Ry. Co. vs. R. M. Dittey, et al.

DISTRICT COURTS.

Southern District of Ohio, Eastern Division.

No. 1696.

In re Loring J. Smith.

No. 6817.

L. & N. Ry. Co. vs. Oliver H. Hughes, et al.

Southern District of Ohio, Western Division.

No. 5177.

In re John H. Bachman.

No. 5177.

In re Jacob C. Smith.

No. 5178.

In re Theodore Kauffman.

Eastern District of Ohio, Northern Division.

No.

Rail & River Coal Company vs. Wallace D. Yaple, et al.

Northern District of Ohio, Eastern Division.

No. 205.

Mutual Film Co. vs. Ohio Industrial Commission.

No. 206.

Mutual Film Corporation vs. Ohio Industrial Commission.

Cases Disposed of in the Supreme Court of Ohio from January 1, 1914, to
January 10, 1915

No. 13579.

State vs. Charles H. Gunkleman.

No. 13655.

E. V. Moore, et al., vs. Charles Given, et al.

No. 13994.

State ex rel. vs. Board of Deputy State Supervisors of Elections of
Jefferson County.

No. 14106.

Federal Union Surety Co. vs. State.

No. 14247.

State ex rel. Peter Walton vs. Robert E. Edmondson, Auditor.

No. 14401.

In re Liquidation of Metropolitan Bank & Trust Co.

No. 14624.

Conrad Nuhn, Treasurer vs. Cedar Point Resort Company.

No. 14426.

State vs. Delbert Hayslip.

No. 14427.

State vs. Ownie Hayslip.

No. 14433.

State vs. Wm. G. Benham, Treasurer.

No. 14434.

State ex rel. John M. Grant vs. Fred M. Sayre, Auditor.

No. 14448.

Joseph Meyer vs. John A. O'Dwyer, et al.

No. 14612.

Statae ex rel. George M. Young vs. James M. Cox, Governor.

No. 14466.

State ex rel. Samuel Ach, et al., vs. J. Corliss Evans, et al.

No. 14480.

State vs. Cleveland & Pittsburgh Ry. Co.

No. 14502.

In re Exceptions, State vs. Nathaniel S. Keith.

No. 14508.

In re Henry Steube.

No. 14518.

John Renschler vs. State.

No. 14550.

In re Exceptions, State vs. George B. Cox.

No. 14561.

No. 14562.

David M. Green vs. State Civil Service Commission (2 Cases).

No. 14580.

State vs. John E. Roose, Auditor, Putnam County.

No. 14319.

Harry J. Long Co., Treas. vs. Champion Coated Paper Co.

No. 14330.

R. E. Blinn, et al., vs. C. S. Cole.

No. 14368.

State vs. S. A. Davis.

No. 14392.

In re Exceptions of Prosecuting Attorney, Franklin County vs. Isaac
B. Cameron, et al.

No. 14398.

No. 14399.

No. 14422.

State ex rel. Gongwer vs. Charles H. Graves, Secretary of State (3
Cases).

No. 14620.

Clement S. Baxter vs. State.

No. 14667.

Hyde Park Business Club vs. Public Utilities Commission.

No. 14669.

State ex rel. Frank E. McKean vs. Charles H. Graves, Sec. of State.

No. 14722.

State ex rel. Pogue vs. Groom.

No. 14723.

State ex rel. vs. Spiegel, et al.

No. 14746.

City of Cincinnati vs. William A. Hopkins, et al.

No. 14780.

State ex rel. James V. Murphy vs. Charles H. Graves, Sec. of State.

No. 14761.

Washington T. Porter, et al., vs. William A. Hopkins, et al.

No. 14762.

Board of Education, et al., vs. William A. Hopkins, et al.

No. 14763.

State ex rel. Thomas L. Pogue vs. William A. Hopkins, et al.

No. 14775.

State ex rel. Kautzman vs. Charles H. Graves.

No.

McCarty vs. Thomas, Warden of Ohio Penitentiary.

No.

In re Exceptions of Pros. Atty., Franklin Co. vs. Frank E. Baxter.

No.

N. & W. Ry. Co. vs. Public Service Commission.

No. 14780.

State ex rel. Stieringer vs. Walker M. Yeatman, et al.

Cases Disposed of in the Court of Appeals from January 1, 1914, to
January 10, 1915

Coshocton County.

No.

Mathew Crawford vs. John I. Miller, et al.

Franklin County.

No. 18.

State ex rel. Attorney General vs. John Renschler.

No. 50.

State ex rel. Attorney General vs. J. P. Shepard, et al.

No. 109.

In re Henry Steube.

No. 112.

State vs. Keystone Watch Case Company.

No. 138.

State ex rel. Hattie Gilmore vs. A. V. Donahey, Auditor.

No. 146.

Charles H. Graves vs. Charles C. Janes, et al.

No. 155.

State vs. Clem E. Baxter.

No. 156.

David M. Green vs. State Civil Service Commission.

No. 159.

Charles J. Castle vs. William F. Mason, et al.

No. 164.

State ex rel. vs. Universal Life Insurance Co.

No. 169.

State vs. William Schwartz, et al.

No. 172.

State ex rel. Young vs. James M. Cox, et al.

No.

State ex rel. Attorney General vs. Cleveland, Bedford & Geauga Lake
Traction Co.

No. 186.

George B. Topping, et al., vs. Homer C. Price, et al.

No. 187.

George B. Topping, et al., vs. Homer C. Price, et al.

No. 230.

Charles S. Hockett, et al., vs. State Liquor Licensing Board.

No. 137.

William C. Miller vs. State.

Cuyahoga County.

No. 630.

State vs. Cleveland & Pittsburgh Ry. Co.

No. 535.

District Board of Assessors vs. State ex rel. Morgan.

Hamilton County.

No. 47.

State vs. Joseph Bernhardt.

No. 83.

Reinhart & Newton Company vs. State.

No. 300.

In re William C. Schott vs. William Copelan.

No. 424.

Gerke Brewing Co., et al., vs. Edw. J. Kuerze, et al.

No. 548.

Board of Education vs. Wm. A. Hopkins, Treas., et al.

No. 550.

City of Cincinnati vs. William A. Hopkins, Treas., et al.

No.

Yeatman, et al., vs. State ex rel. Stieringer.

No. 547.

Washington R. Porter, et al., Public Library Trustees vs. William A. Hopkins, Treas., et al.

No.

State ex rel. Pogue, Pros. Atty. vs. William A. Hopkins, Treas., et al.

No. 5616.

Joseph Bernhardt vs. Thos. P. Kearns, et al.

No. 5617.

Joseph Bernhardt vs. Edwin Wise.

Paulding County.

No.

State ex rel. Moore vs. Mutual Live Stock Protective Association.

Richland County.

No.

In re Barnett Licker.

Stark County.

No.

State vs. E. Kerhin.

Warren County.

No.

Lebanon National Bank vs. B. C. Howell, Jr., Treas.

No.

Lebanon National Bank vs. B. C. Howell, Jr., Treas.

Cases Disposed of in the Common Pleas Court from January 1, 1914, to
January 10, 1915

Butler County.

No. 25713.

Eli C. Jones vs. State Liability Board, etc.

No. 26138.

Electric Railway Company vs. Board of County Commissioners, etc.

No.

State ex rel. Ohio Electric Railway Co. vs. Commissioners of Butler
County.

Cuyahoga County.

No. 127782.

Cleveland Trust Co. vs. Euclid Heights Realty Co.

No. 138380.

State ex rel. Jeanette Morgan vs. District Board of Assessors.

No. 136925.

State ex rel. Malin vs. Horn.

No. 126680.

Max Sternlicht vs. E. W. Horn, et al.

No.

John G. Owens vs. Board of Education of City of Cleveland.

No.

State vs. Cleveland & Pittsburgh Ry. Co.

Delaware County.

No.

State ex rel. Lattanner, Supt. of Banks vs. Frank A. Hills.

No.

In re Eva Davis.

Erie County.

No. 11697.

Cedar Point Resort Co. vs. Conard H. Nuhn, Treas.

No. 12065.

Cedar Point Resort Co. vs. Conard H. Nuhn, et al.

Franklin County.

No. 9644.

State vs. George B. Nye.

No. 9645.

State vs. George B. Nye.

No. 9646.

State vs. George B. Nye.

No. 61026.

State vs. National Bank of Ashtabula, Ohio.

No. 61027.

State vs. Cincinnati Trust Company.

No. 62299.

State vs. Marine National Bank of Ashtabula.

No. 62300.

State vs. First National Bank of Cleveland.

No. 62339.

State vs. Union National Bank of Columbus.

No. 62501.

State vs. Nypano Ry. Company.

No. 63647.

Beaumont & Sour Lake Construction Co. vs. Emery J. Smith, et al.

No. 64972.

State ex rel. Ulrich vs. C. H. Nau, et al.

No. 65046.

Sidney Telephone Co. vs. Public Service Commission.

No. 65134.

State vs. Farmers' National Bank of Ashtabula.

No. 65151.

Frank O. Hunt vs. James A. Duncan, et al.

No. 65152.

Arthur C. Graham vs. James A. Duncan, et al.

No. 65420.

State vs. Cincinnati, Milford & Loveland Traction Co.

No. 65573.

Charles L. Kurtz, et al., vs. Public Service Commission.

No. 65724.

State vs. William Schwartz, et al.

No. 65992.

State ex rel. Lattanner, et al., vs. Dever.

No. 65993.

State ex rel. Lattanner, et al., vs. Welsh.

No. 65994.

State ex rel. Lattanner, et al., vs. Morton.

No. 65995.

State ex rel. Lattanner, et al., vs. Drake.

No. 66629.

State vs. Irvin R. Johnson.

No. 66630.

State vs. Milton J. Monnett.

No. 66725.

Charles J. Castle vs. William F. Mason, etc.

No. 66935.

David M. Green vs. State Civil Service Commission.

No. 67068.

Timothy S. Hogan, Attorney General, etc. vs. The Logan Natural Gas & Fuel Co., et al.

No. 67224.

George B. Topping, et al., vs. Homer C. Price, et al.

No. 67225.

George B. Topping, et al., vs. Homer C. Price, et al.

No. 67401.

State vs. Cabin Creek Consolidated Coal Co.

No. 67457.

State vs. Factory Power Co., etc.

No. 67559.

Security Savings Bank Co. vs. Lattanner, Superintendent of Banks.

No. 67778.

Sith, et al., vs. Industrial Commission of Ohio.

No. 67781.

State ex rel. Attorney General vs. City of Lancaster, et al.

No. 68012.

Bert Williams, et al., vs. A. P. Sandles, et al.

No. 68101.

J. E. Monger vs. Charles H. Graves, Secretary of State.

No. 68805.

Charles S. Hockett, et al., vs. State Liquor Licensing Board.

No. 68901.

Cherrington, et al., vs. Richard Lloyd, et al.

No.

In re Application of Terrance McCarty.

No.

State ex rel. Attorney General vs. Northern Ohio Traction & Light Co.

No.

State vs. William Kirkby.

No.

State vs. C. Baxter.

No.

State ex rel. Attorney General vs. Charles A. Judson.

No.

State vs. Nypano Railway Co.

Fairfield County.

No.

In re Gainer Erstine.

Guernsey County.

No.

State ex rel. Baxter vs. James A. Hoopman (Bank of Buffalo).

Hamilton County.

No. 135785.

Vosler vs. State.

No. 135924.

Haggerty vs. State.

No. 138164.

Berger vs. State.

No. 138165.

Rahn vs. State.

No. 138625.

State vs. Alois Reidy.

No. 138626.

Frank Branstetter vs. State.

No. 138627.

Christian Drack vs. State.

No. 138628.

Flora Moeller vs. State.

No. 138629.

Frank Dorger vs. State.

No. 138630.

State vs. Glaser.

No. 138631.

John Ruess vs. State of Ohio.

No. 138632.

Joseph Robert vs. State of Ohio.

No. 139159.

State vs. Little Miami Ry. Co.

No. 139160.

State vs. Cincinnati Street Ry. Co.

No. 140711.

Fischer vs. State.

No. 143042.

State vs. Louis Foster.

No. 151703.

Fred Kircher vs. State.

No. 151705.

Joseph Lewis vs. State.

No. 152620.

McDonald Printing Co. vs. State.

No. 153497.

G. Fred Arans vs. Arans Iron Works Company.

No. 155035.

Harry R. Osborn vs. State.

No. 155287.

State ex rel. Chas. J. Scherrer vs. Hamilton Co. Liquor Licensing Board.

No. 155319.

In re William Schott.

No. 155736.

Charles J. Weber vs. Industrial Commission of Ohio.

No. 155871.

David Brown vs. Industrial Commission of Ohio.

No. 155917.

John Tumota vs. State.

No. 156328.

State ex rel. Pogue vs. William A. Hopkins, et al.

No. 156329.

Board of Education vs. William A. Hopkins, et al.

No. 156342.

Washington T. Porter, et al., vs. William A. Hopkins, Treas.

No.

State ex rel. Baxter vs. J. A. Busse.

No.

State ex rel. Baxter vs. Frank Piatt, et al.

No.

State ex rel. Baxter vs. Thomas P. Starch.

No.

City of Cincinnati ex rel. Schoenle vs. William A. Hopkins, et al.

Harrison County.

No.

Bank of Charleroi vs. Adena Mining Company.

Hocking County.

No.

State ex rel. T. S. Hogan on behalf of Margaret McAllister vs. National
Fire Proofing Company.

Jefferson County.

No.

State ex rel. John G. Belknap vs. Board of Dep. S. S. of Elections.

No. 7063.

State vs. Hugh Patterson.

No. 7604.

State vs. Samuel R. Stark.

No. 7065.

State vs. Samuel R. Stark.

No. 7066.

State vs. John Belknap.

No. 7067.

State vs. Ira Blackburn.

No. 7068.

State vs. Richard Gilson.

No. 7069.

State vs. Richard Gilson.

No. 7070.

State vs. Fred Stone.

No. 7071.

State vs. Richard Kramer.

No. 7072.

State vs. Richard Gilson.

No. 7073.

State vs. Henry Lawer.

No. 7074.

State vs. John A. Mansfield.

No. 7075.

State vs. Alfred Crippen.

No. 7076.

State vs. William C. Brown.

No. 7077.

State vs. James Gilson.

No. 7078.

State vs. John C. Belknap.

No. 7079.

State vs. John C. Belknap.

Knox County.

No. 8865.

Farmers' & Merchants' National Bank of Mt. Vernon vs. Eva M.
Sharp, Admx.

No. 9221.

State ex rel. Baxter vs. Gambier Banking Co.

No.

State ex rel. Baxter vs. Ella Grant.

No.

State ex rel. Baxter vs. Ella Grant.

Licking County.

No. 17285.

Daniel Coffman vs. Will D. Harris, et al.

Logan County.

No. 11574.

Daniel Newland vs. State.

No. 11744.

Thomas Canfield vs. State.

No. 11946.

Thomas Canfield vs. State.

No.

Babcock vs. Shaw, Treasurer.

No.

A. H. Babcock vs. E. G. Branson, Treas., Lorain County.

Lucas County.

No. 65626.

Mechanics' Savings Bank Co. vs. Frank E. Baxter, et al.

No.

Lathrop vs. State.

Madison County.

No.

State ex rel. Attorney General vs. John Ellsworth, et al.

Miami County.

No. 19265.

Frank Ammerman vs. State.

Montgomery County.

No. 36903.

J. H. Pfaul vs. W. A. Peffly, et al.

No.

State ex rel. Attorney General vs. Enterprise Loan Co.

Pickaway County.

No.

Fisher vs. Board of Education, Monroe Township.

Richland County.

No. 12160.

In re Barnett Licker.

Ross County.

No.

Charles Allen vs. State.

Stark County.

No. 23510.

Daniel Mossop vs. J. W. Bidwell, et al.

No.

In re Harrold Wood.

No.

Stark Electric Ry. Co. vs. Frank E. McKean, et al.

No.

Harry Escassen vs. State.

Warren County.

No. 11047.

Neiderlander vs. State.

No. 11286.

Lebanon National Bank vs. B. C. Howell, Jr., Treas.

No.

Lebanon National Bank vs. B. C. Howell, Jr., Treas.

Cases in Other Courts Disposed of from January 1, 1914, to January
10, 1915.

Superior Court, Cincinnati.

No. 55860.

Julius Theaurkauf vs. Hamilton County Liquor Licensing Board.

No. 55846.

Louis Blasco vs. American Carriage Co.

No. 55860.

Julius Theaurkauf vs. Rogers Wright, et al.

Municipal Court of Cincinnati.

No. 3033.

State ex rel. Attorney General vs. American Rigging Co.

No. 1516.

State ex rel. Attorney General vs. Cinti Bill Posting Co.

No. 7780.

State vs. J. T. Knox.

No. 7781.

State vs. J. T. Knox.

No. 2965.

State ex rel. Attorney General vs. Charles Mohrmeyer.

Municipal Court, Cleveland, Ohio.

No. 30164.

State for Benefit of Tomalski vs. Blamber Brass Mfg. Co.

No. 28597.

State ex rel. vs. Stroeble Steel Construction Co.

No. 28128.

State ex rel. vs. Ehrlich.

Cases Pending in the Supreme Court of the United States January
10, 1915

No. 456.

Mutual Film Co. vs. Yaple, et al.

No. 457.

Mutual Film Company vs. Yaple, et al.

No. 513.

Rail & River Coal Company vs. Wallace D. Yaple, et al.

DISTRICT COURTS.

Northern District of Ohio, Eastern Division.

No. 233.

Rail & River Coal Company vs. Yaple, et al.

No.

In re Smokeless Heat & Power Company.

No.

In re Georgian Bay Company.

Southern District of Ohio, Eastern Division.

No.

State ex rel. Attorney General on Behalf of Margaret McAllister vs.
National Fire Proofing Company.

Southern District of Ohio, Western Division.

No. 2197.

Toledo, St. Louis & Western Ry. Co. vs. Miami Valley Electric Co.

No. 4716.

In re K. & P. Lumber Company.

No. 4716.

In re Hazen Company.

No. 5873.

In re Gahl Company.

No. 6791.

George H. Keeney vs. Dominion Coal Company.

Cases Pending in the Supreme Court of Ohio, January 10, 1915.

No. 14269.

State vs. E. D. Stone, et al.

No. 14339.

Adena Railway Company, et al., vs. Public Service Commission.

No. 14340.

Adena Railway Company, et al., vs. Public Service Commission.

No. 14442.

James T. Haynes vs. Isaac Jones.

No. 14461.

Ohio Traction Company vs. State.

No. 14555.

State vs. J. H. Barkman.

No. 14653.

William Tilch, etc., vs. Joseph Bourgardner.

No. 14687.

Ex Parte Harry Allen.

No. 14697.

State ex rel. Ribble, Pros. Atty. vs. Victor Kleinhoffer.

No. 14708.

District Board of Assessors vs. State ex rel. Jeanette Morgan.

No. 14772.

Valley Telephone Company vs. Public Utilities Commission.

No. 14788.

Charles S. Hockett, et al. vs. State Liquor License Board.

No. 8374.

Jane McVeigh vs. Mary Ann McVeigh.

No. 14127.

John D. Davis vs. State ex rel. Hollis C. Johnson, Pros. Atty.

Cases Pending in the Court of Appeals, January 10, 1 15.

Franklin County.

No. 1.

State ex rel. Attorney General vs. Cooper Hydraulic Co.

No. 4.

State ex rel. Attorney General vs. Order of Owls.

No. 5.

State ex rel. Attorney General vs. Royal Order of Lions, et al.

No. 6.

State ex rel. Attorney General vs. Order of Reindeers, et al.

No. 14.

Public Service Commission vs. B. & O. Ry. Co., Erie Ry. Co. and
C. A. & C. Ry. Co.

No. 137.

Wm. C. Miller vs. State.

No. 182.

State ex rel. Attorney General vs. Metropolitan Funeral & Burial As-
sociation Co.

No. 3058.

State ex rel. Attorney General vs. Hocking Valley Ry. Co.

No. 3059.

State ex rel. Attorney General vs. Hocking Valley Ry. Co.

No. 3255.

Adena Ry. Co. vs. Public Service Commission.

Hamilton County.

No. 448.

Industrial Commission of Ohio vs. David Brown.

No. 251.

E. H. Moore, Supt. of Insurance vs. Central Fire Association.

No. 252.

E. H. Moore, Supt. of Insurance vs. Buckeye Fire Ins. Association.

Licking County.

No.

Daniel Coffman vs. Will D. Harris, et al.

Stark County.

No.

State vs. E. Kerhin.

No.

Daniel Mossop vs. J. W. Bidwell, et al.

Cases Pending in the Common Pleas Court January 10, 1915.

Allen County

No. 16195.

State ex rel. James S. Grey vs. M. J. Burk, et al.

Coshocton County.

No. 5097.

William Coffman vs. John I. Miller, et al.

Cuyahoga County.

No. 124511.

Virginia Forcythe, et al., vs. T. G. Hart, et al.

No. 125182.

T. S. Hogan, Attorney General vs. H. C. Ranney, et al.

No. 125083.

T. S. Hogan, Attorney General vs. Cleveland Museum of Art, et al.

No. 125085.

T. S. Hogan, Attorney General vs. H. R. Perkins, et al.

No. 133120.

Kosel vs. Snyder, et al.

No. 131563.

Sulter vs. Western Reserve Syrup Company.

No. 140057.

State ex rel. Farmer vs. Andrews, et al.

No. 141043.

State ex rel. Zsupynick vs. Matlack, et al.

No.

State ex rel. Attorney General vs. Universal Life Insurance Co.

Crawford County.

No. 11252.

Thomas H. Drolesbaugh vs. William F. Brinkman, et al.

Darke County.

No.

Hoffman vs. Treasurer.

Franklin County.

No. 62441.

State of Ohio vs. Little Miami Ry. Co.

No. 62826.

State ex rel. Baxter vs. Columbus Savings & Trust Co.

No. 64725.

State ex rel. Attorney General vs. Teutonia Savings & Loan Co.

No. 66597.

American Savings Co., Crooksville, vs. Jas. A. Devine, etc.

No. 67187.

State ex rel. E. C. Turner vs. State Civil Service Commission.

No. 67305.

State ex rel. Phelps vs. T. S. Hogan, Attorney General of Ohio.

No. 67551.

State ex rel. Attorney General vs. Empire State Surety Company.

No. 68071.

Stark Electric Company vs. Maryland Casualty Co., et al.

No. 69020.

Azeriah K. Jewell vs. T. A. McCann, et al.

Greene County.

No.

In re Liquidation of Osborn Bank.

Hamilton County.

No. 116644.

State of Ohio vs. Bellevue Brewing Company.

No. 155736.

Charles J. Weber vs. Industrial Commission of Ohio.

No. 15587.

Katie Ebinger vs. Industrial Commission of Ohio.

No.

Ivorydale & Millcreek Valley Ry. Co. vs. William A. Hopkins.

Lorain County.

No.

State vs. Oberlin Gas & Electric Company.

No.

A. H. Babcock vs. Stanley G. Shaw, Treas.

Lucas County.

No.

James W. Rutledge, etc. vs. Owens Bottle Machine Co.

Miami County.

No. 19361.

West Milton Masonic Temple Co. vs. West Milton Home Telephone Co., et al.

Seneca County.

No.

State vs. Leister.

Stark County.

No.

Metzger vs. State.

Summit County.

No.

O'Toole vs. City of Akron.

Trumbull County.

No.

Maud E. Knapp vs. William Keesecker, et al.

Union County.

No. 9264.

State ex rel. Willis vs. Bank of Marysville.

No. 9265.

State ex rel. Willis vs. Peoples' Bank.

No. 9266.

State ex rel. Willis vs. Union Banking Company.

No. 9267.

State ex rel. Willis vs. Commercial & Savings Bank.

No. 9268.

State ex rel. John H. Willis vs. Richmond Deposit Bank.

Washington County.

No. 12989.

Ohio Valley Bank Co. vs. David W. Jones, et al.

Cases Pending in the Probate Court, January 10, 1915.

No. 6741.

James R. Mulvane vs. Hiram Thornton, et al.

Cases Pending in Other Courts, January 10, 1915.

Municipal Court, Cleveland, Ohio.

No. 30917.

State for Benefit of Warner vs. Wm. Caroville.

Insolvency Court, Cincinnati, Ohio.

No. 6351.

John H. Miller vs. Schacht Motor Company.

Superior Court, Cincinnati, Ohio.

No. 55772.

State ex rel. Wm. A. Daughtery vs. Rogers Wright, et al.

No. 56181.

State ex rel. Attorney General vs. David Berl.

No. 58181.

State ex rel. Attorney General vs. David Berl.

III.

REPORT OF THE WILLIS LAW DEPARTMENT.

During the year 1914, the tax commission of Ohio certified to the Willis tax department 4,408 domestic and foreign corporations and public utilities as being delinquent in the filing of reports or payment of the franchise and excise taxes, or both; this was an increase of practically three hundred per cent. (300%) over the previous year, and a much larger per cent. of increase over any year prior to 1911. In addition to the number of corporations certified by the tax commission during the year 1914, there were 1,216 carried over from the year 1913 certification, due to the fact that the certification of domestic corporations did not come to this department until almost the close of the year; consequently, the work during the past year has been a continuation of the efforts to collect from previous years as well as the current year, which resulted in realizing on 2,119 claims the amount of \$275,895.22, as compared with the collections during the year 1913, which was \$130,966.15.

The foregoing collections for the year 1914 were distributed as follows:

54 corporations owing for the years prior to 1911.
110 corporations owing for the year 1911.
362 corporations owing for the year 1912.
1,275 corporations owing for the year 1913.
318 corporations owing for the year 1914.

One foreign corporation, doing business without having qualified to do business in Ohio, was compelled to pay qualification fees and franchise fees.

21 corporations, whose authority to do business in Ohio had been revoked, were required to pay reinstatement fees.

34 corporations filed certificates of dissolution or certificates of retirement and paid the fees therefor.

It will be observed that of the 4,408 corporations and public utilities certified to this department only 318 corporations paid for the year. This was due, as before stated, to the fact that certification was not made until almost the close of the year 1914, which did not give the department sufficient time within which to correspond with the various corporations with the view of securing settlement.

Among the 54 corporations noted in the foregoing as being delinquent for the years prior to 1911, a large number had been pending

for a number of years, and it required considerable time and effort to effect a settlement accordingly.

During the year 1914, the same precaution was used to protect the state from losses which might occur from corporations going into the hands of receivers, trustees in bankruptcy and assignees, and constant diligence was used in following up such claims due the state.

During the past year the work of this department showed a marked increase, and at times it was required to employ temporarily extra help to handle the correspondence as it should be, but the cost to the state for such help must be considered as very insignificant when compared with the results obtained, inasmuch as the increased collections amounted to approximately \$144,934.07 over the year 1913.

At the beginning of my administration four years ago, I made every effort possible to have a uniform system of accounting installed in my Willis tax department, and have continued to urge it since, but on account of the enormous amount of work entailed in doing so, it was not undertaken until recently. However, the department of auditor of state is now at work on it and will have it completed in the near future.

A complete detailed statement of all collections made by this department is as follows:

COLLECTIONS OF ATTORNEY GENERAL'S OFFICE
DURING 1914.

	For years prior to 1911			
41	Domestic corporations paid franchise fees-----	\$7,894 08		
	penalties -----	857 04	\$8,751 12	
8	Foreign corporations paid franchise fees-----	1,775 00		
	penalties -----	40 00	1,815 00	
5	Public utilities paid excise taxes-----	2,763 97		
	penalties -----	7 71	2,771 68	\$13,337 80
	For the year 1911			
92	Domestic corporations paid franchise fees-----	8,075 73		
	penalties -----	827 34	8,903 07	
9	Foreign corporations paid franchise fees-----	254 84		
	penalties -----	42 99	297 83	
9	Public utilities paid excise taxes-----	15,003 85		
	penalties -----	5 00	15,008 85	24,209 75
	Amount forwarded-----			\$37,547 55

COLLECTIONS OF ATTORNEY GENERAL'S OFFICE DURING 1914—
Continued.

	Amt. brought forward..			\$37,547 55
	For the year 1912			
338	Domestic corporations paid franchise fees -----	\$14,351 25		
	penalties -----	2,328 01	\$16,679 26	
10	Foreign corporations paid franchise fees -----	312 70		
	penalties -----	51 66	364 36	
14	Public utilities paid excise taxes -----	18,030 66		
	penalties -----	10 00	18,040 66	35,084 28
	For the year 1913			
1191	Domestic corporations paid franchise fees -----	98,619 01		
	penalties -----	12,627 93	111,246 94	
44	Foreign corporations paid franchise fees -----	12,103 93		
	penalties -----	467 84	12,571 77	
40	Public utilities paid excise taxes -----	43,353 52		
	penalties -----	3,908 11	47,261 63	171,080 34
	For the year 1914			
317	Domestic corporations paid franchise fees -----	25,641 01		
	penalties -----	2,979 14	28,620 15	
1	Foreign corporations paid franchise fees -----	10 00		
	penalties -----		10 00	28,630 15
				272,342 32
				90
	Total taxes, fees and penalties paid into state treasury -----			272,343 22
	It will be noted that 90 cents more was paid into treasury than total of fees and penalties, which is due to the auditor having certified an incorrect total in one account.			
	Amount forwarded.....			\$272,343 22

COLLECTIONS OF ATTORNEY GENERAL'S OFFICE DURING 1914—
Concluded.

	Amt. brought forward---			\$272,343 22	
1	Corporation paid penalty for failing to comply with order of public service commission-----		\$500 00		
21	Corporations paid reinstatement fees-----		2,100 00		
1	Foreign corporation paid under 178, General Code under 183, General Code for failing to qualify----	\$15 00 10 00	25 00 750 00		
34	Corporations paid fees for dissolution or retirement		170 00		
3	Corporations paid fees for filing miscellaneous certificates with secretary of state -----		7 00	3,552 00	\$275,895 22
	Miscellaneous				
	Interest on state funds				
	Commercial Natl. Bk., Cols.		40,000 00		
	Cincinnati Trust Co.-----		13,101 30		
	Union Natl. Bank, Cols.--		7,500 00		
	First Natl. Bank, Clev.---		4,109 58		
	Marine Natl. Bk., Ashtabula		3,052 68		
	Farmers' Natl. Bank, Ashtabula -----		1,500 78		
	Natl. Bank of Ashtabula--		1,003 20		
	Hough Bk. & Trust Co., Cin.		692 45		
	East Side Bank, Toledo---		1,075 34	72,035 33	
	Judgment against Columbus Savings & Trust Co. but reverted back to creditors by action of legislature -----			42,000 00	114,035 33
	Forfeiture of bonds				
	American Surety Co., Bond of Wm. Schwartz		5,500 00		
	National Surety Co., Bond of Frank R. Stone		5,000 00		
	Bankers' Surety Co., Bond of Wm. Tucker---		823 55	11,323 55	
	Refund of court costs----		511 00		
	Taxes, insurance dep't.---		61 00		
	Account, industrial commission -----		1,596 99		
	Acc't mdse., Ohio state commission for blind---		12 00	2,180 99	13,504 53
	Total -----				\$403,435 08

The following is a list of the cases both disposed of and pending in the various courts in which the collection of Willis law tax was involved:

Cases Disposed of in the District Courts of the United States.

In the matter of The Junction City Clay Products Co., Bankrupt. Paid \$114.00.	}	Northern District Ohio, Eastern Division, Chas. C. Pickering, Referee, Lancaster, Ohio.
In the matter of The Carl Ritz Sausage Co., Bankrupt. Paid \$13.42.	}	Northern District Ohio, Eastern Division. A. F. Ingersoll, Referee, Cleveland, Ohio.
In the matter of The Advance Chemical & Mfg. Co., Bankrupt. Paid \$15.00.	}	Northern District Ohio, Eastern Division. A. F. Ingersoll, Referee, Cleveland, Ohio.
In the matter of The Ahr & Rost Co., Bankrupt. Paid \$22.50.	}	Southern District Ohio, Western Division. Wm. H. Whittaker, Referee, Cincinnati, Ohio.
In the matter of The Cleveland Granite Co., Bankrupt. Paid \$24.50.	}	Northern District Ohio, Eastern Division. A. F. Ingersoll, Referee, Cleveland, Ohio.
In the matter of The F. W. Hyde Co., Bankrupt. Paid \$15.00.	}	Northern District Ohio, Eastern Division. A. F. Ingersoll, Referee, Cleveland, Ohio.
In the matter of The L. D. Hubbard Co., Bankrupt. Paid \$28.25.	}	Northern District Ohio, Eastern Division. A. F. Ingersoll, Referee, Cleveland, Ohio.
In the matter of The Owners' Oil & Grease Co., Bankrupt. Paid \$30.00.	}	Northern District Ohio, Eastern Division. A. F. Ingersoll, Referee, Cleveland, Ohio.

In the matter of The John Dietz Mfg. Co., Bankrupt.	}	Southern District Ohio, Western Division.
Paid \$15.00.		Charles T. Greve, Referee, Cincinnati, Ohio.
In the matter of The Euclid Ladies Tailoring Co., Bankrupt.	}	Western District Ohio, Eastern Division.
Paid \$15.00.		A. F. Ingersoll, Referee, Cleveland, Ohio.
In the matter of The Falls Rivet & Machine Co., Bankrupt.	}	Northern District Ohio, Eastern Division.
Paid \$258.75.		Harry L. Snyder, Referee, Akron, Ohio.
In the matter of The Fulton Machine & Forging Co., Bankrupt.	}	Northern District Ohio, Eastern Division.
Paid \$114.60.		A. M. McCarty, Referee, Canton, Ohio.
In the matter of The Cleveland Sanitation Co., Bankrupt.	}	Northern District Ohio, Eastern Division.
Paid \$17.25.		A. F. Ingersoll, Referee, Cleveland, Ohio.
In the matter of The Brober Hardware Co., Bankrupt.	}	Northern District Ohio, Eastern Division.
Paid \$10.00.		J. H. McGifford, Referee, Ashtabula, Ohio.
In the matter of The Bettman Johnson Co., Bankrupt.	}	Southern District Ohio, Western Division.
Paid \$654.00.		Charles T. Greve, Referee, Cincinnati, Ohio.
In the matter of The Canton Roofing Tile Co., Bankrupt.	}	Northern District Ohio, Eastern Division.
Paid \$333.15.		A. M. McCarty, Referee, Canton, Ohio.
In the matter of The Smith Eckstein Co., Bankrupt.	}	Northern District Ohio, Eastern Division.
Paid \$24.17.		C. C. Connell, Referee, Lisbon, Ohio.

In the matter of The Altwood Manufacturing Co., Bankrupt.	}	Northern District Ohio, Eastern Division.
Paid \$205.14.		J. H. McGifford, Referee, Ashtabula, Ohio.
In the matter of The Ford Bros. Auto Sales Co., Bankrupt.	}	Northern District Ohio, Western Division.
Paid \$12.08.		Fordyce Belford, Referee, Toledo, Ohio.
In the matter of The Akron Machine Co., Bankrupt.	}	Northern District Ohio, Eastern Division.
Paid \$120.00.		Harry L. Snyder, Referee, Akron, Ohio.
In the matter of The Georgian Bay Co., Bankrupt.	}	Northern District Ohio, Western Division.
Paid \$525.98.		A. F. Ingersoll, Referee, Cleveland, Ohio.
In the matter of The Farmers' Fence Co., Bankrupt.	}	Northern District Ohio, Western Division.
Paid \$286.32.		J. Duncan McLaughlin, Referee, Bellefontaine, Ohio.
In the matter of The Co-operative Garage Co., Bankrupt.	}	Northern District Ohio, Eastern Division.
Paid \$10.00		A. F. Ingersoll, Referee, Cleveland, Ohio.
In the matter of The Reading Creamery Co., Bankrupt.	}	Northern District Ohio, Eastern Division.
Paid \$15.00.		C. C. Connell, Referee, Lisbon, Ohio.
In the matter of The Maley, Thompson & Moffett Co., Bankrupt.	}	Southern District Ohio, Western Division.
Paid \$225.00		Chas. T. Greve, Referee, Cincinnati, Ohio.
In the matter of The Smith Lithograph Co., Bankrupt.	}	Northern District Ohio, Western Division.
Paid \$48.00.		Fordyce Belford, Referee, Toledo, Ohio.

In the matter of The Niles Sanitarium Co., Bankrupt.	} Southern District Ohio, Western Division. George W. Poland, Referee, Urbana, Ohio.
Paid \$86.25.	
In the matter of The Sackmann Mfg. Co., Bankrupt.	} Northern District Ohio, Eastern Division. Harry L. Snyder, Referee, Akron, Ohio.
Paid \$31.05.	
In the matter of The Vulcan Clay & Brick Co., Bankrupt.	} Northern District Ohio, Eastern Division. C. C. Connell, Referee, Lisbon, Ohio.
Paid \$15.00.	
In the matter of The W. H. Noble Co., Bankrupt.	} Northern District Ohio, Eastern Division. A. F. Ingersoll, Referee, Cleveland, Ohio.
Paid \$43.12.	
In the matter of The College of Commerce Co., Bankrupt.	} Northern District Ohio, Western Division. N. W. Bright, Referee, Findlay, Ohio.
Paid \$10.00.	
In the matter of The Pocket Umbrella Co., Bankrupt.	} Northern District Ohio, Western Division. Nimrod W. Bright, Referee, Findlay, Ohio.
Paid \$140.25.	
In the matter of The Reliable Lumber Co., Bankrupt.	} Southern District Ohio, Eastern Division. Frederick N. Sinks, Referee, Columbus, Ohio.
Paid \$10.65.	
In the matter of The Russell & Smith Co., Bankrupt.	} Northern District Ohio, Western Division. Fordyce Belford, Referee, Toledo, Ohio.
Paid \$11.50.	
In the matter of The Sash Hanger Mfg. Co., Bankrupt.	} Northern District Ohio, Eastern Division. C. C. Connell, Referee, Lisbon, Ohio.
Paid \$32.60.	

In the matter of The Thatcher Rueter Co., Bankrupt.	}	Northern District Ohio, Eastern Division.
Paid \$33.90.		A. F. Ingersoll, Referee, Cleveland, Ohio.
In the matter of The Loper Co., Bankrupt.	}	Northern District Ohio, Western Division.
Paid \$172.50.		Fordyce Belford, Referee, Toledo, Ohio.
In the matter of The Queen City Carriage Co., Bankrupt.	}	Southern District Ohio, Western Division.
Paid \$60.00.		W. H. Whittaker, Referee, Cincinnati, Ohio.
In the matter of The Springfield Tire & Rubber Co., Bankrupt.	}	Southern District Ohio, Western Division.
Paid \$172.50.		F. M. Krapp, Referee, Springfield, Ohio.
In the matter of The Walter J. Dwyer Co., Bankrupt.	}	Southern District Ohio, Eastern Division.
Paid \$52.50.		F. N. Sinks, Referee, Columbus, Ohio.
In the matter of The Cleveland Stationery Co., Bankrupt.	}	Northern District Ohio, Eastern Division.
Paid \$11.50.		A. F. Ingersoll, Referee, Cleveland, Ohio.
The Chesterfield Clothing Co., Bankrupt.	}	Southern District Ohio, Western Division.
Paid \$12.94.		W. S. McConnaughey, Referee, Dayton, Ohio.
The Commonwealth Steamship Co., Receivership.	}	Northern District Ohio, Eastern Division.
Paid \$2,471.97.		Cleveland, Ohio.
The Columbus, Buggy Co., Receivership.	}	Southern District Ohio, Eastern Division.
Paid \$1,249.20.		Columbus, Ohio.

Cases Disposed of in the Common Pleas Court.

The American Case & Register Co., Paid \$457.50.	Receivership.	} Common Pleas Court, Columbiana County.
The Hecla Iron & Mining Co., Paid \$120.00.	Receivership.	} Common Pleas Court, Lawrence County.
The Pearl Paint & Glass Com- pany. Paid \$15.00.	Receivership.	} Common Pleas Court, Richland County.
The New Ohio Furniture Co., Paid \$45.00.	Receivership.	} Common Pleas Court, Franklin County.
The Peoples' Deposit Bank Co., Paid \$399.39.	Receivership.	} Common Pleas Court, Cuyahoga County.
The Mansfield Electric Web Co., Paid \$517.50.	Receivership.	} Common Pleas Court, Richland County.
The Cleveland, Galion Motor Truck Co., Paid \$460.00.	Receivership.	} Common Pleas Court, Cuyahoga County.
The James R. Shanklin Coal Co., Paid \$176.25.	Receivership.	} Common Pleas Court, Hamilton County.
The Moore Motor Truck Co., Paid \$157.50.	Receivership.	} Common Pleas Court, Lucas County.
The National Specialty Mfg. Co., Paid \$38.94.	Receivership.	} Common Pleas Court, Cuyahoga County.
The Piqua Furniture Co., Paid \$95.22.	Receivership.	} Common Pleas Court, Miami County.

The Peckham Motor Car Co., Receivership. Paid \$60.38.	} Common Pleas Court, Montgomery County.
The Dennison Foundry & En- gineering Co., Receivership. Paid \$314.44.	} Common Pleas Court, Tuscarawas County.
The Eastern Ohio R. R. Co., Receivership. Paid \$172.50.	} Common Pleas Court, Columbiana County.
The Charles Hoope Co., Receivership. Paid \$22.50.	} Common Pleas Court, Hamilton County.
The Cement Products Co., Receivership. Paid \$11.50.	} Common Pleas Court, Franklin County.
The Black Diamond Coal Co., Receivership. Paid \$17.25.	} Common Pleas Court, Jackson County.
The Fuller Cleaning Co., Receivership. Paid \$84.90.	} Common Pleas Court, Cuyahoga County.
The Weidlich & Simpson Pen Co., Receivership. Paid \$90.73.	} Common Pleas Court, Hamilton County.
The Auto Plating & Mfg. Co., Receivership. Paid \$11.50.	} Common Pleas Court, Cuyahoga County.

Cases Disposed of in the Probate and Insolvency Courts.

The Barberton Coal Mining Co., Assignment. Paid \$43.12.	} Probate Court, Summit County.
The Troy Acetylene Co., Assignment. Paid \$56.00.	} Probate Court, Miami County.
The Carrollton Savings & Bank- ing Co., Assignment. Paid \$69.00.	} Probate Court, Carroll County.
The American Automatic Tele- phone Co., Receivership. Paid \$300.00.	} Probate Court, Champaign County.
The Borland Mfg. Co., Receivership. Paid \$19.63.	} Insolvency Court, Hamilton County.
The Ohio Yarn Mills Co., Assignment. Paid \$150.00.	} Insolvency Court, Cuyahoga County.

Cases Pending in District Courts of the United States.

The Morehouse Mfg. Co., Bankrupt.	{ Southern District Ohio, Eastern Division. F. N. Sinks, Referee, Columbus, Ohio.
The Standard Steel Co., Bankrupt.	{ Northern District Ohio, Eastern Division. A. F. Ingersoll, Referee, Cleveland, Ohio.
The Andrews Mfg. Co., Bankrupt.	{ Southern District Ohio, Western Division. W. S. McConnaughey, Referee, Dayton, Ohio.
The F. Hunter & Sons Co., Bankrupt.	{ Southern District Ohio, Eastern Division. F. N. Sinks, Referee, Columbus, Ohio.
The Glendale Cemetery Co., Bankrupt.	{ Southern District Ohio, Western Division. Chas. T. Greve, Referee, Cincinnati, Ohio.
The John Mowbray Nelson Co., Bankrupt.	{ Southern District Ohio, Western Division. Wm. H. Whittaker, Referee, Cincinnati, Ohio.
The Hamilton Gas & Electric Co., Bankrupt.	{ Southern District Ohio, Western Division. H. H. Hames, Referee, Hamilton, Ohio.
The Hetzell Gelatine Products Co., Bankrupt.	{ Southern District Ohio, Western Division. Charles T. Greve, Referee, Hamilton, Ohio.

The Huffman Traction Engine Co., Bankrupt.	{ Northern District Ohio, Western Division. Geo. E. Crane, Referee, Kenton, Ohio.
The I. Rheinstrom & Sons Co., Bankrupt.	{ District of Kentucky, Covington, Ky.
The Keetch Knitting Co., Bankrupt.	{ Northern District Ohio, Eastern Division. A. F. Ingersoll, Referee, Cleveland, Ohio.
The L. P. Hazen Co., Bankrupt.	{ Southern District Ohio, Western Division. W. H. Whittaker, Referee, Cincinnati, Ohio.
The Ohio Sterling Co., Bankrupt.	{ Southern District Ohio, Western Division. W. S. McConnaughey, Referee, Dayton, Ohio.
The A. B. Soros Co., Bankrupt.	{ Northern District Ohio, Eastern Division. A. F. Ingersoll, Referee, Cleveland, Ohio.
The Consolidated Heating Co., Bankrupt.	{ Northern District Ohio, Eastern Division. C. C. Connell, Referee, Lisbon, Ohio.
The Craig Foundry Co., Bankrupt.	{ Northern District Ohio, Eastern Division. Wm. C. Beer, Referee, Bucyrus, Ohio.
The Cincinnati Punch & Shear Co., Bankrupt.	{ Southern District Ohio, Western Division. W. H. Whittaker, Referee, Cincinnati, Ohio.

The Dominion Coal Company, Bankrupt.	{ Southern District Ohio, Eastern Division. W. H. Whittaker, Referee, Cincinnati, Ohio.
The E. D. Hester Co., Bankrupt.	{ Northern District Ohio, Eastern Division. A. M. McCarty, Referee, Canton, Ohio.

Cases Pending in the Common Pleas Court.

The Carter Decorating Co., Receivership.	} Common Pleas Court, Franklin County.
The Dayton Electric Car Co., Receivership.	} Common Pleas Court, Clark County.
The Kelly Motor Truck Co., Receivership.	} Common Pleas Court, Clark County.
The Love Chocolate Co., Receivership.	} Common Pleas Court, Cuyahoga County.
The Toledo Stone & Glass Co., Receivership.	} Common Pleas Court, Lucas County.
The Samuel Chemical Co., Receivership.	} Common Pleas Court, Lucas County.
The Bacher Iron & Steel Co., Receivership.	} Common Pleas Court, Summit County.

Cases Pending in the Insolvency Court.

The Cleveland Fish Co., Assignment.	} Insolvency Court, Cuyahoga County.
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IV.

APPROPRIATIONS AND EXPENDITURES.

(January 1, 1914, to and including January 10, 1915.)

APPROPRIATIONS:

Balances on hand January 1, 1914:

Attorney General, salary.....	\$815 00	
First Assistant Attorney General salary.....	515 00	
Second Assistant Attorney General, salary.....	313 00	
Salaries, Clerks, Stenographers Messenger and Janitor	941 56	
Stenographic work.....	3,596 21	
Special Counsel.....	14,564 43	
Investigation, Canal Matters.....	1,985 62	
Investigation, State Treasury.....	1,228 30	
Costs in Cases.....	827 92	
Furniture, Carpets and Books.....	1,283 50	
Contingent Fund.....	697 23	
Traveling Expenses.....	389 38	
Legislative Bribery.....	65 58	
		<u>\$27,222 73</u>

SUNDRY APPROPRIATIONS:

Clerk of Courts, Lorain County.....	\$51 65	
B. F. Voorhees, T. E. Duncan and J. Glenn.....	254 69	
Harry J. Bradbury.....	479 75	
Geo. B. Okey.....	1,500 00	
Clerk of Courts, Wayne County.....	28 60	
Ernest & Ernest.....	2,039 22	
Dr. Y. Wardlow.....	50 00	
Dr. H. W. Whitaker.....	50 00	
Jacob Pfeifer.....	1,738 00	
Charles C. Connell.....	3,500 00	
		<u>9,691 91</u>

Appropriations made in 1914 (104 O. L., p. 84):

PERSONAL SERVICE:

A-1 Salaries	\$28,500 00
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MAINTENANCE:

C-4 Office Supplies.....	1,060 00	
C-11 General Plant Supplies.....	42 34	
E-1 Office Equipment.....	346 03	
E-9 General Plant Equipment.....	100 00	
F-1 General Repairs.....	35 00	
F-6 Transportation	4,018 00	
F-7 Communication	625 00	
F-8 General Plant Service.....	86,743 74	
F-9 Contingencies.....	25 00	
		<u>121,495 11</u>

The immediately foregoing includes the following transfers of funds:

From E-1 to E-9	\$50 00
From C-11 to F-8	91 74
From F-8 to C-4.....	200 00
From F-8 to F-1	10 00

Total appropriations..... \$158,409 75

APPROPRIATIONS AND EXPENDITURES—Concluded.

Amount brought forward..... \$158,409 75

EXPENDITURES:

From balances on hand January 1, 1914:

Attorney General, salary.....	\$815 00
First Assistant Attorney General, salary.....	515 00
Second Assistant Attorney General, salary.....	313 00
Salaries, Clerks, Stenographers, Messenger and Janitor.....	787 50
Stenographic Work.....	1,097 26
Special Counsel.....	9,542 68
Investigations, Canal Matters.....	1,985 62
Investigation, State Treasury.....	1,228 30
Costs in Cases.....	345 81
Furniture, Carpets and Books.....	196 50
Contingent Expenses.....	672 41
Traveling Expenses.....	87 20
Legislative Bribery.....	
	<u>\$17,586 28</u>

SUNDRY EXPENSES:

Clerk of Courts, Lorain County.....	\$51 65
B. F. Voorhees, T. E. Duncan and J. Glenn.....	254 69
Harry J. Bradbury.....	479 75
Geo. B. Okey.....	1,500 00
Clerk of Courts, Wayne County.....	28 60
Ernest & Ernest.....	2,039 22
Dr. Y. Wardlow.....	50 00
Dr. H. W. Whitaker.....	50 00
Jacob Pfeiffer.....	1,738 00
Charles C. Connell.....	3,500 00
	<u>9,691 91</u>

Expenditures from 1914 appropriations:

PERSONAL SERVICES

A-1 Salaries.....	\$25,011 12
Amount lapsed.....	500 00

MAINTENANCE:

C-4 Office Supplies.....	924 59
C-11 General Plant Supplies.....	3 00
E-1 Office Equipment.....	96 70
E-9 General Plant Equipment.....	53 35
F-1 General Repairs.....	19 50
F-6 Transportation.....	3,345 71
F-7 Communication.....	659 33
F-8 General Plant Service.....	71,124 13
F-9 Contingencies.....	3 63
	<u>101,741 06</u>

(F-7 overdrawn \$34.33, to be covered by later transfer.)

Total expenditures..... \$129,019 25

Balance on hand January 11, 1915..... \$29,390 50

V.

OFFICIAL OPINIONS.

The number of opinions that has been rendered by this department from January 1, 1914, to January 10, 1915, is seven hundred and fourteen (714), which opinions were rendered to the various state officers, boards and commissions, prosecuting attorneys and city solicitors of the state. The number is slightly in excess of that rendered during the previous year. The litigation has been at least as heavy and of very great importance in the questions involved so that it may well be said that the year has placed a vast amount of work upon this department.

As stated in a previous part of this report, the department has disposed of practically all requests for opinions on hand on January 1, 1915, and some that were submitted after that date.

The opinions of the department are hereto attached and made a part of this report.

Respectfully submitted,
TIMOTHY S. HOGAN,
Attorney General.

INDEX

ABSTRACT OF TITLE—	Page.
Abstract of title.....	17, 128, 437, 593
Bowling Green Normal School.....	97
Deed from James J. Bailey, administrator, estate of C. D. Bailey, deceased, to the State of Ohio—Deed sufficient to convey to the State a title in fee simple.....	209
Lot No. 91, Bowling Green, Ohio.....	443
Property situated in Butler County, Lemon Township, Ohio.....	1116
Ohio University, Athens, Ohio.....	1355, 1356, 1357, 1418
City of Athens to State of Ohio, Armory site.....	1489
Articles of incorporation—Power of corporations organized for furnishing abstracts of title.....	868
ABSTRACT OF TITLE AND DEED—	
Armory site, Marietta, Ohio.....	457
ABSTRACTING COMPANY—	
Amendment to articles of incorporation of abstracting companies in order to form title guaranteeing and trust companies—Such amend- ment not permissible—Rule.....	1695
ABUTTING PROPERTY OWNERS—	
Necessity of ordinance for construction of sidewalks in cities and vil- lages—Such ordinance need not be published—Notice to abutting property owners	1384
ACCOUNTS—	
Superintendent of Public Printing—The word “document” as used in Section 749, G. C., defined—Preservation of documents in the of- fice of public printer.....	698
ACTIVE DEPOSITARIES—	
County depositaries—Authority of County Commissioners to designate county depositaries—Bids for county funds—Additional adver- tisement—County Treasurer has authority with reference to depositaries for county funds.....	92
ADDITIONAL STENOGRAPHER—	
Court stenographer—Appointment of additional or assistant stenographers —to the official stenographer—Payment of salaries to additional stenographers	265
ADMINISTRATION—	
Collateral inheritance tax—Jane M. Case hospital—Taxes and taxation— Bequest—Aged Ladies’ Home.....	210
ADMINISTRATOR—	
Not necessary for administrator to file application to register title to realty when proceedings are instituted under Section 11922, G. C.	1735

ADJUTANT GENERAL—

	Page.
Opinion to—	
Blanket bond for Ohio National Guard officers—Legality of such bond—Payment of premium for such bond.....	838
Ohio National Guard—Right of sheriffs, mayors and judges to call out the National Guard in certain cases—Power of the Governor in reference to the National Guard.....	1141
Power of military authorities to purchase caskets—Contract—State to pay for such caskets as were used.....	79
Richmond Casket Company—Dayton flood—Contract.....	245

ADOPTED CHILD—

Collateral inheritance tax—"Adopted child" does not include "step child" unless such child is adopted.....	836
--	-----

ADVISORS—

Industrial Commission may pay necessary expenses of advisors appointed by it—Such expenses to be paid from fund for maintenance.....	1186
--	------

ADVERTISEMENT—

Right of persons to offer to dispose of stock or stock certificates without license—Right of persons residing in foreign states to offer to dispose of stock and stock certificates in Ohio.....	1151
Savings and loan—Foreign savings and loan company—The right to advertise in Ohio.....	335

AFFIDAVIT—

Notary fees are proper items of cost in cases in which the pleading is filed	1444
Newspapers not required to make proof of publication in transcript for the issuance and sale of bonds.....	1623
Right of the Mayor of a city or village to arrest a person found violating an ordinance of a city or village, for the purpose of holding such person until a warrant may be obtained.....	1563
The expense of printing or mailing copies of a proposed charter for the city of Cincinnati is not illegal, if authorized by Council.....	1455

AGE—

Compulsory attendance at school—Powers of truant officer—Ages between which children must attend school.....	101
--	-----

AGED LADIES' HOME—

Collateral inheritance tax—Jane M. Case hospital—Taxes and taxation—Bequest—Aged Ladies' Home.....	210
--	-----

AGENT—

Contract—Insurance contract under Ohio laws—"Business of insurance".....	584
--	-----

AGRICULTURAL COMMISSION—

Agricultural Commission—Power of such Commission to issue process for witnesses applies only to certain hearings—Informal hearings—Commission may prescribe rules for informal hearings.....	928
--	-----

	Page
AGRICULTURAL COMMISSION—Concluded—	
Agricultural Commission act—Disposition of fines, fees and costs as provided by Section 114 of said act—To what fees the costs refer to in above section—Disposition of fines as provided by Section 1313, General Code, under prosecutions brought by the Agricultural Commission in enforcement of laws relating to the practice of pharmacy	1218
Bond—State does not require bond from Secretary of Agricultural Commission—Commission may require bond from secretary—Where such bond is to be filed.....	123
Opinion to—	
Authority of the Agricultural Commission of Ohio to take means of exterminating rabbits for the purpose of preventing the spread of contagious diseases among live stock.....	1532
Ohio State University professors may be employed at Experiment Station during vacation.....	507
Power of County Commissioners to liquidate an indebtedness of the County Agricultural Society when such indebtedness has been caused by placing improvements on fair grounds.....	952
State Agricultural Commission—Right to purchase real estate for the purpose of reforestation and for establishing game preserves....	1251
State Sealer of Weights and Measures—Authority to test gas meter provers—Authority of Public Utilities Commission to test such meters	657
When hams and bacon are to be considered in package form.....	943
AGRICULTURAL SOCIETIES—	
County Commissioners—Agricultural Societies—Construction of highways	348
ALLOWANCE—	
Juvenile Judge—Allowance under Mothers' Pension Law—When same becomes available	845
ALTERNATING CURRENT—	
Regulation and use in mines.....	410
ANNUAL BUDGET—	
Budget—Balances of 1913 appropriation—Receipts and balances—Appropriation covering contracts—School fund—Sinking fund—University fund	3
ANNUAL REPORT—	
Right of the Tax Commission to require foreign corporations to report to the Commission a list of their Ohio stockholders, as a part of their annual report.....	1409
ANNUAL SESSION NATIONAL CHILDREN'S HOME SOCIETY—	
Expenses of delegates from State Board of Charities may be legally paid	49
APPEAL—	
Right of the Industrial Commission to review the action of the State Board of Censors in refusing to review motion picture films.....	1048

	Page.
APPENDIX TO APPROPRIATION BILL—	
Budget Commissioner—Appropriation bill—Appendix to appropriation bill	721
APPOINTEES—	
City Manager of chartered city—Not required to regard seniority of service in reducing the number of positions in a department.....	798
APPOINTMENT—	
Appointment of District Assessor under the Warnes Law—Salaries of such Assessors	1595
Board of Complaints holding officer illegally—De facto officers—De jure officer—Appointments invalid where all are made from a city of the county	1130
Greenlund Liquor Licensing Act—State Liquor Licensing Board—Vacancy on the County Board—Such vacancy to be filled by appointment—Civil Service	263
Superintendent of Infirmary—Civil Service examination—Removal from office	376
APPRAISERS—	
Rules to be followed in determining the valuation of an estate for inheritance tax where the value of the separate interests is such as to make exemptions exhaust the estate.....	1426
APPROPRIATION—	
Appropriation made from sundry appropriation bill to the city of Columbus for the paving and repaving before a State property—When same shall be paid.....	1487
Bill, 1913-1914—Kent State Normal School—Agricultural building and training school—Restriction contained in 1913 appropriation bill as to the amount to be spent on agricultural building and training school not carried in 1914 appropriation bill.....	934
Blind relief—Surplus moneys—County funds—Taxes and taxation—levy. Budget—Balances of 1913 appropriation—Receipts and balances—Appropriation covering contracts—School fund—Sinking fund—University fund	3
Canal funds—Crediting back of funds—Sharp-Dollison lease.....	501
Contracts limited by 1913 appropriation cannot be continued under 1914 appropriation	557
Corporation—Charter—Reinstatement of corporation when charter has been cancelled	570
Longview Hospital—Appropriation—Maintenance fund—Appropriation for ordinary repairs and improvements—Board of Administration	143
Kent State Normal School—Contract—Architect—Appropriation.....	605
Power of Director of Public Service of a city, under the provisions of Sections 4167, 4171 and 4172, General Code, to sell cemetery lots—Disposition of money received for said lots.....	1515
ARBITRATOR—	
Offices compatible—Member of Board of Elections arbitrator between the village and public service corporation.....	925
ARCHAEOLOGICAL AND HISTORICAL SOCIETY—	
Officers and employes of Archaeological and Historical Society not under Civil Service	506

	Page.
ARCHITECT—	
Kent State Normal School—Contract—Architect—Appropriation-----	605
ARCHITECTS—	
Employed by Board of Administration--Per cent. to be allowed architects on certain contracts—Model plan of building—Computing of architects' fees -----	1239
ARMORY SITE—	
Abstract of title, city of Athens to State of Ohio, Armory site-----	1489
ARREST—	
County Commissioners offering a reward—Terms of such offer—To whom award may be paid-----	166
Humane agents—Powers and duties-----	1730
Right of the Mayor of a city or village to arrest a person found violating an ordinance of a city or village, for the purpose of holding such person until a warrant may be obtained-----	1563
ARSON—	
Power of Board of Administration to parole a prisoner convicted for arson from the Mansfield Reformatory-----	651
ARTICLES OF INCORPORATION—	
Amendment to articles of incorporation of abstracting companies in order to form title guaranteeing and trust companies—Such amendment not permissible—Rule -----	1695
Banks and Banking—Articles of incorporation—Branch bank-----	727
“Blue Sky” law—Insurance companies—Commissions—Capital stock-----	147
Capital stock—Corporation reducing its capital stock—The number of shares of capital stock may not be reduced-----	253
Insurance -Certificate—Corporation—Life insurance -----	229
National Mutual Automobile Insurance Association—Purpose clause dis- approved -----	835
Of the Loveland Light & Water Company disapproved—Forming a cor- poration for furnishing natural and artificial gas and electricity, heat and power—Right of such corporation to manufacture and deal in natural and artificial ice—Articles of incorporation-----	1107
Of the National Mutual Automobile Insurance Association not approved.	965
Of the Workman's Aid Association of Toledo should be filed by the Sec- retary of State-----	51
Power of corporations organized for furnishing abstracts of titles-----	868
The Auto Insurance Company, Norwalk, Ohio-----	1679
The Secretary of State has no right to remit the one hundred dollars pen- alty exacted from a corporation whose articles of incorporation or certificate of authority to do business has been cancelled-----	1377
Under the provisions of Section 6257, G. C., charitable organizations, societies or institutions for the caring of children under their control are exempt from license-----	1710
ASSETS AND LIABILITIES—	
Banks and banking—Trust funds—Assets and liabilities—Taxes and taxa- tion—Tax—Fee bill -----	195

ASSESSMENT—	Page
Authority of Sinking Fund Trustees to refund special assessments erroneously charged and paid.....	1318
County ditches—Inter-county ditches—Assessments—Procedure.....	477
Deficiency—Question of assessment in anticipation of which bonds have been issued	1174
Lot owner can only be assessed for actual foot frontage abutting on improvement	1782
Municipal corporation—Sinking Fund Trustees—Powers—Certificates of indebtedness—Reserve Fund—Interest—Assessment	558
Of canal lands—Assessment of electric railway whose lines parallel improvements made under Section 7407, G. C.—Farmer's land may not be assessed for such improvement—Collection of costs from abutting owners	1351
Of lots in making a street improvement—Power of Council to settle and adjust excess assessments	1043
Street—Paving—Repaving—Assessment	530
Street improvement—When parts of street may be left out in front of lots, the assessment on which would exceed 33 1-3% of the actual value thereof.....	569
Street improvements—Improvements may be divided into two or more sections or divisions in conformity to the varying width of the street—Assessments of the cost of a street improvement where no division has been made may be apportioned at a uniform rate for the entire length of the street.....	1136
 ASSIGNEE—	
Receiver—Assignee—Trustees in bankruptcy—Listing of property for taxation	673
 ASSIGNMENT OF FUNDS—	
Article XII, Section 11 of the Constitution as applied to bonds issued by a municipal corporation.....	682
 ASSISTANTS—	
Persons in the Department of Auditor of State in the unclassified Civil Service	1379
Prosecuting Attorney may appoint such assistants as he deems necessary for the proper performance of his duties.....	1160
 ASSISTANT ADJUTANT GENERAL—	
The Assistant Adjutant General and the Assistant Quartermaster General are each entitled to pay for the rank of Colonel when called into actual service.....	1504
 ASSISTANT CONSTABLE—	
Fees of Assistant Constables are to be paid in each separate case at rate of \$1.50 per day in criminal cases.....	55
 ASSISTANT CITY SOLICITOR—	
City Solicitor may not receive extra compensation for supervising the codification of city ordinances—The Assistant City Solicitor may receive compensation for services rendered in the codification of city ordinances.....	892
Civil Service—Heads of principal departments—Deputies—Assistant secretary	366

ASSISTANT QUARTERMASTER GENERAL—	Page
The Assistant Adjutant General and the Assistant Quartermaster General are each entitled to pay for the rank of Colonel when called into actual service	1504
ATTACHMENT CASES—	
Amount of costs to be taxed against defendant—Jury trial in any such cases—Fees for magistrates—Constables, jurors.....	1035
ATTENDANCE—	
School attendance should not be determined, under Section 7730, General Code, at a time when there is an epidemic prevailing in the school	1742
When a school may be suspended because the average daily attendance during the preceding year was less than twelve.....	1691
ATTORNEY—	
County Treasurer has no authority to employ an attorney to make collection of taxes under Section 2667, General Code—Prosecuting Attorney not allowed additional compensation for making such collections	1415
Flood Conservancy Act—Constitutionality of said act—Employment of assistant to City Solicitor.....	622
Humane agents—Powers and duties.....	1730
Right of City Council to accept the gratuitous services of an attorney where the City Solicitor fails or refuses to act.....	1633
ATTORNEY'S FEE—	
Bond issue—Attorney's fee—Transcript.....	338
Construction of water filtration plant—Board of trustees of public affairs—Contract—Payment of attorney's fees by village—Contractor's surety	1255
Liability of counties in case of suit brought against the County Commissioners in their individual capacity for damages.....	1499
AUDITOR OF STATE—	
Canal land department—Renewing leases along the canal in the city of Cincinnati	553
Collateral inheritance tax law—Method of levying inheritance tax—Collecting the same—Fees—County Treasurer—County Auditor—Auditor of State—Interest—Probate Judge.....	204
Dishonored check—Procedure to be followed by State Auditor, State Treasurer in handling dishonored checks—State department.....	268
Opinion to—	
Appropriation made from sundry appropriation bill to the city of Columbus for the paving and repaving before a state property—When same shall be paid.....	1487
Approval of acts by the Governor involving expenditure of money by the Agricultural Commission.....	1754
Architects employed by Board of Administration—Per cent. to be allowed architects on certain contracts—Model plan of building—Computing of architects' fees.....	1239
Authority of Auditor of State to check out and examine department of Superintendent of Banks.....	1753

AUDITOR OF STATE—Continued—

	Page
Opinion to—Continued—	
Board of Trustees of Miami University—Legal transaction of business by such trustees.....	1684
Budget appropriation bill—Auditor's certificate—Assignment of voucher	743
Budget Commissioner—Appropriation bill—Appendix to appropriation bill	721
Expense of a Common Pleas Judge—Maximum amount allowable—Definition of year as used in Section 2253, G. C.....	71
General Assembly—Salaries—The manner in which salaries are to be paid—When salaries are to be paid—Mileage.....	214
Highway department—Right to expend highway funds for the publication of a monthly magazine.....	1019
Issuing warrants to assignee of a claim—Duty of the State Auditor in matters of this kind—Duties of the State Treasurer—How the certification of such claim should be made.....	136
May not issue warrant to disbursing officer of State department—How such warrant must be issued.....	948
Kent State Normal School—Agricultural building and training school—Restriction contained in 1913 appropriation bill as to the amount to be spent on agricultural building and training school not carried in 1914 appropriation bill.....	934
Ohio University lands held under lease prior to 1843 subject to revaluation—Rents for such lands.....	1566
Power of the Ohio Board of Administration to regulate the number and salaries of officers referred to in Section 2180, G.C.....	977
Railroad companies—Express companies—Sale of steamship or railroad tickets to and from foreign countries—Personally conducted parties	665
Right to take earnings of prisoners confined in the Ohio Penitentiary for cost of conviction—Garnishee proceedings—Exemption allowed prisoners	1085
Right of Auditor of State to issue warrants to paymasters of the respective state departments for employes therein.....	1303
Right of the Liquor License Commission to increase compensation of members of the County Liquor License Board.....	1513
Right of the State Liquor Licensing Board to designate one of the County Licensing Commissioners as secretary of the County Liquor Licensing Board.....	1672
Right of title guarantee and trust companies to act as depositaries of county funds—Must receive deposits generally in the same manner as a bank—Not authorized to issue ordinary certificates of deposit—May issue certificates of shares in mortgage notes held by such company.....	1743
State Highway Commissioner—Right to send assistants out of the state to conduct investigations relative to the best methods of road construction	710
State Senator—Salary—Resignation—Appointment to State office—Lieutenant Governor	172
Taxation and revaluation of Sections 16 and 29 when such sections are leased for more than fifteen years—Power of tax commission to remit taxes.....	1162

AUDITOR OF STATE—Concluded—	
Opinion to—Concluded—	Page
The Assistant Adjutant General and the Assistant Quartermaster General are each entitled to pay for the rank of Colonel when called into actual service.....	1504
Panama-Pacific International Exposition—Directing Commissioner—Compensation—Voucher—Reimbursement	763
Persons in the Department of Auditor of State in the unclassified Civil Service	1379
Powers and duties of District Assessors in increasing or reducing tax valuations—Board of Complaints—Power and duties of Board of Complaints in increasing or decreasing tax valuations—Power of State Tax Commission.....	1539
Warrants of Auditor of State—Law does not authorize issuance of duplicate warrants—Treasurer cashes such warrants at his own risk	47
 AUDITOR'S CERTIFICATE—	
Construction of a sewage disposal plant—Under the Bense act City Auditor's certificate that the money is in the treasury may be issued after the bonds have been authorized.....	1126
 AUDITING COMMITTEE—	
Superintendent of Banks or his assistants may not disclose information obtained in examination to clearing house examiners and auditing committees	1649
 AUDITOR OF COUNTY—	
Right of the county to make a charge against the city for the care and treatment of a pauper in the County Infirmary, when the corporate limits of the city are identical with those of the Township.....	1270
 AUTOMOBILE—	
Automobiles operated by chief of fire department containing fire extinguishers must be registered.....	1060
Board of Park Commissioners—License for automobile and motorcycles used by this department.....	773
Equipment—Automobile not included in equipment for District Assessor	520
 AUTOMOBILE DEALERS—	
Reduction of fees to certain owners of motor vehicles filed for registration after September 1, 1914.....	1149
 AUTOMOBILE HIRE—	
Deputy Sheriff may not receive compensation for use of automobile by himself or Sheriff—Public policy.....	774
Warnes Tax Law—District Assessors—Board of Complaint—Traveling expenses—Contingent expenses—Automobile hire.....	514

	Page
AWARD—	
County Commissioners offering a reward—Terms of such offer—To whom award may be paid.....	166
Industrial Commission of Ohio—No authority to hold an application for an award barred by compromise where the contract of release was for a less sum than that to which the employe was entitled under said act.....	1533
Workmen's Compensation Act—The right of administrator or personal representative to receive a balance where the award has not been fully paid to the injured employe.....	778
BACON—	
When hams and bacon are to be considered in package form.....	943
BANKRUPTCY—	
Receiver—Assignee—Trustees in bankruptcy—Listing of property for taxation	673
BANKERS—	
Banks and Banking—Interpretation of Section 744-6, known as the Kennedy Private Bank Act.....	29
BANKS AND BANKING—	
Articles of incorporation—Branch bank.....	727
Banking corporation—Stock—Restrictive regulations in stock—Validity of such regulations.....	243
Boards of directors—Constituting a quorum.....	31
Board of directors—Disqualification of members of such board—Encumbrance on stock.....	430
Branch banks—Banks not permitted to have a branch.....	26
Central Standard Time—Application of such time to banks.....	872
Commercial bank and savings bank—Ten per cent. reserve to be maintained by such bank.....	874
Construction of Section 9716, G. C.....	550
Cumulative voting	445
Depository law—Rules governing the depositing of money where two banks furnish a bond.....	1657
Financial condition of a bank—Examination of officers and agents to ascertain the financial condition of a bank—Method of conducting such an examination.....	32
Foreign exchange bank not subject to supervision of Superintendent of Banks of Ohio.....	1610
Interpretation of Section 744-6, known as the Kennedy Private Bank Act.....	29
Powers under charter—Charter must be fully complied with—Commercial bank—Trust company—Incorporators	85
Private bank act—Who may use the words "bank," "banker," "banking" or "trust" or "trust company".....	1606
Private bank changing to a National bank.....	447
Private banks—Stocks—Power of a private bank to hold stock in a State bank	162
Right of a correspondent bank to charge out of the account of an installment bank any indebtedness of installment bank to correspondent bank	1652

BANKS AND BANKING—Concluded—	Page
Sale of shares of stock to pay balance due on same—Power of directors of banks to make such sale—Procedure to be followed.....	86
Superintendent of Banks has no authority to pay final dividend in the liquidation of a bank before the expiration of one year.....	1635
Superintendent of Banks or his assistants may not disclose information obtained in examinations to clearing house examiners and auditing committees	1649
Trust funds—Assets and liabilities—Taxes and taxation—Tax—Fee bill..	195
BANKING CORPORATION—	
Banks in process of liquidation liable for Willis Law Taxes and penalties until its dissolution—Duty of the Superintendent of Banks in reference to such taxes and penalties.....	1065
BANKING DEPARTMENT—	
Employes of liquidating department of State Banking Department are subject to the provisions of the Civil Service Act.....	1619
BANK SHARES—	
Warnes Tax Law—Effect of taxation on bank shares.....	597
BANK STOCK—	
Tuition—Parent or pupil residing outside of a school district where such pupil attends school—Right of a school district to credit such tuition account with the amount of taxes assessed on school.....	216
BEAL LAW—	
Petition for municipal local option election under the Beal Law—When such petition may be entertained.....	1468
BENSE ACT—	
Construction of a sewage disposal plant—Under the Bense Act City Auditor's certificate that the money is in the treasury may be issued after the bonds have been authorized.....	1126
Power of the Board of Health under Bense Act to authorize installation system of sanitary sewer as a pertinent to a sewage disposal plant	1337
BENEFICIARY—	
Resolution—The right of the widow of one who has been a beneficiary to participate in a firemen's pension fund.....	919
BEQUEST—	
Collateral inheritance tax—Jane M. Case Hospital—Taxes and taxation—Bequest—Aged Ladies' Home.....	210
BIDS—	
County depositaries—Authority of County Commissioners to designate county depositaries—Bids for county funds—Additional advertisement—County Treasurer has authority with reference to depositaries for county funds.....	92

BIDDER—	Page
A municipality may not advertise for bids on a proposed improvement, after having offered bonds for sale, and receiving no bids therefor, and where the contractor would agree to take the bonds as a part of his contract.....	1393
The effect of the statute requiring the furnishing of a transcript by a municipality or other public body issuing bonds to the successful bidder of the bonds.....	1433
BIDDERS—	
Insurance—Reinsurance of unmaturred policies—Discontinuance of business by insurance company—Policy holder.....	588
BILL POSTING—	
Plumbing ordinance—Right of the village to regulate the plumbing connected with the extension of the waterworks system to a suburb of said village—Village has no right to prevent bill posting.....	894
BLANKS—	
Rules applicable to County Commissioners to furnish blanks to applicants to register land titles.....	1323
BLANK BOOKS—	
County Commissioners must provide suitable cases for safe keeping and preservation of books; also furnish necessary stationery to Probate Judge.....	1690
BLANKET BOND—	
Blanket bond for Ohio National Guard officers—Legality of such bond—Payment of premium for such bond.....	838
BLIND RELIEF—	
County Commissioners—Old blind relief law—New blind relief law—Blind Relief Commission.....	278
Right of one pensioned by the Federal government to draw blind relief—Ohio blind relief laws.....	1303
Surplus moneys—County funds—Taxes and taxation—Levy.....	273
BLIND RELIEF COMMISSION—	
Blind relief—County Commissioners—Old blind relief law—New blind relief law—Blind Relief Commission.....	278
“BLUE SKY” LAW—	
Articles of incorporation—“Blue Sky” Law—Insurance Companies—Commissions—Capital stock.....	147
Disposing of stocks and bonds received prior to the enactment of the “Blue Sky” Law and prior to the creating of the “Public Utilities Commission”—“Blue Sky” Law—Public Utilities Commission.....	759
Right of persons to offer to dispose of stock or stock certificates without license—Right of persons residing in foreign states to offer to dispose of stock and stock certificates in Ohio.....	1151
What constitutes securities under this law.....	352

	Page
BOARD OF ADMINISTRATION—	
Abstract of title—Deed from James J. Bailey, administrator, estate of C. D. Bailey, deceased, to the State of Ohio—Deed sufficient to convey to the State a title in fee simple.....	209
Architects employed by Board of Administration—Per cent. to be allowed architects on certain contracts—Model plan of building—Computing of architects' fees.....	1239
Arson—Power of Board of Administration to parole a prisoner convicted for arson from the Mansfield Reformatory.....	651
Gas line—State lands.....	276
Indeterminate sentence—Parole prisoners—Former imprisonment in a penal institution—Indeterminate sentence law.....	156
Longview Hospital—Appropriation—Maintenance fund—Appropriation for ordinary repairs and improvements—Board of Administration	143
BOARD OF COMPLAINTS—	
Powers and duties of District Assessors in increasing or reducing tax valuations—Board of Complaints—Power and duties of Board of Complaints in increasing or decreasing tax valuations—Power of State Tax Commission.....	1539
Warnes Tax Law—District Assessors—Board of Complaint—Traveling expenses—Contingent expenses—Automobile hire.....	514
BONDS FOR COUNTY COMMISSIONERS—	
Poor relief—Power of County Commissioners to raise funds—Issuing of notes—Bond issue—Taxes and taxation—Emergency.....	146
BOARD OF DIRECTORS—	
Banks and banking—Boards of Directors—Constituting a quorum.....	31
Banking corporation—Stock—Restrictive regulations in stock—Validity of such regulations.....	243
Disqualification of members of such board—Encumbrance on stock.....	430
BOARD OF EDUCATION—	
Boxwell Patterson Law—Pupil must comply with this law in order to receive free tuition in High School—What High School graduate to attend.....	418
Centralized school—Borrowing money with which to build centralized school.....	607
Clerk of—	
Can receive extra compensation for performing the duties of treasurer of such board—The Board of Education has the legal right to fix the compensation of such clerk when he is required to perform the added duties of treasurer of the Board of Education...	1202
May not be employed as teacher by such board.....	1478
Conveyance of pupils in a special district—Board of Education—Truant officer—Compulsory attendance at school—Special district.....	152
Construction of Section 4736, General Code, in reference to Rural School Districts which go to make up County School Districts.....	1599
Construction of Section 4744-1, G. C., with reference to salary of County Superintendent of Schools—Right of the County Board of Education to fix the salary of a County Superintendent at an amount in excess of \$1,200.00—To fix the salary at an amount greater than \$2,000.00.....	1265

BOARD OF EDUCATION—Continued—	Page
Contract entered into between Board of Education and coal company, of which one of the members of the board is a stockholder, without advertising and bids, is illegal.....	1201
County private roads—Maintenance of a road leading to a school house—Right of Board of Education to construct bridge on such road—County Commissioners	247
Date for officially certifying to the clerk or clerks of the Board of Education that the Village or Rural School Districts or Union School Districts will employ a superintendent is mandatory—Employment of joint superintendent for supervision purposes by the townships	1168
Discussion of Section 7629, G. C., providing for the issuance of bonds by Boards of Education—Operation of this section under Smith Law and Article XII, Section 11 of the Constitution.....	1078
Disposition of tax levy made by Board of Education of a Special School District where the proceedings for the formation of such district were declared void by the court.....	1592
Duty of the Board of Education in reference to providing relief for boys under fifteen years of age and girls under sixteen years of age who are unable to support themselves and stay in school.....	1536
Incorporation of a Township School District into a Special District—Duty of Board of Education to transport pupils unprovided for to a school.....	803
Must dispense with office of treasurer of school moneys when a depository has been provided.....	1133
Offices compatible—Village treasurer and member of the Board of Education—Offices incompatible—Treasurer of the School Board and member of the Board of Education.....	462
Offices compatible—Member of the Board of Education—City electrician.....	600
Procedure to be followed in suspending a school.....	1101
Rabe case	936
Removal of member of a City School Board from district—Effect of such removal	819
Required to provide schools and sufficient educational facilities for inmates of County Children's Homes—Public Schools of the State are free to inmates of public or private orphan asylums....	966
Right of the Board of Education to borrow money under Section 5656, General Code, to pay obligations incurred for furnishing the transportation of pupils, which the law requires to be furnished... ..	1394
Right of the Board of Education under Section 7730, General Code, to suspend school when the average daily attendance thereof is less than twelve—Powers of such board under Section 7730, General Code	1625
Section 7748, General Code, providing for transportation of pupils who are required to go to a school more than four miles distant, does not apply to Village and City Boards of Education.....	1004
Securing new site in order to replace school house condemned or destroyed—Fixing levies	1128
School Districts—Right of a District Board employing a superintendent to join with a Rural School District which never employed a superintendent—Power of School Districts to join by mutual consent with the Boards of Education.....	980
Schools—Township Board of Education—Boxwell-Patterson graduate—Tuition	729

BOARD OF EDUCATION—Concluded—	Page
Schools located at County Children's Home—Control of such schools placed with Board of Trustees of such home—Meaning of the term "Orphans' Asylum" as used in Section 7675, G. C.-----	1552
Teachers' pensions—Who entitled to such pensions.-----	496
Teacher's pension—Leave of absence cannot be counted as service for the amount of pension to which teacher is entitled.-----	617
The right of the County Commissioners to transfer from the county fund or from the proceeds of any other county tax levies to supply deficiencies in County Board of Education fund, in case there is no money available in the sheep fund.-----	1206
Township Trustees—Board of Education—Surplus funds.-----	599
Transportation of High School pupils—Laws regulating such transportation -----	362
Tuition—Parent or pupil residing outside of a School District where such pupil attends school—Right of a School District to credit such tuition with the amount of taxes assessed on school.-----	216
When a school may be suspended because the average daily attendance during the preceding year was less than twelve.-----	1691
 BOARD OF ELECTION—	
Offices compatible—Member of Board of Elections arbitrator between the village and Public Service Corporation.-----	925
The expense of printing or mailing of copies of a proposed charter for the city of Cincinnati is not illegal, if authorized by Council.-----	1455
 BOARD OF HEALTH—	
Civil Service—Official holding over—Non-competitive examination—Health officer -----	365
Municipality not legally bound to pay for services to family physician who rendered services to quarantined persons, without contract with the municipality -----	1735
Of the City of Cleveland (created by charter) must yield to the general laws when in conflict with them.-----	1022
Power of the Board of Health under Bense Act to authorize installation system of sanitary sewers as a pertinent to a sewage disposal plant -----	1337.
Refuse—Put-in-Bay -----	339
 BOARD OF HEALTH—CITY—	
Removal of members of State Board of Health under Civil Service—Procedure to be followed.-----	378
 BOARDING HOUSE—	
Workmen's Compensation Law—Domestic servants.-----	521
 BOARD OF HOSPITAL COMMISSIONERS—	
Selection of a city hospital site—Bond issue.-----	364
 BOARD OF LIBRARY COMMISSIONERS—	
Civil Service department—Legislative reference department—Unclassified service—Discharge of employees from public library—Offices compatible, clerk of the house and director of legislative reference department -----	660
Power of the Board of Library Commissioners to appoint employes in the Ohio State Library.-----	117

	Page
BOARD OF MOVING PICTURE CENSORS—	
Opinion to—	
Ohio Board of Censors is not required to furnish leaders or stamps of approval before motion picture films are publicly exhibited---	1375
BOARD OF MANAGERS OHIO PENITENTIARY—	
Ohio Board of Administration—Right to rescind mistake made by the Board of Managers of the Ohio Penitentiary-----	935
BOARD OF PARK COMMISSIONERS—	
License for automobile and motorcycles used by this department-----	773
BOARD OF PUBLIC AFFAIRS—	
Declaring an office vacant—Failure to give bond—Notice of election-----	624
BOARD OF STATE CHARITIES—	
Children's Home—Superintendent—Visiting agent—Offices incompatible —Matron -----	272
Opinion to—	
Annual session of National Children's Home Society—Expenses of delegates from State Board of Charities may be legally paid-----	49
Boards of Education required to provide schools and sufficient educa- tional facilities for inmates of County Children's Homes—Public schools of the state are free to inmates of public or private orphan asylums -----	966
Children's Home—May not refuse to receive a child committed by Juvenile Court, except in certain cases—Juvenile Court—Guardian- ship of children—Dependent children—Right of Board of Trust- tees to contract with families for the care of children-----	751
County Children's Home—Board of Trustees—Record of names to be kept in County Children's Homes-----	650
Institutions—Inspection—Caring for children—Powers of State Board of Charities -----	221
Manner in which State Board of Charities may assume charge of placing of inmates with the Trustees of County Children's Home-	1759
Offices compatible—Humane Society agent—Probation officer-----	345
Power of Juvenile Court to recall children previously committed by it to a Children's Home—Power of Trustees of Children's Home to remove a child from a foster home-----	1673
Schools located at County Children's Home—Control of such schools placed with Board of Trustees of such homes—Meaning of the term "Orphans' Asylum" as used in Section 7676, G. C.-----	1552
Support of inmates of insane asylums—Husband obliged to support his wife, if he is able-----	187
Under the provisions of Section 6257, General Code, charitable or- ganizations, societies or institutions for the caring of children under their control are exempt from license-----	1710
BOARD OF SINKING FUND TRUSTEES—	
Right of member of the Board of Sinking Fund Trustees to sell goods to a city—Right of a person who owns stock in a corporation to sell to a city, to act as Sinking Fund Trustee-----	1250

BOARD OF TRUSTEES BOWLING GREEN NORMAL SCHOOL—	
Opinion to—	Page
Abstract of title.....	443
Abstract of title—Bowling Green Normal School.....	97
BOARD OF TRUSTEES OF PUBLIC AFFAIRS—	
Construction of water filtration plant—Contract—Payment of attorney's fees by village—Contractor's surety.....	1255
Contract for purchase of electric current for a village must be made on behalf of the village by the Council—Not by the Board of Trustees of Public Affairs.....	1045
Is the proper authority to enter into contracts for the village electric light plant—Subject to statutory provisions with reference to competitive bidding	1094
No jurisdiction over cemeteries—Power to levy and collect tax for caring for cemeteries	866
Right to charge for water used in watering trough or public drinking fountain in village street—City Hall.....	756
Where a village that is supplied with water by a municipality has a waterworks system	832
BOARD OF PUBLIC WORKS—	
Lease granted by Board of Public Works for water rights—Renewal clause	1723
BOARD OF TRUSTEES—	
Children's Home—Assignment of children from such a home—Funeral expenses	648
County Children's Home—Record of names to be kept in County Children's Homes	650
Of Miami University—Legal transaction of business by such trustees.....	1684
Regulation of discipline in Colleges and Universities—Such matters may be regulated by faculty—Power may be delegated to president....	421
BOARD OF TRUSTEES AND DIRECTORS—	
Gift of property to city for library purposes—City may accept such gift..	611
BOARD OF REVIEW—	
Fixing the salary of members of the Board of Review when the County Commissioners fail to fix such salary—When salary must be fixed	1590
BOATS—	
Board of Health—Refuse—Put-in-Bay.....	339
BOILER INSPECTOR'S CERTIFICATE—	
Fee to be paid before certificate is issued.....	807
BOILER INSPECTION FEE—	
Not a preferred claim.....	1015
BOILER INSPECTION LAW—	
Operation of steam boiler—When such boiler is exempt from inspection under Section 1058-7, G. C.....	1187

BOND—	Page
Declaring an office vacant—Failure to give bond—Notice of election.....	624
Depository law—Rules governing the depositing of money where two banks furnish a bond.....	1657
Newspapers not required to make proof of publication in transcript for the issuance and sale of bonds.....	1623
Not to be classed as county bonds under Section 9778, General Code.....	701
Railroad policemen's bond—Where to be filed—Filing fee.....	1
State does not require bond from Secretary of Agricultural Commission—Commission may require bond from Secretary—Where such bond is to be filed.....	123
Workmen's Compensation Act—The right of administrator or personal representative to receive a balance where the award has not been fully paid to the injured employe.....	778
BONDS—	
Bonds of the St. Francis Levee District of Arkansas and the bonds of the Harris County Houston Ship Channel Navigation District of Harris County, Texas, not county bonds.....	1002
Deficiency—Question of assessment in anticipation of which bonds have been issued	1174
Not necessary for School Depository Banks to give new bonds to bind sureties	1765
Power of municipality to sell bonds for the purpose of erecting poles, wires and other fixtures for transmitting and distributing electric current purchased by such municipality from others.....	989
Repeal of special assessment legislation for improvement of streets—Unlawful to use moneys derived from sale of bonds for such improvement	1693
Right of Village to issue bonds to pay for constructing pole line.....	1779
Taxes and taxation—Non-taxable bonds—Maturity—Listing bonds for taxation	124
Village Council—Power to fix salaries and approve bonds of employes of villages—Village Boards of Public Affairs have the power to employ persons to do the work of the Village.....	20
When taxable bonds deposited by foreign insurance company with Superintendent of Insurance are taxable in Franklin County, O.....	1714
BOND ISSUE—	
Amending bonds for sewerage system—Enacting ordinance on same.....	695
Approval of the proceedings for the issuance by the Village of Cortland, Ohio, of certain bonds for the construction of an electric light and power plant.....	1423
Article XII, Section 11 of the Constitution as applied to bonds issued by a municipal corporation.....	682
Attorney's fee—Transcript	338
Bonds issued contrary to law in excess of the 1% limit—Bona fide holder—Duty to pay such bonds—Illegal to levy tax to pay such bonds where no obligation has been created.....	957
City waterworks plant—Bonds—Procedure.....	423
Construction of water filtration plant—Board of Trustees of Public Affairs—Contract—Payment of attorney's fees by Village—Contractor's surety	1255

BOND ISSUE—Continued—	Page
Correct wording of ordinance or resolution under Article XII, Section 11 of the Constitution of Ohio.....	460
County Memorial Commission cannot legally expend more than \$250,000 for the erection of a Memorial Building under Section 3059, G. C.	1603
Discussion of Section 7629, G. C., providing for the issuance of bonds by Boards of Education—Operation of this Section under Smith Law and Article XII, Section 11 of the Constitution.....	1078
Disposition of the surplus in a road improvement fund created by a bond issue—County Commissioners have no right to transfer a surplus in a special or established fund in a county to a fund for the building of a new road.....	1382
Erection of a new School Building—Taxes and taxation—Emergency....	548
Memorial Building—Depository interest—General county funds.....	200
Ordinance for the purpose of a bond issue is ineffective where it is submitted for an initiative petition and fails to receive a two-thirds vote in its favor.....	1503
Ordinance—Provisions that should be contained in such ordinance.....	444
Ordinance providing for a bond issue for installation of pure water system ordered by State Board of Health, not subject to referendum when bond issue is to carry out an order of the State Board of Health	1679
Requirement of an initiative petition calling for an issuance of bonds for Hospital purposes under Section 3947, General Code—Two-thirds vote required	1479
Right of the Director of Public Service, or a Council of the municipality, to contract with a property owner for the construction of a sanitary sewer from his property.....	1392
Right of the Directors of Longview Hospital to pay for publicity campaign, relative to bond issue, from funds at their disposal.....	1419
Roads—Smith Law—Ten mill limitation—Longworth Act—Main market road—Hite Road Law.....	781
Selection of a City Hospital site.....	364
Street improvement—Director of Public Service—Council.....	456
Taxes and Taxation—	
Construction of a bridge to replace a bridge that has been condemned—County Commissioners	111
Enlarging and improving a municipal waterworks plant—Sinking fund and interest levies—Ordinance—Longworth Act.....	932
Serial bond may be issued under authority of Article XII, Section 11 of the Constitution—Compliance with Article XII, Section 11 of the Constitution in reference to serial bonds.....	1224
The effect of the statute requiring the furnishing of a transcript by a municipality or other public body issuing bonds to the successful bidder of the bonds.....	1433
Transcript of Proceedings—	
And copy of resolution in form of opinion for bond issue for Rural School District, Springfield Township, Ross County, Ohio.....	1358
For the issuance of bonds of Columbiana County, issued in anticipation of the collection of taxes and assessments levied in Fairfield Township on account of improvement of Inter-county Highway..	1370
For the issuance of bonds for the County Commissioners of Montgomery County for road improvement purposes.....	1502

	Page
BOND ISSUE—Concluded—	
Transcript of Proceedings—Concluded—	
Including ordinance and resolutions adopted by Village Council of Mason, Ohio, in reference to bond issue in the construction of an electric light plant.....	1354
Of Council of the Village of West Carrollton, Ohio, for bond issue for construction of storm sewers.....	1327
Of the Council of the Village of Grandview Heights in the matter of bonds issued for street improvements.....	1353
For the issuance by Council of City of Niles, Ohio, of bonds in anticipation of the collection of special assessments for the improvement of streets in said city.....	1367
For the issuance of bonds of Sandusky County, Ohio, and a form of bond issue in pursuance thereof.....	1366
Of the Commissioners of Columbiana County in the matter of bond issue	1365
Of the County Commissioners of Columbiana County in the matter of bond issue for the improvement of Inter-county Highways....	1497
Of County Commissioners of Huron County, Ohio, in the matter of the issuance of certain bonds under the provisions of the State Highway Law	1321
Of Council of the Village of Niles, Ohio, in the matter of the issuance of bonds for the improvement of streets in said Village...	1419
Transfer of unexpended light fund to water fund of a Village—Circumstances under which such transfer may be made—Village water-works	1340
Under Longworth Act for the purchase of automobile hose truck.....	1512
Village School District bonds not classed as Municipal bonds nor County bonds	1098
 BOND SALE—	
A municipality may not advertise for bids on a proposed improvement, after having offered bonds for sale, and receiving no bids therefor, and where the contractor would agree to take the bonds as a part of his contract.....	1393
Street improvement—Road improvement—Township Trustees.....	627
 BONA FIDE HOLDER—	
Bonds issued contrary to law in excess of the 1% limit—Duty to pay such bonds—Illegal to levy tax to pay such bonds—Where no obligation has been created.....	957
 BOWLING GREEN NORMAL SCHOOL—	
Abstract of title.....	97
 BOXWELL-PATTERSON GRADUATE—	
Boxwell-Patterson Law—Pupil must comply with this law in order to receive free tuition in High School—What High School graduate to attend	418
Section 7748, G. C., providing for transportation of pupils who are required to go to a school more than four miles distant, does not apply to Village and City Boards of Education.....	1004
Schools—Township Board of Education—Tuition.....	729

	Page
BOY—	
Jurisdiction of Juvenile Court over a boy ceases when he is committed by the Court to the Boys' Industrial School.....	1757
BOYS' HIGH SCHOOL DISTRICTS—	
No statutory provision for dissolution of.....	1495
BOYS' INDUSTRIAL SCHOOL—	
All persons committed to any institution under the control and management of the Ohio Board of Administration shall be considered as committed to the control, custody and care of such Board—Commitment by Juvenile Court of delinquent boys to the Boys' Industrial School shall be made as before the passage of the Juvenile Research Act—Sections 1841-1, et seq., 2087 and 2093, G. C., apply as before the passage of the Juvenile Research Act.....	1421
Jurisdiction of Juvenile Court over a boy ceases when he is committed by the Court to the.....	1757
BOYS' REFUGE HOME—	
Application of the State Building Code with respect to the subject of sanitation, including the manner of sanitary plumbing applying to buildings being erected by the City of Cincinnati at Glendale, Ohio, for use as Boys' Refuge Home—Cincinnati plumbing code has no application outside of Cincinnati.....	1525
BRANCH BANK—	
Banks and Banking—	
Articles of incorporation.....	727
Banks not permitted to have a branch.....	26
BRIDGE—	
Circumstances under which it is the duty of County Commissioners to repave approaches to bridges and relay sidewalks in a city where such bridges were destroyed by a flood—City must pay for damage to abutting property owners where grade of the bridge is changed	1440
Circumstances under which a change in the plans and specifications of a bridge substructure involving additional cost may be made—Aggregate cost of structure may not be exceeded.....	1305
Public highways crossing railways—Construction and repair of such bridges over railway—Maintenance of such bridges—County Commissioners—Bridges to be maintained by railway.....	174
Right of County Commissioners to replace paving on street and sidewalks destroyed by the construction of approaches to a bridge within a municipality.....	950
Taxes and Taxation—	
Construction of a bridge to replace a bridge that has been condemned—County Commissioners—Bond issue	111
Snyder Act—County Commissioners—Construction of a permanent bridge to replace a temporary structure—Bond issue.....	113
BRIDGE CONTRACT—	
State Highway Commissioner—Right to send assistants out of the State to conduct investigations relative to the best methods of road construction	710

	Page
BRIDGE FUND—	
County Commissioners—Authority of County Commissioners to turn over to a municipality its share of the tax levy for road purposes—Authority to turn over its proportionate share of County Bridge Fund	864
BRIDGES AND CULVERTS—	
Approval of plans made by the State Highway Commissioner—Not to actually supervise the work—Construction of Section 1183, General Code	59
BUDGET BILL—	
Auditor of State—Budget Appropriation Bill—Auditor's certificate—Assignment of voucher	743
Budget—Balances of 1913 appropriation—Receipts and balances—Appropriation covering contracts—School Fund—Sinking Fund—University Fund	3
Budget Commissioner—Appropriation Bill—Appendix to Appropriation Bill	721
Construction of the 1914 Budget Bill—Construction as it applies to convict labor	1031
BUDGET COMMISSION—	
Bonds issued contrary to law in excess of the 1% limit—Bona fide holder—Duty to pay such bonds—Illegal to levy tax to pay bonds where no obligation has been created.....	957
Disposition of funds of the State Board of Embalming Examiners—Appropriation	52
Effect of decision, State ex rel. Pogue vs. Groom—Work completed by Budget Commission prior to September 15, 1914—Change of personnel of Budget Commission—Prosecuting Attorney member of Budget Commission	1241
Right of deputy to act on behalf of his principal—Mayor—President of Council	705
Municipal Road Districts—Taxes levied for special road improvement purposes—Township Trustees—Bond issue under Longworth Act—Council—Budget ordinance should be published.....	839
BUDGET COMMISSIONER—	
Appropriation Bill—Appendix to Appropriation Bill.....	721
BUILDING—	
County Commissioners—Power to expend money—Construction of a Children's Home—Submission of question of expenditure to vote of the electors.....	181
Finnish Working People's Society—Building exempt from taxation.....	398
BUILDING COMPANY—	
Proper investment for an institution having Commercial and Savings Bank, Safe Deposit and Trust Company powers.....	1656

BUILDING AND LOAN ASSOCIATIONS—	Page
Difference between paid up stock of a Building and Loan Association and paid up stock of other corporations—Legal investment for corporations and Savings Bank.....	608
Liquidation of a Building and Loan Association—Interest on deposits—Building and Loan Association depositing money with another Building and Loan Association—Rights.....	1020
Right of a Building and Loan Association to regulate initiation fees to be paid by persons becoming borrowing or non-borrowing members	1483
 BUREAU—	
A County Auditor is not estopped from recovering money paid out by him according to the rule of the Bureau of Inspection and Supervision of Public Offices when a different rule is subsequently decided by the Supreme Court.....	1400
Fees of Assistant Constables are to be paid in each separate case at rate of \$1.50 per day in criminal cases.....	55
Railroad policemen—Duties—May collect reward offered by County Commissioners	107
Railroad policemen's bond—Where to be filed—Filing fee.....	1
Service of writs—Constable may not serve writs upon himself—Sheriff may not serve writs upon himself—Sheriff may serve writs on a Deputy Sheriff—Coroner may serve writs on a Sheriff.....	48
Speed ordinance in a municipality—Power of municipal corporations to regulate speed of motor vehicles—Power of State to regulate such matters	57
Witness fees—Fees of expert witnesses—State not to reimburse the county for payment of such fees.....	58
 BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES—	
Extent of findings that may be made against public officials.....	1605
Opinion to—	
A demand upon a County Auditor and Treasurer for advance payment of municipal taxes, before settlement, may be made only by the City Treasurer.....	1290
Appointment of District Assessor under the Warnes Law—Salaries of such assessors.....	1595
Apportionment of total cost and expenses of special assessment improvement—Department of Public Service.....	1703
Article XII, Section 11 of the Constitution as applied to bonds issued by a municipal corporation.....	682
Attachment cases—Amount of costs to be taxed against defendant—Jury trial in any such cases—Fees for magistrates, constables, jurors	1035
Blind relief—Surplus moneys—County funds—Taxes and taxation—levy	273
Bond of notary applicant—Fee for clerks of court for certifying under seal to the genuineness of the signature of such bond.....	965
Bond issue—Funding bonds to replace notes issued in anticipation of the collection of special assessments—Status of such bonds—Notes issued in anticipation of the collection of special assessments—Issuing of such bonds and notes before the anticipated levy is actually levied.....	897

BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES—

Continued—

Opinion to—Continued—

Page

Bonds issued contrary to law in excess of the 1% limit—Bona fide holder—Duty to pay such bonds—Illegal to levy tax to pay such bonds where no obligation has been created.....	957
Certificate—Appropriated funds—County Commissioners—Railroad company—Grade crossings	740
City and Village Boards of Health not authorized to establish children's welfare department.....	1707
City Engineer—Assistant to City Engineer—Salaries—Resolution—Per diem—Public policy—Compensation.....	287
City ordinance—Mayor's veto—Pass ordinance over Mayor's veto—Vote necessary to pass ordinance over mayor's veto.....	238
City Solicitor may not receive extra compensation for supervising the codification of city ordinances—The Assistant City Solicitor may receive compensation for services rendered in the codification of city ordinances	892
Compensation of Deputy State Supervisors of Election—Beginning of the year—Registration city—Election precinct—Compensation of the Clerk of the Deputy State Supervisors of Election.....	130
Construction of Section 4782, General Code, in reference to the establishment of depositories for school funds of school districts and the dispensing of the treasurers of the school moneys.....	1475
Construction of Sections 2746 and 2749, General Code, in reference to the time when taxes shall be collected by the County Treasurer..	1477
Contract—Member of Council—Right of members of Council to be interested in contracts with the city—Pecuniary and financial nature of such contracts.....	257
Contractor—City Engineer—Work done in excess of contract price—Supplementary contract—Powers of City Council in such a matter	222
Costs incurred in proceedings under Mothers' Pension Act—Payment of such costs.....	1009
Council has the right to delegate to heads of departments and to committees of Council the right of approving claims.....	1447
County Coroner not justified in holding inquests over bodies of persons who lost their lives in the flood of 1913.....	1529
Court stenographer—Appointment of additional or assistant stenographers to the official stenographer—Payment of salaries to such additional stenographers.....	265
Defective machinery—Injury—Municipal corporation—Powers of a city to compensate for injuries received.....	190
Deputy State Supervisors of Elections—Primary elections—Registration city—Compensation	723
Deputy State Supervisors of Elections—Not permitted to furnish nomination petitions to candidates at the expense of the county..	926
Director of Public Service cannot delegate power of executing contracts to his secretary.....	1500
Director of Public Service—Jurisdiction over public utilities.....	1785
Disposition of bond given by depository bank under Sections 4295, 4296, 4515, 4516, G. C.....	1639

BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES—
Continued—

Opinion to—Continued—	Page
Disposition of fines assessed and collected by the Judge of the Probate Court or Common Pleas Court exercising the jurisdiction of the Juvenile Court.....	1630
Disposition of a lunatic held under a warrant for arrest.....	1642
Distribution of school funds at the rate of thirty dollars for each teacher employed—Music teachers employed in more than one district are to be counted as teachers in each district in which they are employed—Average daily attendance of pupils in distribution of Common School Funds to be computed on basis of legal school year—Interest on Common School Fund money—Distribution of School Funds under Section 7600, G. C.....	1071
Ditch proceedings—Compensation and expenses to be allowed commissioners in such proceedings—One hundred day limit.....	1732
Duty of Director of Public Service to lay pipes and furnish other incidental connections for the purpose of furnishing water to fire hydrants—Connections to be furnished—Cost of repaving street torn up by waterworks department primarily chargeable to the waterworks fund; Council may direct, however, that it be charged against the street repair fund; such expense is not chargeable against the safety fund.....	993
Election expenses—Expenses to be charged back against political division—Expenses to be paid by the county.....	402
Electric light plant—Right of a Village to sell electric current to a Township within the Village for the purpose of being re-sold by the partnership to another Village.....	937
Establishment of Firemen's Pension Fund—Abolition of Firemen's Pension Fund—Ordinance.....	667
Fees—Inheritance tax—Collection of taxes.....	344
Fees received by Probate Judge for taking deposition in will case do not belong to fee fund.....	1641
Fixing the salary of members of the Board of Review when the County Commissioners fail to fix such salary—When salary must be fixed.....	1590
Flood Conservancy Act—Constitutionality of said act—Employment of assistant to City Solicitor.....	622
How funds may be paid out of the County Treasury—Right of the Judge of the Common Pleas Court to order furnishings for room in Court Hosue.....	1617
Humane agents—Powers and duties.....	1730
Juror fees in justice cases—Deposit of juror fees—Garnishee cases—Security for costs.....	126
Land Registration Act—Entries Clerk of Courts should make—Expense of registration—County Recorder—Costs arising out of registration.....	1559
Manner in which the Director of Public Service may make contracts involving more than five hundred dollars in the purchase department of a city.....	1372
Mileage for testifying to an officer authorized to take depositions—Mileage allowed a witness for testifying in a court of record—No conflict between Sections 3016 to 3018 and 4555, General Code	812

BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES—	
Continued—	
Opinion to—Continued—	Page
Mothers' Pension—Residence required in order to obtain Mothers' Pension—Legal residence of mothers applying for Mothers' Pension	921
Municipal corporation—Sinking Fund Trustees—Powers—Certificates of indebtedness—Reserve fund—Interest—Assessment.....	558
Municipal corporation—Waterworks improvement—Manner in which contract for such improvement shall be entered into—Liability insurance—Premium not to be paid from bond issue.....	639
Municipal officers—Right to be interested or connected with contracting for supplies while in office.....	848
Not legal for a person to resign an office and thereafter be appointed to fill his own vacancy.....	1764
Not necessary for School Depository Banks to give new bonds to bind sureties—Bonds	1765
Notary fees are proper items of cost in cases in which the pleading is filed	1444
Ordinance of city of Toledo providing that employes of the departments of the city government shall be paid the prevailing wage rate extant in the city does not comply with Section 4214, General Code	1469
Plats for quadrennial appraisalment—Contract for the making of such plats must be entered into according to law—Moral obligation to pay for such maps and plats where the same are furnished on an illegal contract.....	808
Police Judge made presiding judge of Municipal Court may receive additional compensation—Such compensation not to be received until the organization of the Court, January 1, 1914.....	821
Power of Director of Public Service of a city, under the provisions of Sections 4167, 4171 and 4172, General Code, to sell cemetery lots—Disposition of money received for said lots.....	1515
Publication of ordinances and resolutions of a general nature in municipalities—Publication in newspapers of opposite politics—Publication in German newspaper—Posting.....	1178
Resolution—The right of the widow of one who has been a beneficiary to participate in a Firemen's Pension Fund.....	919
Right of the City Auditor to subscribe for the publication of the Nemar Publishing Company, to wit, the Department Reports.....	1658
Right of City Council to accept the gratuitous services of an attorney where the City Solicitor fails or refuses to act.....	1633
Right of Council by ordinance or resolution to legally pay from city funds judgments made against public officers through false arrests—Regular patrolmen may receive additional compensation where they have worked more than the number of hours stipulated by the Director of Public Safety.....	1461
Right of Directors of Longview Hospital to pay for publicity campaign, relative to bond issue, from funds at their disposal.....	1419
Right of Mayor of a city having no police force to issue a warrant in a State case, directed to the Sheriff of a county—Right of the Sheriff, called on by Chief of Police to assist in making an arrest, to a fee—Compensation of assistants used by Chief of Police—Automobile hire—Policemen may retain fees received in State cases	1246

BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES—

Concluded—	
Opinion to—Concluded—	Page
Right of a Justice of the Peace to receive one dollar for sitting in a trial in a criminal proceeding where no defense is interposed—	
Where a judicial examination is held.....	1403
School examiners—School examination—Compensation.....	642
Sinking Fund Commissioners of a city school—Have no control in the selection of a depository for school money under their control	1319
State aid—Tuition fund—Deficiency.....	540
State case—Expenses of Police Department incurred in State cases to be paid by county—Fees to be received by Chief of Police—	
Serving of warrant by patrolman—Fees for same.....	449
Taxes and taxation—Bond issue—Enlarging and improving a municipal waterworks plant—Sinking fund and interest levies—Ordinance—Longworth Act	932
The cost of a culvert to carry water across the street to be considered a part of the cost of street improvement.....	1737
The County Auditor shall issue a warrant upon the County Treasurer for the payment of mothers' pensions, as provided in Section 1683-9, G. C.....	1662
The effect of the statute requiring the furnishing of a transcript by municipality or other public body issuing bonds to the successful bidder of the bonds.....	1433
The expense of printing or mailing of copies of a proposed charter for the city of Cincinnati is not illegal, if authorized by Council..	1455
Township warrants—To be endorsed by Township Treasurer before being paid	664
Union cemetery—Trustees and Council acting as a joint board—Village cemetery—Cemetery Trustees.....	164
Village Council—Compensation to Mayor—Marshal—Fees and costs..	536
Right of County Commissioners to reduce or increase amount of compensation and damages assessed by road viewers for the operating of a county road.....	1038
Right to prescribe and require the installation of a system of accounting to be used in cities having a charter form of government.....	258
Under House Bill No. 33, amending Section 30, the balance of the fines and penalties is to be paid monthly to the treasurer of the city of Cincinnati, Ohio.....	631

BURIAL GROUND—

Lake View Cemetery Association of Cleveland, Ohio, exempt from taxation upon lands which it holds and which are being used with a view to profit—Residence of Cemetery Superintendent exempt from taxation	1435
--	------

BURNS LAW—

Right of Township Trustees to borrow money to replenish the Township Poor Fund	1386
--	------

BUSINESS PAPER—

Business paper and commercial paper are synonymous with bankable paper—Negotiable paper	56
---	----

	Page
CANAL—	
Abatement of a nuisance by the State Board of Health where the city Board of Health neglects or refuses to do so—Miami and Erie Canal at Cincinnati.....	1165
Canal Land Department—Renewing leases along the Canal in the city of Cincinnati	553
CANAL FUNDS—	
Crediting back of funds—Sharp-Dollison lease.....	501
CANAL LANDS—	
Assessment of Canal Lands—Assessment of electric railway whose lines parallel improvements made under Section 7407, G. C.—Farmer's land may not be assessed for such improvement—Collection of costs from abutting owners.....	1351
Board of Public Works not authorized to readjust the rental reserved in the Union Gas & Electric Light Company's leased property consisting of a part of the Canal in Cincinnati.....	1739
CALENDAR YEAR—	
Expense of a Common Pleas Judge—Maximum amount allowable—Definition of year as used in Section 2253, G. C.....	71
CANDIDATE—	
Classified Civil Service—Persons in the classified service may not become candidates for office.....	509
CANDIDATES—	
Deputy State Supervisors of Elections—Not permitted to furnish nomination petitions to candidates at the expense of the county.....	926
CANVASS FLOOR COVERING—	
Floor covering for State Armory may not be purchased from the State Armory construction funds.....	922
CAPITAL—	
Rights of trust company organized prior to passage of Thomas Act, which transacted no trust business prior to passage of Thomas Act	1650
CAPITAL STOCK—	
Articles of Incorporation—	
Corporation reducing its capital stock—The number of shares of capital stock may not be reduced.....	253
Insurance—Certificate—Corporation—Life insurance.....	229
Construction of Section 9716, G. C.....	550
Increase of capital stock—Preferred stock—Articles of incorporation....	305
Section 13 of the Private Bank Act does not apply to municipal funds....	930
CASKET—	
Power of military authorities to purchase casket—Contract—State to pay for such caskets as were used.....	79

INDEX.

1815

	Page
CAST IRON PIPE—	
State Board of Health—Plumbing regulation—Kinds of pipe that may be used	442
CATTLE—	
Taxes and taxation—Listing property for taxation—Live stock—Tax penalty	280
CEMETERY—	
Board of Trustees of Public Affairs—No jurisdiction over cemeteries—Power to levy and collect tax for caring for cemeteries.....	866
Purchases of land for cemetery purposes—Amount of land that may be purchased	1139
Union cemetery—Land title—Director of Public Service.....	311
CEMETERY FUNDS—	
Union cemetery—Village cemetery—Cemetery funds—Depository.....	346
CEMETERY LOTS—	
Power of Director of Public Service of a city, under the provisions of Sections 4167, 4171 and 4172, General Code, to sell cemetery lots—Disposition of money received for said lots.....	1515
CEMETERY TRUSTEES—	
Appointment of cemetery trustees—Length of time such trustees should serve—Duties of the Mayor making these appointments.....	90
Council has the right to delegate to heads of departments and to committees of Council the right of approving claims.....	1447
Member of the Village Council—Abolition of office of member of cemetery trustees	105
Union cemetery—Trustees and Council acting as a joint board—Village cemetery—Cemetery trustees	164
CENSUS—	
Census Bureau estimate—Number of saloon licenses granted in a Township	310
Liquor license—Official census is to be used to determine the number of saloons that may be permitted in a particular subdivision.....	909
CENTRAL STANDARD TIME—	
Application of such time to banks.....	872
Steps necessary to establish Eastern Standard Time in the city of Cleveland—In the State of Ohio—Power of the Legislature in this respect—Power of the legislative department of the city government	137
CENTRALIZED SCHOOL—	
Borrowing money with which to build centralized school.....	607
CENTRALIZED SCHOOLS—	
Schools—Board of Education cannot be compelled to pay tuition of pupil attending school in another Township when the pupil lives more than one and one-half miles from a school in his own Township	862

CERTIFICATE—	Page
Appropriated funds—County Commissioners—Railroad company—Grade crossings	740
“Blue Sky” Law—What constitutes securities under this law.....	352
Corporation—Charter—Reinstatement of corporation when charter has been cancelled	570
Disposing of stocks and bonds received prior to the enactment of the Blue Sky Law and prior to the creating of the Public Utilities Commission	759
Duty of County Auditor with reference to the distribution of school funds for the use of the County Board of Education—County Auditor must make settlement on the basis of certificate required to be made by the County Board of Education under Section 4744-2, G. C.....	1346
Savings and loan—Foreign savings and loan company—The right to advertise in Ohio	335
State Board of Pharmacy—Right to recognize certificate of pharmacist from foreign state.....	408
CERTIFICATION—	
Issuing warrants to assignee of a claim—Duty of the State Auditor in matters of this kind—Duties of the State Treasurer—How the certification of such claim should be made.....	136
CERTIFICATES OF INDEBTEDNESS—	
Municipal corporation—Sinking Fund Trustees—Powers—Certificates of indebtedness—Reserve fund—Interest—Assessment	558
CHARGE—	
Charitable organizations—Charge for services rendered—Employment agency—Former opinion reversed.....	95
State Institutions for Feeble-Minded—Inmates—County to pay for inmates confined in State institutions.....	191
CHARTER—	
Bureau of Inspection and Supervision of Public Offices—Right to prescribe and require the installation of a system of accounting to be used in cities having a charter form of government.....	258
Corporation—Reinstatement of corporation when charter has been cancelled	570
Flood Conservancy Act—Constitutionality of said act—Employment of assistant to City Solicitor.....	622
Municipal Court created by charter declared by courts to be without jurisdiction in State matters—Fees Justice of Peace entitled to for hearing State cases—Right of Justice of the Peace to receive such fees from the city.....	1214
Powers under charter—Charter must be fully complied with—Commercial bank—Trust company—Incorporators.....	85
The expense of printing or mailing of copies of a proposed charter for the city of Cincinnati is not illegal, if authorized by Council.....	1445

	Page
CHARTER ELECTION—	
Petition for charter election—Compliance with Section 8, Article XXIII of the Constitution—Action of Council on a petition in complying with above article of the Constitution—Calling a charter election when proper petitions have been filed-----	1222
CHARTERED CITY—	
City Manager of chartered city—Not required to regard seniority of service in reducing the number of positions in a department-----	798
CHARITY (PUBLIC)—	
The effect of the change in the language of Article XII, Section 2 of the Constitution from “institutions of purely public charity” to “institutions used exclusively for charitable purposes”-----	1051
CHARITIES—	
Manner in which State Board of Charities may assume charge of placing of inmates with the trustees of County Children’s Home-----	1759
CHARITABLE INSTITUTIONS—	
Under the provisions of Section 6257, G. C., charitable organizations, societies, or institutions for the caring of children under their control are exempt from license-----	1710
Y. M. C. A.—Y. W. C. A.—Teachers’ agency—Employment agency-----	325
CHARITABLE ORGANIZATION—	
Charge for services rendered—Employment agency—Former opinion reversed -----	95
CHATTEL LOANS—	
Mandamus—License—Chattel loan business-----	324
No power to regulate chattel loan license-----	1749
CHAUFFEURS—	
Reduction of fees to certain owners of motor vehicles filed for registration after September 1, 1914-----	1149
The word “Chauffeur” defined—Those who operate motor vehicles for hire—Those who operate such vehicles as an employe of the owner -----	1018
CHEWING TOBACCO—	
The word “Tobacco” defined as used in Section 12965, G. C., includes chewing tobacco -----	1678
CHIEF CLERK—	
Offices compatible—Deputy Auditor—Chief Clerk in the office of a District Assessor -----	182
CHIEF DEPUTY AND SAFETY COMMISSIONER OF MINES—	
Opinion to—	
Oil and gas wells—In coal regions maps should be filed with the Chief Inspector of Mines showing the location of such wells-----	888

CHIEF INSPECTOR OF MINES—	Page
His duties relating to oil and gas wells—On lands interlaid with workable seams of coal	877
Oil and gas wells—In coal regions maps should be filed with the Chief Inspector of Mines showing the location of such wells.....	888
CHIEF INSPECTOR OF WORKSHOPS AND FACTORIES—	
Erection of a new school building—Bond issue—Taxes and taxation—Emergency	548
CHIEF JUSTICE—	
Right of the Chief Justice to assign a Judge of the Common Pleas Court to hold court in any county of the State—Compensation and expenses of a Judge so holding Court.....	1057
CHIEF JUSTICE COURT OF APPEALS—	
Opinion to—	
Circuit Court—Court of Appeals—Allowance for expenses to Judges of the Court of Appeals—Traveling expenses.....	241
CHIEF OF FIRE DEPARTMENT—	
Automobiles operated by Chief of Fire Department containing fire extinguishers must be registered.....	1060
Offices incompatible—Chief of Police and Chief of Fire Department.....	1378
CHIEF OF POLICE—	
Chief of Police in the classified service, under the new Civil Service Law—Right of Mayor to appoint Chief of Police—Promotional appointment	1300
Civil Service—Chiefs of Police and Fire Chiefs not required to take Civil Service examination—Continuance in office.....	380
Mandamus proceedings—Duty of the City Solicitor to defend the Mayor in such proceeding—Powers of the Mayor to dismiss city officials—City Civil Service Commission.....	133
Offices incompatible—Chief of Police and Chief of Fire Department.....	1378
Ordinance—Effect of the repeal of an ordinance and the simultaneous re-enactment of a new ordinance—Effect on office or employment will be by virtue of the old ordinance when such office or employment is retained by the new ordinance.....	849
Right of Mayor of a city having no police force to issue a warrant in a State case, directed to the Sheriff of a county—Right of the Sheriff, called on by Chief of Police to assist in making an arrest, to a fee—Compensation of assistants used by Chief of Police—Automobile hire—Policemen may retain fees received in State cases	1246
Right to suspend patrolman—Director of Public Safety—Jurisdiction over patrolman	856
State cases—Expenses of Police Department incurred in State cases to be paid by county—Fees to be received by Chief of Police—Serving of warrants by patrolman—Fees for same.....	449

CHILD—	Page
Power of Juvenile Court to recall children previously committed by it to a Children's Home—Power of Trustees of Children's Home to remove a child from a foster home.....	1673
 CHILD LABOR—	
Juvenile Code—Employment of minors—Schooling certificate—Telephone operator	98
Prohibited in certain institutions until certain age is reached—Permitted in other kinds of employment when the schools of the district in which such child resides are not in session.....	831
 CHILDREN—	
Child labor—Prohibited in certain institutions until certain age is reached—Permitted in other kinds of employment when the schools of the district in which such child resides are not in session.....	831
Compulsory attendance at school—Powers of Truant Officer—Ages between which children must attend school.....	101
Institutions—Inspection—Caring of children—Powers of State Board of Charities	221
Mothers' Pension—Persons entitled to Mothers' Pension—Persons not entitled to Mothers' Pension.....	885
The right of Trustees and Superintendents of Children's Homes to place children under their care with private families.....	628
Under the provisions of Section 6257, G. C., charitable organizations, societies or institutions for the caring of children under their control are exempt from license.....	1710
 CHILDREN'S HOME—	
Assignment of children from such a home—Funeral expenses.....	648
Boards of Education are required to provide schools and sufficient educational facilities for inmates of County Children's Homes—Public schools of the State are free to inmates of public or private orphan asylums	966
County Commissioners—Power to expend money—Construction of a Children's Home—Submission of question of expenditure to vote of the electors.....	181
Power of Juvenile Court to recall children previously committed by it to a Children's Home—Power of Trustees of Children's Home to remove a child from a foster home.....	1673
Schools located at County Children's Home—Control of such schools placed with Board of Trustees of such home—Meaning of the term "orphans' asylum," as used in Section 7676, G. C.....	1552
Superintendent—Visiting agent—Offices incompatible—Matron.....	272
The right of Trustees and Superintendent of Children's Homes to place children under their care in private families.....	628
 CHILDREN'S WELFARE DEPARTMENT—	
City and Village Boards of Health not authorized to establish Children's Welfare Department	1707
 CHURCH SOCIETY—	
Property purchased by church not exempt from taxes where a contract was entered into for the purchase, prior to the date on which a tax lien attaches, but no action taken thereon.....	1324

CINCINNATI MUNICIPAL COURT—	Page
Police Judge made Presiding Judge of Municipal Court may receive additional compensation—Such compensation not to be received until the organization of the Court, January 1, 1914.....	821
Under House Bill No. 33, amending Section 30, the balance of the fines and penalties is to be paid monthly to the treasurer of the city of Cincinnati, Ohio.....	631
CINCINNATI PLUMBING CODE—	
Application of the State Building Code with respect to the subject of sanitation, including the manner of sanitary plumbing applying to buildings being erected by the city of Cincinnati, at Glendale, Ohio, for use as Boys' Refuge Home—Cincinnati plumbing code has no application outside of Cincinnati.....	1525
CIRCUIT COURT—	
Circuit Court—Court of Appeals—Allowance for expenses to Judges of the Court of Appeals—Traveling expenses.....	241
CITY—	
Annexation of a village to a city—Effect of plumber's licenses issued by the village annexed.....	1274
Bureau of Inspection and Supervision of Public Offices—Right to prescribe and require the installation of a system of accounting to be used in cities having a charter form of government.....	258
Library funds may not be received and distributed by the trustees of a city or village, under provisions of Section 4300, G. C.....	1762
Necessity of ordinance for construction of sidewalks in cities and villages—Such ordinance need not be published—Notice to abutting property owners	1384
Right of the county to make a charge against the city for the care and treatment of a pauper in the County Infirmary, when the corporate limits of the city are identical with those of the Township	1270
The right of a city or village to enter into a contract whereby the city furnishes electric current to the village—Such contract, should conform to the provisions of Section 6, Article XVIII of the Constitution	769
CITY AUDITOR—	
Contractor—City Engineer—Work done in excess of contract price—Supplementary contract—Powers of City Council in such a matter...	222
Defective machinery—Injury—Municipal corporation—Powers of a city to compensate for injuries received.....	190
Flood Conservancy Act—Constitutionality of said act—Employment of assistant to City Solicitor.....	622
Petition for charter election—Compliance with Section 8, Article XXIII of the Constitution—Action of council on a petition in complying with above article of the Constitution—Calling a charter election when proper petitions have been filed.....	1222
Proper custodian of library funds—City Treasurer—How bills for maintenance of library must be paid.....	939
Right of the City Auditor to subscribe for the publication of the Nemar Publishing Company, to wit, the Department Reports.....	1658

	Page
CITY AUDITOR—Concluded—	
Special election—When a petition is signed by twenty per cent. of the electors such election may not be held if regular election occurs not later than ninety days after the petition is filed—Referendum petition -----	837
CITY BOARD OF HEALTH—	
City and Village Boards of Health not authorized to establish Children's Welfare Department -----	1707
CITY CLERK—	
Special election—When a petition is signed by twenty per cent. of the electors such election may not be held if regular election occurs not later than ninety days after the petition is filed—Referendum petition -----	837
CITY COUNCIL—	
A demand upon a County Auditor and Treasurer for advance payment of municipal taxes, before settlement, may be made only by the City Treasurer -----	1290
Authority to authorize confession of judgment for damages caused by the wrongful act of police officer-----	859
City Engineer—Assistant to City Engineer—Salaries—Resolution—Per diem—Public Policy—Compensation -----	287
City ordinance—Mayor's veto—Pass ordinance over Mayor's veto—Vote necessary to pass ordinance over Mayor's veto-----	238
Contractor—City Engineer—Work done in excess of contract price—Supplementary contract—Powers of City Council in such a matter--	222
Defective machinery—Injury—Municipal corporation—Powers of a city to compensate for injuries received-----	190
Duty of City Solicitor to represent city officers in proceedings to restrain the certification and collection of special assessments—City Solicitors may not be appointed by county officers to represent them in such action—Compensation-----	1262
Flood Conservancy Act—Constitutionality of said act—Employment of assistant to City Solicitor-----	622
Municipal Civil Service—Salary—Expenses-----	524
Offices incompatible—Medical examiner for the State Industrial Commission—Member of a City Council-----	129
Parochial school—Right of Council to furnish water to such school free--	317
Passage of salary ordinance—Vote necessary for passage of such ordinance—President of Council-----	82
Petition for charter election—Compliance with Section 8, Article XXIII of the Constitution—Action of Council on a petition in complying with above article of the Constitution—Calling a charter election when proper petitions have been filed-----	1222
Proper custodian of library funds—City Treasurer—How bills for maintenance of library must be paid—City Auditor-----	939
Referendum petition—Submission at general election—Initiative petition—Submission at general election-----	1161
Right of City Council to accept the gratuitous services of an attorney where the City Solicitor fails or refuses to act-----	1633

	Page
CITY COUNCIL—Concluded—	
Right of Council by ordinance or resolution to legally pay from city funds judgments made against public officers through false arrests—Regular patrolman may receive additional compensation where they have worked more than the number of hours stipulated by the Director of Public Safety.....	1461
Selection of a City Hospital site—Bond issue.....	364
Steps necessary to establish Eastern Standard Time in the city of Cleveland—In the State of Ohio—Power of the Legislature in this respect—Power of the legislative department of the city government	137
Street improvement—When parts of street may be left out in front of lots, the assessment on which would exceed 33 1-3% of the actual value thereof	569
CITY ELECTRICIAN—	
Offices compatible—Member of the Board of Education.....	600
CITY ENGINEER—	
Assistant to City Engineer—Salaries—Resolution—Per diem—Public policy—Compensation	287
Civil Service—Appointing power—Janitor.....	603
Consulting engineer—City Engineer may be compensated for assisting a consulting engineer	262
Contractor—Work done in excess of contract price—Supplementary contract—Powers of City Council in such a matter.....	222
Right to act as consulting engineer.....	341
CITY MANAGER—	
City Manager of chartered city—Not required to regard seniority of service in reducing the number of positions in a department.....	798
CITY PRINTING—	
Newspaper—Ex-Mayor of city may be owner of newspaper doing such printing	385
CITY SCHOOL DISTRICT—	
Removal of member of a City School Board from district—Effect of such removal	819
Sinking Fund Commissioners of a city school—Have no control in the selection of a depository for school money under their control..	1234
Such teachers attending County Teachers' Institutes not entitled to compensation—A City School District teacher may act as secretary of County Teachers' Institutes and receive compensation therefor	1062
CITY SEALER OF WEIGHTS AND MEASURES—	
In the unclassified service—Assistants to the City Sealer of Weights and Measures in the classified service—County Auditor—County Sealer of Weights and Measures—Deputy County Sealer of Weights and Measures in the unclassified service.....	911

CITY SOLICITOR—	Page
City Council—Authority to authorize confession of judgment for damages caused by the wrongful act of a police officer.....	859
City Solicitor May not receive extra compensation for supervising the codification of city ordinances—The Assistant City Solicitor may receive compensation for services rendered in the codification of city ordinances	892
Flood Conservancy Act—Constitutionality of said act—Employment of assistant to City Solicitor.....	622
Judge of the Municipal Court of Cincinnati—No finding should be made against Judge of the Municipal Court of Cincinnati for salary earned before January 1, 1914.....	1601
Mandamus proceedings—Duty of the City Solicitor to defend the Mayor in such proceeding—Powers of the Mayor to dismiss city officials—City Civil Service Commission.....	133
Opinion to—	
An application by or on behalf of the Humane Society for appointing guardian under Sections 10081, et seq., G. C., is a civil and not a criminal proceeding—Witness fees.....	1681
Annexation of a village to a city—Effect of plumbers' licenses issued by the village annexed.....	1274
Assessment of lots in making a street improvement—Power of Council to settle and adjust excess assessments.....	1043
Authority of Sinking Fund Trustees to refund special assessments erroneously charged and paid.....	1318
Board of Education must dispense with office of treasurer of school moneys when a depository has been provided.....	1133
Board of Park Commissioners—License for automobiles and motorcycles used by this department.....	773
Board of Trustees of Public Affairs—No jurisdiction over cemeteries—Power to levy and collect tax for caring for cemeteries.....	866
Bond Issue—	
Attorney's fee—Transcript	338
Ordinance—Provisions that should be contained in such ordinance	444
Street improvement—Director of Public Service—Council.....	456
Budget Commission—Right of deputy to act on behalf of his principal—Mayor—President of Council.....	705
Chief of Police—Right to suspend patrolman—Director of Public Safety—Jurisdiction over patrolman.....	856
Circumstances under which it is the duty of County Commissioners to repave approaches to bridges and relay sidewalks in a city where such bridges were destroyed by a flood—City must pay for damage to abutting property owners where grade of the bridge is changed	1440
City Council—Passage of salary ordinance—Vote necessary for passage of such ordinance—President of Council.....	82
City Engineer—	
Consulting engineer—City Engineer may be compensated for assisting a consulting engineer.....	262
Right to act as consulting engineer.....	341
City of Youngstown may not borrow money to reimburse hospitals for caring for sick poor.....	1775

CITY SOLICITOR—Continued—

	Page
Opinion to—Continued—	
City School District—Such teachers attending County Teachers' Institutes not entitled to compensation—A City School District teacher may act as Secretary of County Teachers' Institute and receive compensation therefor.....	1062
City waterworks plant—Bond issue—Bonds—Procedure.....	423
Compulsory attendance at school—Powers of Truant Officer—Ages between which children must attend school.....	101
Construction of Section 12664, General Code, in reference to poison and proprietary medicine deleterious to health.....	1061
Construction of a sewage disposal plant—Under the Bense Act City Auditor's certificate that the money is in the treasury may be issued after the bonds have been authorized.....	1126
Construction of a sewerage disposal plant ordered by the State Board of Health—Proper party in the city to enter into a contract of this kind	387
Contract for purchase of electric current for a village must be made on behalf of the village by the Council—Not by the Board of Trustees of Public Affairs.....	1045
County Commissioners—Authority of County Commissioners to turn over to a municipality its share of the tax levy for road purposes—Authority to turn over its proportionate share of County Bridge Fund	864
Deficiency—Question of assessment in anticipation of which bonds have been issued.....	1174
Director of Public Service—Construction work—Force account—Labor—Council	567
Director of Public Safety—Fire insurance—Contract.....	704
Duty of City Solicitor to represent city officers in proceedings to restrain the certification and collection of special assessments—City Solicitors may not be appointed by county officers to represent them in such action—Compensation.....	1262
Duty of the Board of Education in reference to providing relief for boys under fifteen years of age and girls under sixteen years of age who are unable to support themselves and stay in school.....	1536
Eight hour law—Distinction between workmen engaged in public work and workmen working for the public.....	595
Gift of property to city for library purposes—City may accept such gift	611
Hitching post—Right of municipality to compel replacing a hitching post originally placed by property owner.....	755
How prosecutions by State Board of Health for violations of standing orders must be instituted—Enforcement of sanitary rules and regulations of State Board of Health—Prosecution of offenders for violation of rules and regulations of the Board.....	1287
Library funds may not be received and distributed by the trustees of a city or village library, under provisions of Sec. 4300, G. C.....	1762
Lot owner can only be assessed for actual foot frontage abutting on improvement	1782
Member of Council—Removal from ward—Forfeiture of office.....	467
Municipal Council, only, has power to fix salary of Sinking Fund Trustees	1772

CITY SOLICITOR—Continued—

Opinion to—Continued—

Page

Municipal court created by charter declared by courts to be without jurisdiction in State matters—Fees Justice of Peace entitled to for hearing State cases—Right of Justice of the Peace to receive such fees from the city-----	1214
Municipality not legally bound to pay for services to family physician who rendered services to quarantined persons, without contract with the municipality-----	1735
Necessity of ordinance for construction of sidewalks in cities and villages—Such ordinance need not be published—Notice to abutting property owners -----	1384
Newspaper—City printing—Ex-mayor of city may be owner of newspaper doing such printing-----	385
Newspaper publications—In municipalities where notices must be published in papers of opposite politics, a newspaper is entitled to publication so long as it does not demand more than the legal rate -----	1511
No power in municipality to compel electric light company to permit such municipality to use poles of the light company for carrying wires -----	1750
Offices Incompatible—	
Chief of Police and Chief of Fire Department-----	1378
Medical examiner for the State Industrial Commission—Member of a City Council-----	129
Offices Compatible—	
Member of the Board of Education—City electrician-----	600
Ordinance for the purpose of a bond issue is ineffective where it is submitted for an initiative petition and fails to receive a two-thirds vote in its favor-----	1503
Parochial School—Right of Council to furnish water to such school free -----	317
Petition for charter election—Compliance with Section 8, Article XXIII of the Constitution—Action of Council on a petition in complying with above article of the Constitution—Calling a charter election when proper petitions have been filed-----	1222
Petition for municipal local option election under the Beal Law—When such petition may be entertained-----	1468
Power of Director of Public Service to make rules and regulations to insure collection of water, gas or electric rates-----	1761
Power of Municipal Board of Health to regulate the keeping of poultry -----	1397
Primary election not a general election-----	942
Proper custodian of library funds—City Treasurer—How bills for maintenance of library must be paid—City Auditor-----	939
Publication of legal notice—Where such legal notice may be published—Rate to be paid for publication of such notice-----	633
Removal of members of State Board of Health under Civil Service—Procedure to be followed-----	378
Repairs on school building—When competitive bidding for such repairs may be dispensed with—Urgent need-----	1077
Repeal of special assessment legislation for improvement of streets—Unlawful to use moneys derived from sale of bonds for such improvement -----	1693

CITY SOLICITOR—Continued—

Opinion to—Continued—

	Page
Requirement of an initiative petition calling for an issuance of bonds for hospital purposes under Section 3947, General Code—Two-thirds vote required.....	1479
Right of County Commissioners to replace paving on street and sidewalks destroyed by the construction of approaches to a bridge within a municipality.....	950
Right of member of the Board of Sinking Fund Trustees to sell goods to a city—Right of a person who owns stock in a corporation to sell to a city, to act as Sinking Fund Trustee.....	1250
Right of the county to make a charge against the city for the care and treatment of a pauper in the County Infirmary, when the corporate limits of the city are identical with those of the township.....	1270
Right of the Director of Public Safety to receive a salary as clerk in the Public Safety Department.....	1425
Right of the Director of Public Service, or a Council of the municipality, to contract with a property owner for the construction of a sanitary sewer from his property.....	1392
Right of the mayor of a city or village to arrest a person found violating an ordinance of a city or village, for the purpose of holding such person until a warrant may be obtained.....	1563
Selection of a City Hospital site—Bond issue.....	364
State Board of Health—Employment of a plumbing inspector in a municipality.....	873
State Plumbing Code—Private dwelling—Plumbing resolutions—Municipal Board of Health—Plumber's license.....	731
Street—Paving—Repaving—Assessment.....	530
Street improvement—When parts of street may be left out in front of lots, the assessment on which would exceed 33 1-3% of the actual value thereof.....	569
Street improvements—Improvements may be divided into two or more sections or divisions in conformity to the varying width of the street—Assessments of the cost of a street improvement where no division has been made may be apportioned at a uniform rate for the entire length of the street.....	1136
Street railway—Franchise—Paving between the rails.....	671
Taxes and taxation—Serial bond may be issued under authority of Article XII, Section 11 of the Constitution—Compliance with Article XII, Section 11 of the Constitution in reference to serial bonds.....	1224
Term of office—Increase in salary—Village Treasurer.....	355
The right of a city or village to enter into a contract whereby the city furnishes electric current to the village—Such contract should conform to the provisions of Section 6, Article XVIII of the Constitution.....	769
The right of Trustees and Superintendents of Children's Homes to place children under their care with private families.....	628
The statutes authorizing Township Trustees, under certain circumstances, to levy certain taxes for road purposes remain in force generally.....	1222

CITY SOLICITOR—Concluded—	
Opinion to—Concluded—	Page
The word "tobacco" as used in Section 12965, G. C., includes chewing tobacco	1678
Volunteer firemen not prohibited from making certain contracts.....	458
Right of City Council to accept the gratuitous services of an attorney where the City Solicitor fails or refuses to act.....	1633
Union cemetery—Land title—Director of Public Service.....	311
CITY TREASURER—	
Proper custodian of library funds—City Treasurer—How bills for maintenance of library must be paid—City Auditor.....	939
CIVIL SERVICE—	
A person contracting to oversee a particular piece of work constructed by State Highway Department not within classified Civil Service—The same rule applies to day laborers.....	1459
Bureau of Inspection and Supervision of Public Offices—Classified service	734
Chiefs of Police and Fire Chiefs not required to take Civil Service examination—Continuance in office.....	380
City Manager of chartered city—Not required to regard seniority of service in reducing the number of positions in a department.....	798
Civil Service Act—An officer who is appointed for a definite period fixed by the appointing power, if in the classified service, his employment does not terminate at the expiration of his appointed term of office	1664
Civil Service department—Legislative reference department—Unclassified service—Discharge of employes from public library—Offices compatible, Clerk of the House and director of legislative reference department	660
Clerk of Council—Party to be selected.....	574
Definition of the term "library staff" as used in subdivision 6 (a) of Section 8 of the Civil Service Act—Public library in city of Cincinnati is a county institution.....	1507
District Board of Complaints in unclassified service.....	576
Heads of principal departments—Deputies—Assistant Secretary.....	366
Incumbents under Section 10 of the Civil Service Act.....	601
Members of the County Board of School Examiners not subject to the Civil Service law.....	1301
Municipal Civil Service—Right to hold another office in addition to that of Civil Service Commissioner.....	404
No person in the classified service may serve as a member of an executive committee of a political party.....	1213
Officers and employes of the Archaeological and Historical Society not under Civil Service.....	506
Offices incompatible—Deputy City Auditor and Secretary to the Municipal Civil Service Commission.....	383
Official holding over—Non-competitive examination—Health Officer.....	365
Ohio State University professors may be employed at Experiment Station during vacation.....	507
Persons in the Department of Auditor of State in the unclassified Civil Service	1379
Removal of members of State Board of Health under Civil Service—Procedure to be followed.....	378

	Page
CIVIL SERVICE—Concluded—	
Section 4505, G. C., not repealed.....	692
State Civil Service Commission has no authority to pay witness fees— Police officer not entitled to witness fees—City Clerk under Civil Service—Secretary and Assistant to Director of Public Service subject to non-competitive examination.....	74
Superintendent of Infirmary—Civil Service examination—Removal from office	376
Torrens Land Act—Examiners not subject to Civil Service regulations....	1298
CIVIL SERVICE ACT—	
Deputy Clerks under Probate Judge are in the unclassified service, such deputies being deputies within the meaning of subdivision 8a of Section 8 of the Civil Service Act.....	1211
Right of Municipal Civil Service Commission to fix salaries of its em- ployes—Powers of Council.....	1123
CIVIL SERVICE COMMISSION—	
Mandamus proceedings—Duty of the City Solicitor to defend the Mayor in such proceeding—Powers of the Mayor to dismiss city officials —City Civil Service Commission.....	133
CLAIMS—	
Council has the right to delegate to heads of departments and to com- mittees of Council the right of approving claims.....	1447
CLASSES OF CHAUFFEURS—	
The word “chauffeur” defined—Those who operate motor vehicles for hire—Those who operate such vehicles as an employe of the owner	1018
CLASSIFIED SERVICE—	
City Sealer of Weights and Measures—In the unclassified service— Assistants to the City Sealer of Weights and Measures in the classified service—County Auditor—County Sealer of Weights and Measures—Deputy County Sealer of Weights and Measures in the unclassified service.....	911
Civil Service—Incumbents under Section 10 of the Civil Service Act.....	601
Civil Service Act—An officer who is appointed for a definite period fixed by the appointing power, if in the classified service, his employ- ment does not terminate at the expiration of his appointed term of office	1664
Moving Picture Censors not in classified service—Civil Service.....	574
No person in the classified service may serve as a member of an executive committee of a political party.....	1213
Registrar of Vital Statistics subject to provisions of Civil Service Act— In classified service—Village Registrars not in Civil Service.....	1682
CLASSIFIED CIVIL SERVICE—	
Persons in the classified service may not become candidate for office.....	509
CLASSIFICATION—	
Budget bill—Budget Commissioner—Appropriation bill—Appendix to ap- propriation bill	721

	Page
CLEARING HOUSE EXAMINERS—	
Superintendent of Banks or his assistants may not disclose information obtained in examinations to clearing house examiners and auditing committees -----	1649
CLERK—	
Blanket bond for Ohio National Guard officers—Legality of such bond— Payment of premium of such bond-----	838
Clerk acting as Treasurer of Board of Education—The status of teachers of rural schools hired before Section 7705, General Code, amended, went into effect-----	1490
Clerk of the Board of Education may not be employed as teacher by such Board -----	1478
Compensation—Deputy State Supervisors of Elections and their clerks--	691
Date for officially certifying to the Clerk or Clerks of the Board of Education that the Village or Rural School Districts or Union School Districts will employ a Superintendent is mandatory—Employment of joint Superintendent for supervision purposes by two Townships -----	1168
Deputy Sheriffs and Deputy Clerks may act in place of Sheriffs and Clerks -----	653
Deputy State Supervisors of Elections—Primary elections—Registration city—Compensation -----	723
Not necessary for School Depository Banks to give new bonds to bind sureties—Bonds -----	1765
Persons in the Department of Auditor of State in the unclassified Civil Service -----	1379
Right of a Deputy Clerk to be appointed Probation Officer in Probate Office -----	1117
Right of the Director of Public Safety to receive a salary as Clerk in the Public Safety Department-----	1425
CLERK HIRE—	
Common Pleas Court—Jurisdiction—Right to entertain application for clerk hire -----	313
CLERK OF COUNCIL—	
Party to be selected-----	574
State Civil Service Commission has no authority to pay witness fees— Police officer not entitled to witness fees—City Clerk under Civil Service—Secretary and Assistant to director of Public Service subject to non-competitive examination-----	74
CLERK OF COURTS—	
Bond of notary applicant—Fee for Clerks of Court for certifying under seal to the genuineness of the signature of such bond-----	965
Fees that should be collected by the Clerk of the Court for registration of titles to real estate-----	1146
Land Registration Act—Entries Clerk of Courts should make—Expense of registration—County Recorder—Costs arising out of registration -----	1559
Mistake of Clerk of Court in certifying a prisoner—Effect of such mistake—Ohio State Reformatory—Ohio Penitentiary—Parole prisoner -----	170
Railroad policemen's bond—Where to be filed—Filing fee-----	1

CLERK OF THE BOARD OF DEPUTY STATE SUPERVISOR OF ELECTIONS—	Page
Deputy Assessor—Tax Commission.....	738
CLERK OF THE BOARD OF EDUCATION—	
Clerk of the Board of Education can receive extra compensation for performing the duties of Treasurer of such Board—The Board of Education has the legal right to fix the compensation of such Clerk when he is required to perform the added duties of Treasurer of the Board of Education.....	1202
CLERK OF THE HOUSE OF REPRESENTATIVES—	
Civil Service department—Legislative reference department—Unclassified service—Discharge of employes from public library—Offices compatible, Clerk of the House and director of legislative reference department	660
CLERK OF THE VILLAGE—	
Village Council—Contract—Right to hire an engineer—Pay roll—Referendum on pay roll.....	261
CLEVELAND LIFE INSURANCE COMPANY—	
Insurance—Reinsurance of unmatured policies—Discontinuance of business by insurance company—Policy holder.....	588
CLUB HOUSE—	
Formation of a corporation for the purpose of education, amusement and instruction—Right to acquire and own property.....	1125
COAL—	
Contract entered into between Board of Education and coal company, of which one of the members of the Board is a stockholder, without advertising for bids, is illegal.....	1201
COAL LANDS—	
Chief Inspector of Mines—His duties relating to oil and gas wells on lands interlaid with workable seams of coal.....	877
Oil and gas wells—In coal regions maps should be filed with the Chief Inspector of Mines showing the location of such wells.....	888
CODIFICATION—	
Superintendent of Public Printing—The word "document" as used in Section 749, G. C., defined—Preservation of documents in the office of Public Printer.....	698
CODIFYING COMMISSION—	
Employment agencies—Fee for renewal of license must be paid annually..	629
COLLATERAL INHERITANCE TAX—	
"Adopted Child" does not include "step child" unless such child is adopted	836
Application to be made under Section 5333, G. C.....	321
Executor—Payment—Real estate—How valuation should be made.....	395
Fees—Inheritance tax—Collection of taxes.....	344

	Page
COLLATERAL INHERITANCE TAX—Concluded—	
Inheritance tax—Construction of phrase: "In which said tax originates" —Real estate—Personal property-----	333
Jane M. Case Hospital—Taxes and taxation—Bequest—Aged Ladies' Home -----	210
Method of levying inheritance tax—Collecting the same—Fees—County Treasurer—County Auditor—Auditor of State—Interest—Pro- bate Judge -----	204
Valuing estate—Collateral relatives—Massachusetts ruling—Rule for de- termining valuation of estate-----	815
COLLECTION—	
The expense of printing or mailing of copies of a proposed charter for the city of Cincinnati is not illegal, if authorized by Council-----	1455
COLLEGE—	
Regulation of discipline in Colleges and Universities—Such matters may be regulated by faculty—Power may be delegated to president---	421
COLLEGES AND UNIVERSITIES—	
Payment of moneys into State Treasury by State departments—State Universities not affected by provisions of Section 24, G. C.-----	61
COMMERCIAL BANK—	
Banks and banking—Commercial Bank and Savings Bank—10% reserve to be maintained by such bank-----	874
Powers under charter—Charter must be fully complied with—Trust com- pany—Incorporators -----	85
COMMERCIAL AND SAVINGS BANK—	
Proper investment for an institution having Commercial and Savings Bank, Safe Deposit and Trust Company powers-----	1656
COMMERCIAL PAPER—	
Business paper and commercial paper are synonymous with bankable paper—Negotiable paper -----	56
COMMISSIONERS—	
Civil Service—Bureau of Inspection and Supervision of Public Offices— Classified service -----	734
COMMITTEES—	
Council has the right to delegate to heads of departments and to com- mittees of Council the right of approving claims-----	1447
COMMON PLEAS COURT—	
Jurisdiction—Right to entertain application for clerk hire-----	313
Juvenile Court—Appointment of Juvenile Court Constable—Validity of such appointment -----	357
Power of a Mayor to remove members of Council outside of a provision of Section 4238, G. C.—Removal for misconduct in office-----	1339
Prisoner—Pleading guilty same as convicted-----	23

	Page
COMMON PLEAS COURT—Concluded—	
Right of Common Pleas Court to appoint attorney, a non-resident of the county as examiner of titles—Right of such examiner of titles to represent parties in proceedings in reference to land titles----	1091
Service of writs—Constable may not serve writs upon himself—Sheriff may not serve writs upon himself—Sheriff may serve writs on a Deputy Sheriff—Coroner may serve writs on a Sheriff-----	48
Transfer of unexpended light fund to water fund of a village—Circumstances under which such transfer may be made—Village water-works -----	1340
When the Commissioners of a county file their financial report with the Common Pleas Court, the Court has full charge of such report—No provision is made for the disposition of such report-----	1471
COMMON PLEAS JUDGE—	
A person serving as Probate Judge, who has been elected Common Pleas Judge for a term beginning January 1, 1915, may continue to act as Judge of the Probate Court until immediately prior to his entrance upon the term as Common Pleas Judge-----	1457
Expense of a Common Pleas Judge—Maximum amount allowable—Definition of year as used in Section 2253, G. C.-----	71
Judge of the Juvenile Court—How designated—Length of term of such Judge -----	646
COMMON STOCK—	
Proper investment for an institution having Commercial and Savings Bank, Safe Deposit and Trust Company powers-----	1656
COMPENSATION—	
Appointment by Probate Court of a woman as Special Probate Officer to convey a girl to the Girls' Industrial School at Delaware, O.---	1275
Appointment of District Assessor under Warnes Law—Salaries of such Assessors -----	1595
City Engineer—Assistant to City Engineer—Salaries—Resolution—Per diem—Public policy -----	287
City School District—Such teachers attending County Teachers' Institutes not entitled to compensation—A City School District teacher may act as Secretary of County Teachers' Institute and receive compensation therefor -----	1062
Compensation of Deputy State Supervisors of Election—Beginning of the year—Registration city—Election precinct—Compensation of the Clerk of the Deputy State Supervisors of Election-----	130
County detective—Secret service officer—Amount that county may pay for detective service—Prosecuting Attorney-----	188
County Treasurer has no authority to employ an attorney to make collection of taxes under Section 2667, General Code—Prosecuting Attorney not allowed additional compensation for making such collections -----	1415
Deputy State Supervisors of Elections and their Clerks-----	691
Disposition of an inter-county balance standing to the credit of a Township or District Board of Education—Compensation that may be allowed Township Clerk for time extended by him with State Examiner—How compensation of Treasurer is computed--	1472

COMPENSATION—Concluded—	Page
Effect of 'abolition of two days' labor on the highway-----	466
Election expenses—Expenses to be charged back against political division —Expenses to be paid by the county-----	402
Judge of the Municipal Court of Cincinnati—No finding should be made against Judge of the Municipal Court of Cincinnati for salary earned before January 1, 1914-----	1601
Officers and employes of the Archaeological and Historical Society not under Civil Service -----	506
Right of the Liquor License Commission to increase compensation of members of the County Liquor License Board-----	1513
School examiners—School examination -----	642
State Board of Accountancy required to pay State moneys into the State Treasury -----	1597
Teachers' institute—Compensation to Secretary—Teacher attending such institute may act as Secretary-----	434
The Assistant Adjutant General and the Assistant Quartermaster General are each entitled to pay for the rank of Colonel when called into actual service -----	1504
Village Council—Compensation to Mayor—Marshal—Fees and costs-----	536
COMPETITIVE BIDDING—	
Board of Trustees of Public Affairs is the proper authority to enter into contracts for the village electric light plant—Subject to statutory provisions with reference to competitive bidding-----	1094
Circumstances under which a change in the plans and specifications of a bridge substructure involving additional cost may be made— Aggregate cost of structure may not be exceeded-----	1305
Repairs on school building—When competitive bidding for such repairs may be dispensed with—Urgent need-----	1077
COMPETITIVE EXAMINATION—	
Chief of Police in the classified service, under the new Civil Service Law —Right of the Mayor to appoint Chief of Police—Promotional appointment -----	1300
Civil Service—Bureau of Inspection and Supervision of Public Offices— Classified service -----	734
COMPROMISE—	
Contractor—City Engineer—Work done in excess of contract price—Sup- plementary contract—Powers of City Council in such a matter---	222
Industrial Commission of Ohio—No authority to hold an application for an award barred by compromise where the contract of release was for a less sum than that to which the employe was entitled under said act -----	1533
COMPULSORY COMPENSATION ACT—	
Formation of mutual insurance companies by employers—Insurance Com- missioner should supervise formation of such association-----	27
COMPULSORY EDUCATION—	
Compulsory attendance at school—Powers of Truant Officer—Ages be- tween which children must attend school-----	101

	Page
CONCEALED WEAPONS—	
Organization for the detection and arrest of horse thieves—Right of members of such organization to carry concealed weapons.....	1039
CONDUIT—	
Canal Land Department—Renewing leases along the Canal in the city of Cincinnati	553
CONEY ISLAND TRANSPORTATION COMPANY—	
The Coney Island Transportation Company—The Coney Island Amusement Company—Receipts from this business intra-state in character	916
CONFLICT OF LAWS—	
Power of municipality to sell bonds for the purpose of erecting poles, wires and other fixtures for transmitting and distributing electric current purchased by such municipality from others.....	989
Board of Health of the city of Cleveland (created by charter) must yield to the general laws when in conflict with them.....	1022
CONSTABLE—	
Juvenile Court—Appointment of Juvenile Court Constable—Validity of such appointment	357
Service of writs—Constable may not serve writs upon himself—Sheriff may not serve writs upon himself—Sheriff may serve writs on a Deputy Sheriff—Coroner may serve writs on a Sheriff.....	48
CONSTITUTION—	
Correct wording of ordinance or resolution under Article XII, Section 11 of the Constitution of Ohio.....	460
The effect of the change in the language of Article XII, Section 2 of the Constitution from "institutions of purely public charity" to "institutions used exclusively for charitable purposes".....	1051
CONSTITUTIONAL AMENDMENT—	
Eligibility of women to hold certain offices in Ohio—Women only to have control of institutions taking care of the physical and moral welfare of women and children—Women not eligible to appointment as examiners of trained nurses.....	22
Compensation—Effect of abolition of two days' labor on the highway....	466
CONSTITUTIONALITY OF ORDINANCE—	
Ordinance defining a misdemeanor and imposing a penalty—Constitutionality of such an ordinance.....	766
CONSTITUTIONALITY STATE HIGHWAY LAW—	
State Highway Law—Constitutionality of the State Highway Law—Case of Link vs. Karb.....	109
CONSTRUCTION—	
Circumstances under which a change in the plans and specifications of a bridge substructure involving additional cost may be made—Aggregate cost of structure may not be exceeded.....	1305

	Page
CONSTRUCTION FUND—	
Floor covering for State Armory may not be purchased from the State Armory construction funds -----	922
CONSTRUCTION WORK—	
Director of Public Service—Force account—Labor—Council-----	567
Eight hour law—Distinction between workmen engaged in public work and workmen working for the public-----	595
CONSULTING ENGINEER—	
City Engineer—	
May be compensated for assisting a Consulting Engineer-----	262
Right to act as a Consulting Engineer-----	341
CONSUMER—	
State Sealer of Weights and Measures—Authority to test gas meter provers—Authority of Public Utilities Commission to test such meters -----	657
CONTRACT—	
Amending bonds for sewerage system—Enacting ordinance on same—Bond issue -----	695
A municipality may not advertise for bids on a proposed improvement, after having offered bonds for sale, and receiving no bids therefor, and where the contractor would agree to take the bonds as a part of his contract-----	1393
Architects employed by Board of Administration—Per cent. to be allowed architects on certain contracts—Model plan of building—Computing of architects' fees-----	1239
Awarding of contract by State Highway Commissioner in a case where the county has not contributed any part of the cost of a road improvement -----	1528
Budget—Balances of 1913 appropriation—Receipts and balances—Appropriation covering contracts—School fund—Sinking fund—University fund -----	3
Children's Home—May not refuse to receive a child committed by Juvenile Court, except in certain cases—Juvenile Court—Guardianship of children—Dependent children—Right of Board of Trustees to contract with families for the care of children----	751
Clerk acting as Treasurer Board of Education—The status of teachers of rural schools hired before Section 7705, General Code, amended, went into effect-----	1490
Construction of the 1914 Budget Bill—Construction as it applies to convict labor -----	1031
Contract entered into between Board of Education and coal company, of which one of the members of the Board is a stockholder, without advertising for bids, is illegal-----	1201
Contracts limited by 1913 appropriation cannot be continued under 1914 appropriation -----	557
Contractor—City Engineer—Work done in excess of contract price—Supplementary contract—Powers of City Council in such a matter -----	222

CONTRACT—Continued—		Page
County Commissioners—		
Contracts—County building—Board of State Charities.....		251
Power to expend money—Construction of a Children's Home—Sub- mission of quest of expenditure to vote of the electors.....		181
Director of Public Safety—Fire insurance.....		704
Director of Public Service cannot delegate power of executing contracts to his Secretary		1500
Industrial Commission of Ohio—No authority to hold an application for an award barred by compromise where the contract of release was for a less sum than that to which the employe was entitled under said act.....		1533
Insurance contract under Ohio laws—"Business of insurance".....		584
Kent State Normal School—Architect—Appropriation.....		605
Manner in which the Director of Public Service may make contracts involving more than five hundred dollars in the purchase depart- ment of a city.....		1372
Member of Council—Right of members of Council to be interested in contracts with the city—Pecuniary and financial nature of such contracts		257
Mine owner—Employes—Miners riding (trips).....		510
Municipal corporation—Waterworks improvement—Manner in which con- tract for such improvement shall be entered into—Liability in- surance—Premiums not to be paid from bond issue.....		639
Municipal officers—Right to be interested or connected with contracting for supplies while in office.....		848
Plats for quadrennial appraisement—Contract for the making of such plats must be entered into according to law—Moral obligation to pay for such maps and plats where the same are furnished on an illegal contract.....		808
Power of military authorities to purchase caskets—State to pay for such caskets as were used.....		79
Property purchased by church not exempt from taxes where a contract was entered into for the purchase, prior to the date on which a tax lien attaches, but no action taken thereon.....		1324
Public highways crossing railways—Construction and repair of such bridges over railway—Maintenance of such bridges—County Commissioners—Bridges to be maintained by railway.....		174
Right of the Director of Public Service, or a Council of the municipality, to contract with a property owner for the construction of a sanitary sewer from his property.....		1392
Superintendent of Infirmary—Civil Service examination—Removal from office		376
Taxes and taxation—Listing property for taxation—Live stock—Tax penalty		280
The right of a city or village to enter into a contract whereby the city furnishes electric current to the village—Such contract should conform to the provisions of Section 6, Article XVIII of the Constitution		769
Village Council—		
Ordinance—Franchise—Legal contract		468
Right to hire an engineer—Pay roll—Referendum on pay roll.....		261

CONTRACT—Concluded—	Page
Village—Telephone company franchise—Telephone company cannot be compelled to maintain the rate agreed upon in the ordinance granting the franchise—Right to use village streets—Public Utilities Commission may fix reasonable rates.....	775
Volunteer firemen not prohibited from making certain contracts.....	458
CONTRACTOR—	
Five or more workmen employed by an independent contractor on Federal building within the purview of the Workmen's Compensation Act	1189
CONTRACTORS—Contractors doing county work—Filing of a statement mentioned in Section 3 of the Mechanics Lien Law with County Commissioners drawing estimates.....	1235
CONTINGENT EXPENSES—	
Warnes Tax Law—District Assessors—Board of Complaint—Traveling expenses—Contingent expenses—Automobile hire.....	514
Payment of contingent expenses incident to the administration of the Mothers' Pension Law—From what fund such expenses are payable	1042
CONTINGENT FUND—Engineer—Referee—Public water supply—Contingent fund	309
CONVEYANCE—	
Conveyance of pupils in a special district—Board of Education—Truant Officer—Compulsory attendance at school—Special district.....	152
CONVICT LABOR—	
Construction of the 1914 Budget bill—Construction as it applies to convict labor	1031
CONVICTION—	
Liquor License Law—Intoxicating liquor—Conviction of licensee does not follow a license into hands of the transferee.....	121
CORONER—	
County Coroner not justified in holding inquests over bodies of persons who lost their lives in the flood of 1913.....	1529
Offices incompatible—Coroner and member of General Assembly.....	28
CORPORATION—	
A resident of the State of Ohio, who is appointed trustee under a will of a decedent of Illinois, must list shares of stock for taxation in the Ohio county in which he resides, though certificates thereof are kept in Michigan.....	1277
Banks and banking—Private banks—Stocks—Power of a private bank to hold stock in a State bank.....	162
"Blue Sky" Law—What constitutes securities under this law.....	352
Charter—Reinstatement of corporation when charter has been cancelled..	570
Difference between paid-up stock of a Building and Loan Association and paid-up stock of other corporations—Legal investment for corporations and Savings bank.....	608

	Page
CORPORATION—Concluded—	
Formation of a corporation for the purpose of education, amusement and instruction—Right to acquire and own property.....	1125
Liability insurance—Interstate and Intrastate Commerce—Employers engaged in transporting cargoes on the Great Lakes are within the purview of the Ohio Workmen's Compensation Act.....	300
Life insurance companies organized under the laws of Ohio assuming the business of a company organized under the laws of another state—Procedure to be followed.....	1104
Private Bank Act—Who may use the words "bank," "banker," "banking" or "trust" or "trust company".....	1606
Receiver—Assignee—Trustees in bankruptcy—Listing of property for taxation	673
Right of member of the Board of Sinking Fund Trustees to sell goods to a city—Right of a person who owns stock in a corporation to sell to a city, to act as Sinking Fund Trustee.....	1250
The Secretary of State has no right to remit the one hundred dollars penalty exacted from a corporation whose articles of incorporation or certificate of authority to do business has been cancelled...	1377
Trust companies, whose business in Ohio is confined merely to loaning money on real estate, should pay fees provided for in Section 736, G. C.....	1238
CORPORATION NOT FOR PROFIT—	
Articles of incorporation—The Auto Insurance Co., Norwalk, Ohio.....	1679
CORPORATION TAX—	
Issuing warrants to assignee of a claim—Duty of the State Auditor in matters of this kind—Duties of the State Treasurer—How the certification of such claim should be made.....	136
CORRESPONDENT BANK—	
Right of a correspondent bank to charge out of the account of an installment bank any indebtedness of installment bank to correspondent bank	1652
COSTS—	
Agricultural Commission Act—Disposition of fines, fees and costs as provided by Section 114 of said act—To what fees the costs refer to in above section—Disposition of fines as provided by Section 1313, General Code, under prosecutions brought by the Agricultural Commission in enforcement of laws relating to the practice of pharmacy	1218
Circumstances under which a change in the plans and specifications of a bridge substructure involving additional cost may be made—Aggregate cost of structure may not be exceeded.....	1305
Costs incurred in proceedings under Mothers' Pension Act—Payment of such costs	1009
Costs of the proceeding on a fugitive from justice—Where such costs are chargeable	1015
Land Registration Act—Entries Clerk of Courts should make—Expense of registration—County Recorder—Costs arising out of registration	1559

	Page
COSTS—Concluded—	
Liability of counties in case of suit brought against the County Commissioners in their individual capacity for damages.....	1499
Notary fees are proper items of cost in cases in which the pleading is filed	1444
Right to take earnings of prisoners confined in the Ohio Penitentiary for cost of conviction—Garnishee proceedings—Exemption allowed prisoners	1085
Service of writs—Constable may not serve writs upon himself—Sheriff may not serve writs upon himself—Sheriff may serve writs on a Deputy Sheriff—Coroner may serve writs on a Sheriff.....	48
The cost of a culvert to carry water across the street to be considered a part of the cost of street improvement.....	1737
Village Council—Compensation to Mayor—Marshal—Fees and costs....	536
Witness fees—Fees of expert witnesses—State not to reimburse the county for payment of such fees.....	58
COUNCIL—	
Amending bonds for sewerage system—Enacting ordinance on same—Bond issue	695
Apportionment of total cost and expenses of special assessment improvement—Department of Public Service.....	1703
A Village Mayor is required to enforce an ordinance passed by Council of a village to prohibit the running of dogs at large, without permits, secured by the owners of the dogs, from the Mayor....	1406
Bond issue—Street improvement—Director of Public Service.....	456
Council has the right to delegate to heads of departments and to committees of Council the right of approving claims.....	1447
Director of Public Service—Construction work—Force account—Labor..	567
Municipal Council, only, has power to fix salary of Sinking Fund Trustees	1772
Power to compel the Mayor to enforce ordinances and resolutions.....	944
Right of Municipal Civil Service Commission to fix salaries of its employes—Powers of Council.....	1123
Right of the Director of Public Service, or a Council of the municipality, to contract with a property owner for the construction of a sanitary sewer from his property.....	1392
Speed ordinance in a municipality—Power of municipal corporations to regulate speed of motor vehicles—Power of State to regulate such matters	57
State Plumbing Code—Private dwelling—Plumbing resolutions—Municipal Board of Health—Plumber's license.....	731
The cost of a culvert to carry water across the street to be considered a part of the cost of street improvement.....	1737
Transcript of the proceedings for the issuance by Council of city of Niles, Ohio, of bonds in anticipation of collection of special assessments for the improvement of streets in said city.....	1367
Village Council without right to provide pensions for volunteer firemen..	511
COUNCILMAN—	
Member of Council—Removal from ward—Forfeiture of office.....	467
COUNTRY CLUBS, ETC.—	
Workmen's Compensation Act—Hospitals, Country Clubs, etc., come within the purview of this act.....	292

COUNTY AGRICULTURAL SOCIETY—	Page
Power of County Commissioners to liquidate an indebtedness of the County Agricultural Society when such indebtedness has been caused by placing improvements on Fair Grounds-----	952
 COUNTY AUDITOR—	
A County Auditor is not estopped from recovering money paid out by him according to the rule of the Bureau of Inspection and Supervision of Public Offices when a different rule is subsequently decided by the Supreme Court-----	1400
A demand upon a County Auditor and Treasurer for advance payment of municipal taxes, before settlement, may be made only by the City Treasurer-----	1290
City Sealer of Weights and Measures—In the unclassified service—Assistants to the City Sealer of Weights and Measures in the Classified service—County Sealer of Weights and Measures—Deputy County Sealer of Weights and Measures in the unclassified service-----	911
Collateral Inheritance Tax Law—Method of levying inheritance tax—Collecting the same—Fees—County Treasurer—Auditor of State—Interest—Probate Judge-----	204
County ditches—Inter-county ditches—Assessments—Procedure-----	477
Duty of County Auditor with reference to the distribution of school funds for the use of the County Board of Education—County Auditor must make settlement on the basis of certificate required to be made by the County Board of Education under Section 4744-2, G. C.-----	1346
State Institutions for Feeble-Minded—Inmates—County to pay for inmates confined in State Institutions-----	191
Taxes and taxation—Wrong distribution of taxable property—No remedy in such cases-----	411
The County Auditor shall issue a warrant upon the County Treasurer for the payment of Mothers' Pensions, as provided in Section 1683-9, G. C.-----	1662
 COUNTY BOARD OF EDUCATION—	
How the moneys paid into the County Board of Education fund on account of the salaries of County and District Superintendents are to be paid—Such funds are automatically appropriated for the payment of such salaries and cannot be used for any other purpose—Transfers from the dog tax fund, under Section 5653, General Code-----	1209
May use its discretion in determining whether or not it is necessary in changing Rural School Districts to have the County Surveyor change the lines-----	1492
Without authority to directly dissolve Rural Township School District and attach territory to Village District-----	1687
 COUNTY BOARD OF SCHOOL EXAMINERS—	
Members of the County Board of School Examiners not subject to the Civil Service Law-----	1301

COUNTY BUILDINGS—	
County Commissioners—	Page
Contracts—Board of State Charities.....	251
Have no authority to construct a public comfort station as such.....	1217
Not personally liable when they expend slightly more than \$15,000 for the construction of a County Building, exclusive of fixtures, without submitting the question to a vote of the electors.....	1171
COUNTY CHILDREN'S HOME—	
Children's Home—May not refuse to receive a child committed by Juvenile Court, except in certain cases—Juvenile Court—Guard- ianship of children—Dependent children—Right of Board of Trustees to contract with families for the care of children.....	751
Board of Trustees—Record of names to be kept in County Children's Homes	650
COUNTY DETECTIVE—	
Prosecuting Attorney—Secret service—Officer—Salary.....	270
Secret service officer—Amount that county may pay for detective serv- ice—Prosecuting Attorney	188
COUNTY DITCHES—	
Inter-county ditches—Assessments—Procedure.....	477
COUNTY FUNDS—	
Blind relief—Surplus moneys—Taxes and taxation—Levy.....	273
The right of the County Commissioners to transfer from the County Fund or from the proceeds of any other county tax levies to sup- ply deficiencies in County Board of Education Fund, in case there is no money available in the sheep fund.....	1206
COUNTY INFIRMARY—	
County Children's Home—Board of Trustees—Record of names to be kept in County Children's Homes.....	650
Right of the county to make a charge against the city for the care and treatment of a pauper in the County Infirmary, when the cor- porate limits of the city are identical with those of the Town- ship	1270
COUNTY LAW LIBRARY ASSOCIATION—	
Disposition of fines assessed and collected by the Judge of the Probate Court or Common Pleas Court exercising the jurisdiction of the Juvenile Court	1630
COUNTY LIQUOR LICENSE BOARD—	
Census—Census bureau estimate—Number of saloon licenses granted in a Township	310
Greenlund Liquor Licensing Act—State Liquor Licensing Board—Va- cancy on the County Board—Such vacancy to be filled by appoint- ment—Civil Service	263
Liquor License Board—Saloons in Township regulated by population.....	35
Right of the State Liquor Licensing Board to designate one of the County Licensing Commissioners as Secretary of the County Liquor Licensing Board.....	1672

	Page
COUNTY LIQUOR LICENSE BOARD—Concluded—	
State Liquor Licensing Board—Fixtures and supplies—County Liquor Licensing Board	198
Stationery—Supervisor of Public Printing not to furnish stationery to Liquor License Boards—Other provision made in the statutes for these departments	72
COUNTY LOCAL OPTION LAW—	
Status of municipalities and townships in counties voted dry under County Local Option Law—Home Rule Amendment.....	1454
COUNTY MEMORIAL BUILDING—	
Disposition of interest on the proceeds of a bond issue for the purpose of constructing a County Memorial Building.....	1450
COUNTY MEMORIAL COMMISSION—	
Cannot legally expend more than \$250,000 for the erection of a Memorial Building under Section 3059, G. C.....	1603
COUNTY OFFICERS—	
Common Pleas Court—Jurisdiction—Right to entertain application for clerk hire.....	313
Duty of City Solicitor to represent City Officers in proceedings to restrain the certification and collection of special assessments—City Solicitors may not be appointed by County Officers to represent them in such action—Compensation.....	1262
COUNTY OFFICIALS—	
County Commissioners have no authority to construct a public comfort Station as such.....	1217
COUNTY RECORDER—	
All papers in proceedings to sell real estate under the Land Registration Law should be delivered to the County Recorder—Land Registration Law applies only to those cases instituted on or subsequent to July 1, 1914.....	1195
COUNTY ROAD—	
Proceedings for the establishment of county road instituted by Commissioners	1643
Right of County Commissioners to reduce or increase amount of compensation and damages assessed by road viewers for the operating of a county road.....	1038
COUNTY SCHOOL DISTRICT—	
Village school—How Village School District may become part of County School District—Right of such Village School District to become part of the County School District.....	883
COUNTY SUPERINTENDENT OF SCHOOLS—	
Construction of Section 4744-1, G. C., with reference to the salary of County Superintendent of Schools—Right of the County Board of Education to fix the salary of a County Superintendent at an amount in excess of \$1,200.00—To fix the salary at an amount greater than \$2,000.00.....	1265

COUNTY SUPERINTENDENT OF SCHOOLS—Concluded—	Page
How the moneys paid into the County Board of Education fund on account of the salaries of County and District Superintendents are to be paid—Such funds are automatically appropriated for the payment of such salaries and cannot be used for any other purpose—Transfers from the dog tax fund, under Section 5653, G. C.	1209
Member of General Assembly eligible to appointment to office of County Superintendent of Schools-----	427
COUNTY TREASURER—	
A demand upon a County Auditor and Treasurer for advance payment of municipal taxes, before settlement, may be made only by the City Treasurer -----	1290
Collateral Inheritance Tax—Executor—Payment—Real estate—How valuation should be made-----	395
Construction of Sections 2746 and 2749, General Code, in reference to the time when taxes shall be collected by the County Treasurer-----	1477
County depositaries—Authority of the County Commissioners to designate county depositaries—Bids for county funds—Additional advertisement—County Treasurer has authority with reference to depositaries for county funds-----	92
Court stenographer—Appointment of additional or assistant stenographers to the official stenographer—Payment of salaries to such additional stenographers -----	265
Free Turnpike Road Commissioners—Custody of funds—County Commissioners—County Auditor—Road improvement-----	330
Has no authority to employ an attorney to make collection of taxes under Section 2667, General Code—Prosecuting Attorney not allowed additional compensation for making such collections-----	1415
How funds may be paid out of the County Treasury—Right of the judge of the Common Pleas Court to order furnishings for room in Court House -----	1617
Probate Judge—Examiners of the County Treasury—Appointment of such examiners -----	655
Rules to be followed in determining the valuation of an estate for inheritance tax where the value of the separate interests is such as to make exemptions exhaust the estate-----	1426
The County Auditor shall issue a warrant upon the County Treasurer for the payment of Mothers' Pensions, as provided in Section 1683-9, G. C.-----	1662
Village and Township Treasurers continued to act as treasurers of school funds until they are superseded by the County Treasurer by virtue of Section 4763, G. C., may draw compensation for their services -----	1676
COUNTY COMMISSIONERS—	
A demand upon a County Auditor and Treasurer for advance payment of municipal taxes, before settlement, may be made only by the City Treasurer -----	1290
Agricultural Societies—Construction of highways-----	348
Authority of County Commissioners to turn over to a municipality its share of the tax levy for road purposes—Authority to turn over its proportionate share of County Bridge Fund-----	864

COUNTY COMMISSIONERS—Continued—	Page
Awarding of contract by State Highway Commissioner in a case where the County has not contributed any part of the cost of a road improvement	1528
Blind Relief—	
Old Blind Relief Law—New Blind Relief Law—Blind Relief Commission	278
Surplus moneys—County funds—Taxes and taxation—Levy.....	273
Boxwell-Patterson Law—Pupil must comply with this law in order to receive free tuition in High School—What High School graduate to attend	418
Contracts—County buildings—Board of State Charities.....	251
County depositories—Authority of the County Commissioners to designate county depositories—Bids for county funds—Additional advertisement—County Treasurer has authority with reference to depositories for county funds.....	92
County private roads—Maintenance of a road leading to a school house—Right of Board of Education to construct a bridge on such road—County Commissioners	247
County Childrens' Home—Board of Trustees—Record of names to be kept in County Children's Homes.....	650
Certificate—Appropriated funds—County Commissioners—Railroad company—Grade crossings	740
Contractors doing county work—Filing of a statement mentioned in Section 3 of the Mechanic's Lien Law with County Commissioners drawing estimates	1235
Circumstances under which it is the duty of County Commissioners to repave approaches to bridges and relay sidewalks in a city where such bridges were destroyed by a flood—City must pay for damage to abutting property owners where grade of the bridge is changed	1440
Ditch proceeding—Compensation and expenses to be allowed commissioners in such proceedings—One hundred day limit.....	1732
Emergency Commission—Repair of damages caused by flood.....	535
Fixing the salary of members of the Board of Review when the County Commissioners fail to fix such salary—When salary must be fixed	1590
Have no authority to construct a public comfort station as such.....	1217
How funds may be paid out of the County Treasury—Right of the Judge of the Common Pleas' Court to order furnishings for room in Court House	1617
Liability of counties in case of suit brought against the County Commissioners in their individual capacity for damages.....	1499
Levy for Soldiers' Relief Commission.....	852
Memorial Building—Bond issue—Depository interest—General county funds	200
Must provide suitable cases for safe keeping and preservation of books; also furnish necessary stationery to Probate Judge.....	1690
Not personally liable where they expend slightly more than \$15,000 for the construction of a County Building, exclusive of fixtures, without submitting the question to a vote of the electors.....	1171
Offering a reward—Terms of such offer—To whom award may be paid..	166
Power of County Commissioners to liquidate an indebtedness of the County Agricultural Society when such indebtedness has been caused by placing improvements on Fair Grounds.....	952

COUNTY COMMISSIONERS—Concluded—	Page
Power to expend money—Construction of a Children's Home—Submission of question of expenditure to vote of the electors.....	181
Proceedings for the establishment of county road instituted by Commissioners	1643
Public highways crossing railways—Construction and repair of such bridges over railway—Maintenance of such bridges—Bridges to be maintained by railway.....	174
Railroad policemen—Duties—May collect reward offered by County Commissioners	107
Road Commissioners may improve road through the village.....	610
Road improvement—Land owner—Roads and Highways.....	425
Road improvement bonds—Supplemented transcript of the proceedings for an issuance of bonds by the County Commissioners, Lorain County, Ohio, in the sum of \$17,000 and \$20,000.....	1297
Right of—	
To borrow money to provide for the maintenance of County Tuberculosis Hospital, until March 1, 1915.....	984
To contract with the Ohio Sanatorium for the care of tuberculosis patients	1096
To designate newspapers in which the report of such Commissioners shall be published.....	1432
To reduce or increase amount of compensation and damages assessed by road viewers for the operating of a county road.....	1038
To replace paving on street and sidewalks destroyed by the construction of approaches to a bridge within a municipality.....	950
Rules applicable to County Commissioners to furnish blanks to applicants to register land titles.....	1323
State Institutions for Feeble Minded—Inmates—County to pay for inmates confined in State Institutions.....	191
Superintendent of Infirmaries—Civil Service examination—Removal from office	376
Taxes and taxation—Snyder Act—Construction of a permanent bridge to replace a temporary structure—Bond issue.....	113
The right of the County Commissioners to transfer from the county fund or from the proceeds of any other county tax levies to supply deficiencies in County Board of Education fund, in case there is no money available in the sheep fund.....	1206
To pay cost of removal and maintenance of a tuberculosis patient from a city of the county to a hospital owned by another city of that county	1047
Transcript of Proceedings—	
For the issuance of bonds for the County Commissioners of Montgomery County for road improvement purposes.....	1502
Of County Commissioners of Trumbull County relative to the issuance of bonds of said county in the sum of \$160,000.....	1319
Of the Commissioners of Columbiana County in the matter of a bond issue	1365
Under the Land Registration Act, are only required to furnish supplies as they in discretion deem necessary for the use of the Examiner of Titles	1134
When the Commissioners of a county file their financial report with the Common Pleas Court, the Court has full charge of such report—No provision is made for the disposition of such report.....	1471

	Page
COURT—	
Expert witness—Fees—Section 2494, G. C., must be complied with.....	43
Disposition of a lunatic held under a warrant for arrest.....	1642
COURT OF APPEALS—	
Circuit Court—Allowance for expenses to Judges of the Court of Appeals—Traveling expenses	241
Disposition of tax levy made by Board of Education of a Special School District where the proceedings for the formation of such district were declared void by the Court.....	1592
COURT OF COMMON PLEAS—	
Opinion to—	
When the Commissioners of a county file their financial report with the Common Pleas Court, the Court has full charge of such report—No provision is made for the disposition of such report....	1471
COURT OF RECORD—	
Mileage for testifying to an officer authorized to take depositions—Mileage allowed a witness for testifying in a Court of Record—No conflict between Sections 3016 to 3018 and 4555, G. C.....	812
CREDITS—	
Foreign corporations—Circumstances under which credits arising from business done by foreign corporations may be taxed in Ohio—Goods held in stock by such corporations.....	1578
CRIMES—	
Indeterminate sentence law—Effect as to prisoners sentenced, after its becoming effective, for crimes committed prior to that time—Habeas corpus proceedings—Power of courts to impose indeterminate sentences	745
CRIMINAL CASES—	
Fees of Assistant Constables are to be paid in each separate case at rate of \$1.50 per day in criminal cases.....	55
Witness fees—Fees of expert witnesses—State not to reimburse the county for payment of such fees.....	58
CRIMINAL PROCEEDING—	
An application by or on behalf of the Humane Society for appointing guardian under Sections 10081 et seq., G. C., is a civil and not a criminal proceeding—Witness fees.....	1681
Right of a Justice of the Peace to receive one dollar for sitting in a trial in a criminal proceeding where no defense is interposed—Where a judicial examination is held.....	1403
CUBEB CIGARETTES—	
Sale of cubeb cigarettes illegal in certain cases.....	1140
CULVERT—	
The cost of a culvert to carry water across the street to be considered a part of the cost of street improvement.....	1737

	Page
CUMULATIVE VOTING—	
Banks and banking-----	445
CURRICULUM—	
A High School diploma is not legal if the person was never a member of a High School or never performed the work which would entitle him to a diploma-----	1259
CUSTODIAN—	
Disposition of bond given by depository bank under Sections 4295, 4296, 4515, 4516, G. C-----	1639
CUSTODY OF FUNDS—	
Free Turnpike Road Commissioners—County Commissioners—County Auditor—Road improvement -----	330
DAIRY AND FOOD DEPARTMENT—	
Opinion to—	
State Sealer of Weights and Measures—Authority to test gas meter provers—Authority of Public Utilities Commission to test such meters -----	657
When hams and bacon are to be considered in package form-----	943
DAMAGES—	
Emergency Commission—County Commissioners—Repair of damages caused by flood-----	535
Highway Department represents State in construction of roads—State not liable for damages in accident-----	44
DAY LABORER—	
A person contracting to oversee a particular piece of work constructed by State Highway Department not within classified Civil Service—The same rule applies to day laborers-----	1459
DAY SCHOOL—	
Day school at Ohio Penitentiary—Prisoner not required to remain in one grade for the full period of forty weeks before taking promotional examination -----	1755
DAYTON FLOOD—	
Power of military authorities to purchase caskets—Contract—State to pay for such caskets as were used-----	79
Richmond Casket Company—Contract-----	245
DEBTS—	
Foreign corporations—Circumstances under which credits arising from business done by foreign corporations may be taxed in Ohio—Goods held in stock by such corporations-----	1578
Meaning of the words "well secured" as used in Section 9735, General Code, in reference to security for a debt-----	1482
DEED—	
Gift of property to city for library purposes—City may accept such gift--	611
Property purchased by church not exempt from taxes where a contract was entered into for the purchase, prior to the date on which a tax lien attaches, but no action taken thereon-----	1324

	Page
DE FACTO OFFICER—	
Board of Complaints holding office illegally—De jure officer—Appoint- ments invalid where all are made from a city of the county-----	1130
DEFICIENCY—	
State aid—Tuition fund -----	540
DE JURE OFFICER—	
Board of Complaints holding office illegally—De facto officers—Appoint- ments invalid where all are made from a city of the county-----	1130
DEPARTMENTS—	
Council has the right to delegate to heads of departments and to commit- tees of Council the right of approving claims-----	1447
DEPARTMENT OF PUBLIC SAFETY—	
City Manager of chartered city—Not required to regard seniority of service in reducing the number of positions in a department-----	798
DEPARTMENT OF PUBLIC SERVICE—	
Apportionment of total cost and expenses of special assessment improve- ment -----	1703
DEPARTMENT OF PURCHASE—	
Manner in which the Director of Public Service may make contracts in- volving more than five hundred dollars in the purchase depart- ment of a city-----	1372
DEPARTMENT REPORTS—	
Right of the City Auditor to subscribe for the publication of the Nemar Publishing Company, to wit, the Department Reports-----	1658
DEPENDENT CHILD—	
Children's Home—May not refuse to receive a child committed by Juvenile Court, except in certain cases—Juvenile Court—Guardianship of children—Right of Board of Trustees to contract with families for the care of children-----	751
DEPOSITARIES—	
County depositaries—Authority of County Commissioners to designate county depositaries—Bids for county funds—Additional adver- tisement—County Treasurer has authority with reference to de- positaries for county funds-----	92
DEPOSITION—	
Fees received by Probate Judge for taking deposition in will case do not belong to fee fund-----	1641
DEPOSITORS—	
Banks and Banking—	
Private banks—Stocks—Power of a private bank to hold stock in a State bank -----	162
Private bank changing to a National bank-----	447

DEPOSITORY—	Page
Board of Education must dispense with office of treasurer of school moneys when a depository has been provided.....	1133
Construction of Section 4782, General Code, in reference to the establishment of depositories for school funds of School Districts and the dispensing of the treasurers of the school moneys.....	1475
Disposition of an inter-county balance standing to the credit of a Township or District Board of Education—Compensation that may be allowed Township Clerk for time extended by him with State Examiner—How compensation of Treasurer is computed.....	1472
Disposition of bond given by depository bank under Sections 4295, 4296, 4515, 4516, G. C.....	1639
Memorial Building—Bond issue—Depository interest—General county Funds	200
Not necessary for school depository banks to give new bonds to bind sureties—Bonds	1765
Right of Title Guarantee and Trust Companies to act as depositories of county funds—Must receive deposits generally in the same manner as a bank—Not authorized to issue ordinary certificates of deposit—May issue certificates of shares in mortgage notes held by such company.....	1743
Section 13 of the Private Bank Act does not apply to municipal funds....	930
Sinking Fund Commissioners of a City School—Have no control in the selection of a depository for school money under their control....	1234
Union cemetery—Village cemetery—Cemetery funds.....	346
 DEPOSITORY LAW—	
State depository law—Insurance fund of Compensation Act of the State Liability Board of Awards—Amount that may be deposited in a private bank as an inactive deposit.....	594
 DEPOSITS—	
Banks and banking—Commercial Bank and Savings Bank—10% reserve to be maintained by such banks.....	874
Liquidation of a Building and Loan Association—Interest on deposits—Building and Loan Association depositing money with another Building and Loan Association—Rights.....	1020
 DEPUTIES—	
Civil Service—Heads of principal departments—Assistant Secretary.....	366
Deputy Sheriffs and Deputy Clerks may act in place of Sheriffs and Clerks	653
Persons in the Department of Auditor of State in the unclassified Civil Service	1379
 DEPUTY—	
Budget Commission—Right of Deputy to act on behalf of his principal—Mayor—President of Council.....	705
State Oil Inspector—Certificate to be placed on the wagon from which the oil is sold.....	696
 DEPUTY ASSESSOR—	
Civil Service—Fees—Tax Assessor—District Assessors—Women not eligible to office—Elector.....	226
Clerk of Board of Deputy State Supervisors of Elections—Tax Commission	738

DEPUTY AUDITOR—	Page
Offices compatible—Chief Clerk in the office of a District Assessor.....	182
DEPUTY CITY AUDITOR AND SECRETARY TO MUNICIPAL SERVICE COMMISSION—	
Offices incompatible—Deputy City Auditor and Secretary to the Municipal Civil Service Commission.....	383
DEPUTY CLERKS UNDER PROBATE JUDGE—	
Deputy Clerks under Probate Judge are in the unclassified service, such deputies being deputies within the meaning of Subdivision 8a of Section 8 of the Civil Service Act.....	1211
DEPUTY STATE SUPERVISORS OF ELECTIONS—	
Clerks—Registration city—Compensation	723
Compensation of Deputy State Supervisors of Election—Beginning of the year—Registration city—Election precinct—Compensation of the Clerk of the Deputy State Supervisors of Election.....	130
Compensation—Deputy State Supervisors of Elections and their Clerks...	691
Election expenses—Expenses to be charged back against political division—Expenses to be paid by the county.....	402
Not permitted to furnish nomination petitions to candidates at the expense of the county.....	926
Primary election not a general election.....	942
DEPUTY SHERIFF—	
May not receive compensation for use of automobile by himself or Sheriff—Public policy	774
Service of writs—Constable may not serve writs upon himself—Sheriff may not serve writs upon himself—Sheriff may serve writs on a Deputy Sheriff—Coroner may serve writs on a Sheriff.....	48
DESTITUTE PERSONS—	
Right of a township or village to incur indebtedness during an epidemic for the relief of destitute persons or for the prevention of the spread of disease.....	1615
DIPLOMA—	
A High School diploma is not legal if the person was never a member of a High School or never performed the work which would entitle him to a diploma.....	1259
DIRECTORS—	
Right of the Directors of Longview Hospital to pay for publicity campaign, relative to bond issue, from funds at their disposal.....	1419
DIRECTORS OF BANK—	
Banks and Banking—	
Financial condition of a bank—Examination of officers and agent to ascertain the financial condition of a bank—Method of conducting such an examination.....	32
Sale of shares of stock to pay balance due on same—Power of directors of banks to make such sale—Procedure to be followed...	86

DIRECTING COMMISSIONER—	Page
Panama-Pacific International Exposition—	
Authority of the Governor and Directing Commissioner to take full charge of the Ohio Exhibit at the Exposition.....	1497
Compensation—Voucher—Reimbursement	763
DIRECTOR OF PUBLIC SAFETY—	
Chief of Police—Right to suspend patrolman—Jurisdiction over patrolman	856
Fire insurance—Contract	704
Right of Council by ordinance or resolution to legally pay from city funds judgments made against public officers through false arrests—Regular patrolmen may receive additional compensation where they have worked more than the number of hours stipulated by the Director of Public Safety.....	1461
Right of the Director of Public Safety to receive a salary as clerk in the Public Safety Department.....	1425
DIRECTOR OF PUBLIC SERVICE—	
Bond issue—Street improvement—Council.....	456
Cannot delegate power of executing contracts to his secretary.....	1500
City Engineer—	
Assistant to City Engineer—Salaries—Resolution—Per diem—Public Policy—Compensation	287
Consulting Engineer—City Engineer may be compensated for assisting a Consulting Engineer.....	262
Civil Service—Appointing power—City Engineer—Janitor.....	603
Construction of a sewerage disposal plant ordered by the State Board of Health— Proper party in the city to enter into a contract of this kind	387
Construction work—Force account—Labor—Council.....	567
Duty of Director of Public Service to lay pipes and furnish other incidental connections for the purpose of furnishing water to fire hydrants—Connections to be furnished—Cost of repaving street torn up by waterworks department primarily chargeable to the waterworks fund. Council may direct, however, that it be charged against the street repair fund; such expense is not chargeable against the safety fund.....	993
Jurisdiction over public utilities.....	1785
Manner in which the Director of Public Service may make contracts involving more than five hundred dollars in the purchase department of a city.....	1372
Municipal corporation—Waterworks improvement—Manner in which contract for such improvement shall be entered into—Liability insurance—Premiums not to be paid from bond issue.....	639
Offices incompatible—Superintendent of waterworks and superintendent of light and power plant—The rule of incompatibility.....	837
Power of Director of Public Service of a city, under the provisions of Sections 4167, 4171 and 4172, General Code, to sell cemetery lots —Disposition of money received for said lots.....	1515
Power of Director of Public Service to make rules and regulations to insure collection of water, gas or electric rates.....	1761
Right of the Director of Public Service, or a Council of a municipality, to contract with a property owner for the construction of a sanitary sewer from his property.....	1392
Union cemetery—Land title.....	311

DISCIPLINE—	Page
Regulation of discipline in Colleges and Universities—Such matters may be regulated by faculty—Power may be delegated to president---	421
DISEASE—	
Right of a Township or Village to incur indebtedness during an epidemic for the relief of destitute persons or for the prevention of the spread of disease-----	1615
DISHONORED CHECK—	
Procedure to be followed by State Auditor, State Treasurer in handling dishonored checks—State department -----	268
DISTRICT ASSESSOR—	
Appointment of District Assessor under the Warnes Law—Salaries of such assessors -----	1595
Equipment—Automobile not included in equipment for District Assessor.	520
Offices compatible—Deputy Auditor—Chief Clerk in the office of a District Assessor -----	182
Offices incompatible—Village Health Officer-----	492
Powers and duties of District Assessors in increasing or reducing tax valuations—Board of Complaints—Power and duties, of Board of Complaints in increasing or decreasing tax valuations—Power of State Tax Commission-----	1539
Right of the District Tax Assessor to receive pay, as proprietor of a newspaper, for publication under Section 6252, General Code-----	1496
Warnes Tax Law—Board of Complaint—Traveling Expenses—Contingent expenses—Automobile hire -----	514
DISTRICT BOARD OF ASSESSORS—	
Plats for quadrennial appraisalment—Contract for the making of such plats must be entered into according to law—Moral obligation to pay for such maps and plats where the same are furnished on an illegal contract-----	808
DISTRICT BOARD OF COMPLAINTS—	
Board of Complaints holding office illegally—De facto officers—De jure officer—Appointments invalid where all are made from a city of the county -----	1130
In unclassified service-----	576
DISTRIBUTION OF PROPERTY—	
Taxes and taxation—Wrong distribution of taxable property—No remedy in such cases -----	411
DITCH PROCEEDING—	
Compensation and expenses to be allowed commissioners in such proceedings—One hundred day limit-----	1732
DIVIDENDS—	
Not necessary for administrator to file application to register title to realty when proceedings are instituted under Section 11922, G. C.	1735
Proper investment for an institution having Commercial and Savings Bank, Safe Deposit and Trust Company powers-----	1656
Superintendent of Banks has no authority to pay final dividend in the liquidation of a bank before the expiration of one year-----	1635

DIVORCE—	Page
Mothers' pension—Persons entitled to mothers' pension—Persons not entitled to mothers' pensions.....	885
DOCUMENT—	
Superintendent of Public Printing—The word "document" as used in Section 749, G. C., defined—Preservation of documents in the office of Public Printer.....	698
DOMESTIC SERVANTS—	
Workmen's Compensation Law.....	521
DRAGGING SUPERINTENDENT—	
Roads—Powers of Dragging Superintendent.....	491
DRINKING FOUNTAINS—	
Board of Trustees of Public Affairs—Right to charge for water used in watering trough or public drinking fountains in village street—City Hall	756
DRUG—	
Construction of Section 12664, General Code, in reference to poison and proprietary medicine deleterious to health.....	1061
DRUG CLERK—	
Sale of liquor by a drug clerk—Proprietor of a drug store—Penalty for illegal sale of liquor.....	118
DRUG STORE—	
Sale of liquor by a drug clerk—Proprietor of a drug store—Penalty for illegal sale of liquor.....	118
State Board of Pharmacy—Right to revoke certificate of pharmacist.....	397
DUE PROCESS OF LAW—	
County ditches—Inter-county ditches—Assessments—Procedure.....	477
DUPLICATE VOUCHERS—	
State insurance fund—Right of the Treasurer of State to pay duplicate vouchers issued by the Industrial Commission.....	1485
DUPLICATE WARRANT—	
Warrants of Auditor of State—Law does not authorize issuance of duplicate warrants—Treasurer cashes such warrants at his own risk	47
EASTERN STANDARD TIME—	
Steps necessary to establish Eastern Standard Time in the city of Cleveland—In the State of Ohio—Power of the Legislature in this respect—Power of the Legislative department of the city government	137
EARTHENWARE PIPE—	
State Board of Health—Plumbing regulation—Kinds of pipe that may be used	442

EDUCATION—	Page
Section 7748, G. C., providing for transportation of pupils who are required to go to a school more than four miles distant, does not apply to Village and City Boards of Education-----	1004
 EDUCATIONAL INSTITUTIONS—	
Eight-hour day on public works—Liability insurance—Educational institutions not included-----	283
 EIGHT-HOUR DAY—	
On public works—Liability insurance—Educational institutions not included -----	283
 ELECTORS—	
Necessary qualifications for head of Lima State Hospital-----	1167
Requirement of an initiative petition for an issuance of bonds for hospital purposes under Section 3947, General Code—Two-thirds vote required -----	1479
The expense of printing or mailing of copies of a proposed charter for the city of Cincinnati is not illegal, if authorized by Council-----	1455
 ELECTION—	
Amending bonds for sewerage system—Enacting ordinance on same—Bond issue -----	695
Compensation to Deputy State Supervisors of Election—Beginning of the year—Registration city—Election precinct—Compensation of the Clerk of the Deputy State Supervisors of Election-----	130
Compliance with the land registration law in actions in partition instituted on or after July 1, 1914—Compliance with this law when an election has been made-----	1322
County Commissioners not personally liable where they expend slightly more than \$15,000 for the construction of a county building, exclusive of fixtures, without submitting the question to a vote of the electors-----	1171
Deputy State Supervisors of Elections—Primary elections—Registration city—Compensation -----	723
Petition for municipal local option election under the Beal Law—When such petition may be entertained-----	1468
Primary election not a general election-----	942
Referendum petition—Submission at general election—Initiative petition—Submission at general election-----	1161
The Legislature of Ohio is the sole final and only judge of the election and qualification of its members-----	1646
 ELECTION DAY—	
Closing of saloons on election day-----	923
 ELECTION SUPPLIES—	
Election expenses—Expenses to be charged back against political division—Expenses to be paid by the county-----	402
 ELECTRICITY—	
Power of municipality to sell bonds for the purpose of erecting poles, wires and other fixtures for transmitting and distributing electric current purchased by such municipality from others-----	989

ELECTRIC CURRENT—	Page
Contract for purchase of electric current for a village must be made on behalf of the Village by the Council—Not by the Board of Trustees of Public Affairs.....	1045
Electric light plant—Right of a Village to sell electric current to a Township within the Village for the purpose of being resold by the partnership to another Village.....	937
Right of Village to issue bonds to pay for constructing pole line.....	1779
The right of a City or Village to enter in a contract whereby the City furnishes electric current to the Village—Such contract should conform to the provisions of Section 6, Article XVIII of the Constitution	769
ELECTRIC LIGHT AND POWER PLANT—	
Approval of the proceedings for the issuance by the Village of Cortland, Ohio, of certain bonds for the construction of an electric light and power plant.....	1423
ELECTRIC LIGHT COMPANY—	
No power in municipality to compel electric light company to permit such municipality to use poles of the light company for carrying wires	1750
Village Council—Ordinance—Franchise—Contract—Legal contract.....	468
ELECTRIC LIGHT PLANT—	
Board of Trustees of Public Affairs is the proper authority to enter into contracts for the Village electric light plant—Subject to statutory provisions with reference to competitive bidding.....	1094
Right of a Village to sell electric current to a Township within the Village for the purpose of being resold by the partnership to another Village	937
Transcript of proceedings including ordinance and resolutions adapted by Village Council of Mason, Ohio, in reference to bond issue in the construction of an electric light plant.....	1354
ELECTRIC RATE—	
Power of Director of Public Service to make rules and regulations to insure collection of water, gas or electric rates.....	1761
ELECTRIC RAILWAY—	
Assessment of Canal Lands—Assessment of electric railway whose lines parallel improvements made under Section 7407, G. C.—Farmer's land may not be assessed for such improvement—Collection of costs from abutting owners.....	1351
EMERGENCY—	
Erection of a new school building—Bond issue—Taxes and taxation.....	548
Poor relief—Power of County Commissioners to raise funds—Issuing of notes—Bond issue—Taxes and taxation.....	146
EMERGENCY REPAIRS—	
Emergency Commission—County Commissioners—Repair of damages caused by flood.....	535

EMPLOYES—	Page
Application of Section 1008, General Code, regulating hours of labor for women	1781
Civil Service Department—Legislative reference department—Unclassified service—Discharge of employes from public library—Offices compatible, Clerk of the House and Director of Legislative Reference Department	660
Compulsory compensation act—Formation of mutual insurance companies by employers—Insurance Commissioner should supervise formation of such association.....	27
Contract—Mine owner—Miners riding (trips).....	510
Municipal council, only, has power to fix salary of Sinking Fund Trustees	1772
Not legal for a person to resign an office and thereafter be appointed to fill his own vacancy.....	1764
Officers and employes of the Archaeological and Historical Society not under Civil Service.....	506
Ordinance of city of Toledo, providing that employes of the departments of the city government shall be paid the prevailing wage rate extant in the city, does not comply with Section 4214, General Code	1469
Power of the Board of Library Commissioners to appoint employes in the Ohio State Library.....	117
State Civil Service Commission has no authority to pay witness fees—Police officer not entitled to witness fees—City Clerk under Civil Service—Secretary and Assistant to Director of Public Service subject to non-competitive examination.....	74
Village Council—Power to fix salaries and approve bonds of employes of villages—Village Boards of Public Affairs have the power to employ persons to do the work of the Village.....	20
Workmen's Compensation Act—Employer—Who within Compensation Act	542
 EMPLOYER—	
Analysis of the decision of Judge Day of the Federal District Court of Northern District of Ohio, in construing Section 21-2 of the Workmen's Compensation Act.....	65
Compulsory Compensation Act—Formation of mutual insurance companies by employers—Insurance Commissioner should supervise formation of such association.....	27
Payment into the State Insurance Fund—How payment should be made..	544
Power of the Industrial Commission in reference to employers carrying their own insurance under Section 22 of the Workmen's Compensation Act—Medical attendance, hospital and nursing service..	1556
Women may work for two different employers so long as they do not work more than fifty-four hours per week.....	1113
Workmen's Compensation Act—Employe—Who within Compensation act	542
 EMPLOYMENT—	
Child labor—Prohibited in certain institutions until certain age is reached —Permitted in other kinds of employment when the schools of the district in which such child resides are not in session.....	831
Civil Service Act—An officer who is appointed for a definite period fixed by the appointing power, if in the classified service, his employment does not terminate at the expiration of his appointed term of office.....	1664

EMPLOYMENT OF MINORS—	Page
Juvenile code—Schooling certificate—Telephone operator.....	98
 EMPLOYMENT AGENCY—	
Charitable organizations—Charge for services rendered—Former opinion reversed	95
Fee for renewal of license must be paid annually.....	629
Y. M. C. A.—Y. W. C. A.—Teacher's agency—Charitable institutions....	325
 EMPLOYER'S LIABILITY—	
Eight-hour day on public works—Liability insurance—Educational institutions not included.....	283
 EMPLOYER'S LIABILITY ACT—	
Political subdivision—Application of this law not regulated by the number of employes in political subdivisions.....	250
 ENGINE—	
Under the provision of Section 12556, G. C., it is not necessary that the twenty-five miles that an engine may run without cars and without train crew be in one direction; it may be calculated as going to and returning from a given point.....	1368
 ENGINEER—	
City Engineer—Right to act as Consulting Engineer.....	341
Referee—Public water supply—Contingent fund.....	309
State Highway Commissioner—Right to send assistants out of the state to conduct investigations relative to the best methods of road construction	710
Village Council—Contract—Right to hire an engineer—Pay roll—Referendum on pay roll.....	261
 EPIDEMIC—	
Right of a Township or Village to incur indebtedness during an epidemic for the relief of destitute persons or for the prevention of the spread of disease.....	1615
School attendance should not be determined, under Section 7730, General Code, at a time when there is an epidemic prevailing in the school	1742
 ESTATE—	
Collateral inheritance tax—Valuing estate—Collateral relatives—Massachusetts ruling—Rule for determining value of estate.....	815
Workmen's Compensation Act—The right of administrator or personal representative to receive a balance where the award has not been fully paid to the injured employe.....	778
 EQUIPMENT—	
Automobile not included in equipment for District Assessor.....	520

	Page
EXAMINATION—	
Civil Service—Chiefs of Police and Fire Chiefs not required to take Civil Service examination—Continuance in office.....	380
Civil Service Act—Civil Service Commission may not hold promotional examination where only one person is eligible for such examination	1653
Private bank—Inspection fee—Stationery—Inspection—State Banking Department—Private Bank Act	192
School examiners—School examination—Compensation.....	642
EXAMINATION OF BANKS—	
Banks and banking—Financial condition of a bank—Examination of officers and agents to ascertain the financial condition of a bank—Method of conducting such an examination.....	32
EXAMINER—	
Probate Judge—Examiners of the County Treasury—Appointment of such examiners	655
Torrens Land Act—Examiners not subject to Civil Service regulations...	1298
EXAMINER OF TITLES—	
County Commissioners, under the land registration act, are only required to furnish supplies as they in their discretion deem necessary for the use of the Examiner of Titles.....	1134
Right of Common Pleas Court to appoint attorney, a non-resident of the county as Examiner of Titles—Right of such Examiner of Titles to represent parties in proceedings in reference to land titles	1091
EXCISE TAX—	
When a corporation going out of business is not liable for excise tax....	1697
EXECUTIVE COMMITTEE—	
No person in the classified service may serve as a member of an executive committee of a political party.....	1213
EXECUTIVE OFFICERS—	
Annual session of National Children's Home Society—Expenses of delegates from State Board of Charities may be legally paid.....	49
EXECUTION—	
Construction of act of the Legislature creating Municipal Court of Cincinnati—Limitation of the power and jurisdiction of magistrates outside of Cincinnati in similar cases.....	1621
EXEMPTION—	
Condemnation of a school building by the State Building Inspector—Levies for the necessary repairs are not entitled to exemptions..	1516
Finnish Working People's Society—Building exempt from taxation.....	398
Under the exemption provision of the inheritance tax law, nieces and nephews must be of the blood of the decedent.....	1420
EX-MAYOR—	
Newspaper—City printing—Ex-mayor of city may be owner of newspaper doing such printing.....	385

EXPENSES—	Page
City Council—Municipal Civil Service—Salary.....	524
Ditch proceedings—Compensation and expenses to be allowed commissioners in such proceedings. One hundred day limit.....	1732
Fees—Inheritance tax—Collection of taxes.....	344
Industrial Commission may pay necessary expenses of advisors appointed by it—Such expenses to be paid from fund for maintenance.....	1186
State Board of Accountancy required to pay state moneys into the State Treasury	1597
 EXPENDITURE OF MONEY—	
Approval of acts by the Governor involving expenditure of money by the Agricultural Commission	1754
 EXPERT WITNESS—	
Fees—Section 2494 G. C., must be complied with.....	43
Witness fees—Fees of expert witnesses—State not to reimburse the county for payment of such fees.....	58
 EXPERIMENT STATION—	
Ohio State University Professors may be employed at Experiment Station during vacation	507
 EX-POST FACTO LAW—	
Indeterminate sentence law—Effect as to prisoners sentenced—After its becoming effective, for crimes committed prior to that time—Habeas corpus proceedings—Powers of courts to impose indeterminate sentences.....	745
 EXPRESS COMPANIES—	
Railroad companies—Sale of steamship or railroad tickets to and from foreign countries—Personally conducted parties.....	665
When a corporation going out of business is not liable for excise tax....	1697
 EXTRADITION—	
Costs of the proceeding on a fugitive from justice—Where such costs are chargeable	1015
 FACULTY—	
Regulation of discipline in Colleges and Universities—Such matters may be regulated by faculty—Power may be delegated to president....	421
 FALSE ARRESTS—	
Right of Council by ordinance or resolution to legally pay from city funds judgments made against public officers through false arrests—Regular patrolman may receive additional compensation where they have worked more than the number of hours stipulated by the Director of Public Safety.....	1461
 FAIR GROUNDS—	
Power of County Commissioners to liquidate an indebtedness of the County Agricultural Society when such indebtedness has been caused by placing improvements on fair grounds.....	952

	Page
FAIRMONT MAGISTERIAL DISTRICT—	
Bond—Not to be classed as county bonds under Section 9778, General Code -----	701
FEATHERS—	
Mattress inspection law—Labeling of pillows not required by law-----	814
FEDERAL CENSUS—	
Liquor License Board—Saloons in Township regulated by population----	35
FEDERAL EMPLOYER'S LIABILITY ACT—	
Construction of Section 51 of the Workmen's Compensation Act in reference to common carriers by rail engaged in Interstate Commerce coming under Workmen's Compensation Act-----	1611
FEDERAL PENSION—	
Right of one pensioned by the Federal government to draw blind relief—Ohio Blind Relief Laws-----	1303
FEDERAL RESERVE BANK—	
A national bank surrendering its charter ceases to be a member of the Federal Reserve Bank-----	1648
FEEES—	
Articles of incorporation of the Workman's Aid Association of Toledo should be filed by the Secretary of State-----	51
Attachment cases—Amount of costs to be taxed against defendant—Jury trial in any such cases—Fees for magistrates, constables, jurors--	1035
Boiler Inspector's certificate—Fee to be paid before certificate is issued..	807
Costs of the proceeding on a fugitive from justice—Where such costs are chargeable -----	1015
County Coroner not justified in holding inquests over bodies of persons who lost their lives in the flood of 1913-----	1529
Disposition of a lunatic held under a warrant for arrest-----	1642
Employment agencies—Fee for renewal of license must be paid annually..	629
Inheritance tax—Collection of taxes-----	344
Judgments against municipal corporations should be paid out of Sinking Fund—Attorneys' fees -----	1777
Lost fees—Sheriff's bill for lost fees—What it shall include—What it shall not include-----	119
Of Assistant Constables are to be paid in each separate case at rate of \$1.50 per day in criminal cases-----	55
Railroad policemen's bond—Where to be filed—Filing fee-----	1
Right of Mayor of a city having no police force to issue a warrant in a State case, directed to the Sheriff of a county—Right of the Sheriff, called on by Chief of Police to assist in making an arrest, to a fee—Compensation of assistants used by Chief of Police—Automobile hire—Policemen may retain fees received in State cases -----	1246
Rules to be followed in determining the valuation of an estate for inheritance tax where the value of the separate interests is such as to make exemptions exhaust the estate-----	1426

	Page
FEES—Concluded—	
State case—Expenses of police department incurred in State cases to be paid by county—Fees to be received by Chief of Police—Serving of warrant by patrolman—Fees for same.....	449
Service of writs—Constable may not serve writs upon himself—Sheriff may not serve writs upon himself—Sheriff may serve writs on on a Deputy Sheriff—Coroner may serve writs on a Sheriff.....	48
That should be collected by the Clerk of the Court for registration of titles to real estate.....	1146
Village Council—Compensation to Mayor—Marshal—Fees and costs.....	536
 FEE BILL—	
Banks and banking—Trust funds—Assets and liabilities—Taxes and taxation—Tax	195
 FELONY—	
Indeterminate sentence law—Maximum and minimum sentence—Powers of Parole Board—Concurrent sentences.....	160
Lost fees—Sheriff's bill for lost fees—What it shall include—What it shall not include.....	119
Power of Board of Administration to parole a prisoner confined in the Ohio Penitentiary who has been previously convicted of a felony.....	1102
Power of the Board of Administration to parole a prisoner who has been previously convicted in another state, or sentenced for an offense which is a felony in Ohio.....	1329
Railroad policemen—Duties—May collect reward offered by County Commissioners	107
 FIFTEEN MILL LIMITATION—	
Taxes and taxation—Smith Law—Ten mill limitation—Sinking Fund—Interest levy	708
 FIFTY-FOUR HOUR LAW—	
Women may work for two different employers so long as they do not work more than fifty-four hours per week.....	1113
 FILING CASES—	
County Commissioners must provide suitable cases for safe keeping and preservation of books; also furnish necessary stationery to Probate Judge	1690
 FILTRATION PLANT—	
Ordinance providing for a bond issue for installation of pure water system ordered by State Board of Health, not subject to referendum when bond issue is to carry out an order of the State Board of Health.....	1679
 FINANCIAL REPORT—	
When the Commissioners of a county file their financial report with the Common Pleas Court, the Court has full charge of such report—No provision is made for the disposition of such report.....	1471

FINES—	Page
Agricultural Commission Act—Disposition of fines, fees and costs as provided by Section 114 of said act—To what fees the costs refer to in above section—Disposition of fines as provided by Section 1313, General Code, under prosecutions brought by the Agricultural Commission in enforcement of laws relating to the practice of pharmacy.....	1218
Disposition of fines assessed and collected by the Judge of the Probate Court or Common Pleas Court exercising the jurisdiction of the Juvenile Court	1630
Mayor of the Village—Liquor License Law—Judgment—Fees.....	266
 FINES AND PENALTIES—	
Under House Bill No. 33, amending Section 30, the balance of the fines and penalties is to be paid monthly to the Treasurer of the city of Cincinnati, Ohio.....	631
 FINNISH WORKING PEOPLE'S SOCIETY—	
Building exempt from taxation.....	398
 FINDING A PRISONER GUILTY—	
Prisoner—Pleading guilty same as convicted.....	23
 FIRE APPARATUS—	
Bond issue under Longworth Act for the purchase of automobile hose truck	1512
 FIRE CHIEF—	
Civil Service—Chiefs of Police and Fire Chiefs not required to take Civil Service examination—Continuance in office.....	380
Offices compatible—Fire Chief and Village Clerk.....	123
 FIRE DEPARTMENT—	
Section 4505, G. C., not repealed.....	692
 FIRE HYDRANT—	
Duty of Director of Public Service to lay pipes and furnish other incidental connections for the purpose of furnishing water to fire hydrants—Connections to be furnished—Cost of repaving street torn up by waterworks department primarily chargeable to the waterworks fund. Council may direct, however, that it be charged against the street repair fund—such expense is not chargeable against the safety fund.....	993
 FIRE INSURANCE—	
Director of Public Safety—Contract.....	704
 FIRE MARSHAL TAX—	
Construction of the terms "gross premium receipts," as used in Section 841, General Code, providing for so-called Fire Marshal Tax....	1516
 FIREMEN—	
Sanitary police pension fund included within Workmen's Compensation Act	1092

	Page
FIREMEN'S PENSION FUND—	
Establishment of firemen's pension fund—Abolition of firemen's pension fund—Ordinance	667
Resolution—The right of the widow of one who has been a beneficiary to participate in a firemen's pension fund.....	919
FIRST AID WORK—	
Mine rescue car—Transportation of such car free of charge by railroads..	828
FIREWOOD—	
Operation of steam boiler—When such boiler is exempt from inspection under Section 1058-7, G. C.....	1187
FISCAL YEAR—	
Expense of a Common Pleas Judge—Maximum amount allowable—	
Definition of year as used in Section 2253, G. C.....	71
FIVE ACRE LIMIT—	
Purchases of land for cemetery purposes—Amount of land that may be purchased	1139
FIVE MILL LIMITATION—	
A city, the greater limits of which are coextensive with the boundaries of a Township, may make levies for Township purposes under provision of Section 5649-3a, G. C.—Such levies are governed by the two mill limitation—Levies for public health—Poor relief and correctional purposes not levies for Township purposes—	
Status of Justice of the Peace under Section 1747, et seq., G. C..	1228
FRANCHISE—	
No power in municipality to compel electric light company to permit such municipality to use poles of the light company for carrying wires	1750
Village—Telephone company franchise—Telephone company cannot be compelled to maintain the rate agreed upon in the ordinance granting the franchise—Right to use village streets—Public Utilities Commission may fix reasonable rates.....	775
Village Council—Ordinance—Contract—Legal contract.....	468
FRANCHISE TAX—	
State Fire Marshal Tax—Method of calculation of such tax.....	643
Vandalia Railroad Company not liable for the payment of excise or franchise tax—Rolling stock used by this railroad company in Ohio on the tracks of another railroad taxable as property—Such railroad company to report as a railroad company and a public utility to the Tax Commission of Ohio.....	1358
FREE TURNPIKE—	
Free Turnpike Road Commissioners—Custody of funds—County Commissioners—County Auditor—Road improvement.....	330

	Page
FLOODS—	
Circumstances under which it is the duty of County Commissioners to repave approaches to bridges and relay sidewalks in a city where such bridges were destroyed by flood—City must pay for damage to abutting property owners where grade of the bridge is changed	1440
County Coroner not justified in holding inquests over bodies of persons who lost their lives in the flood of 1913.....	1529
Emergency Commission—County Commissioners—Repair of damages caused by flood.....	535
FOREIGN CORPORATION—	
Circumstances under which credits arising from business done by foreign corporations may be taxed in Ohio—Goods held in stock by such corporations	1578
Exemption of property of foreign corporations in Ohio under Section 192, General Code.....	1561
Retirement from business of a foreign corporation—What contemplated by such retirement.....	1172
Right of the Tax Commission to require foreign corporations to report to the Commission a list of their Ohio stockholders, as a part of their annual report.....	1409
FOREIGN EXCHANGE BANK—	
Not subject to supervision of Superintendent of Banks of Ohio.....	1610
FOREIGN INSURANCE COMPANY—	
When taxable bonds deposited by foreign insurance company with Superintendent of Insurance are taxable in Franklin County, Ohio.....	1714
FOREIGN STATES—	
Liability Board of Awards—Liability insurance—On whom liability insurance should be paid—Laborers employed in foreign states.....	294
FOREIGN TRUST COMPANIES—	
Taxation of Ohio municipal bonds deposited with the State Treasurer by foreign trust companies as security.....	1197
FOREIGN WILL—	
Qualification of a foreign trust company to act as trustee in a foreign will	1636
FORFEITURE OF OFFICE—	
Member of Council—Removal from ward.....	467
FORM—	
Transcript of the proceedings for the issuance of bonds of Sandusky County, Ohio, and a form of bond issue in pursuance thereof....	1366
FORMATION OF MUTUAL INSURANCE COMPANIES—	
Compulsory Compensation Act—Formation of mutual insurance companies by employers—Insurance Commissioner should supervise formation of such association.....	27

FOWLS—DOMESTIC—	Page
Power of Municipal Board of Health to regulate the keeping of poultry--	1397
FUGITIVE FROM JUSTICE—	
Costs of the proceeding on a fugitive from justice—Where such costs are chargeable -----	1015
FUNDS—	
How funds may be paid out of the County Treasury—Right of the Judge of the Common Pleas Court to order furnishings for room in Court House -----	1617
Longview Hospital—Appropriation—Maintenance fund—Appropriation for ordinary repairs and improvements—Board of Administration -----	143
Right of the Directors of Longview Hospital to pay for publicity campaign, relative to bond issue, from funds at their disposal-----	1419
Right of Title Guarantee and Trust Companies to act as depositories of county funds—Must receive deposits generally in the same manner as a bank—Not authorized to issue ordinary certificates of deposit—May issue certificates of shares in mortgage notes held by such company-----	1743
Transfer of territory from one Rural or Village School District to another—Distribution of funds when such transfer is made—Apportionment of indebtedness when such transfer is made-----	1333
FUNDING BONDS—	
Bond issue—Funding bonds to replace notes issued in anticipation of the collection of special assessments—Status of such bonds—Notes issued in anticipation of the collection of special assessments—Issuing of such bonds and notes before the anticipated levy is actually levied -----	897
FUNERAL EXPENSES—	
Children's Home—Assignment of children from such a home-----	648
FURNITURE—	
State Liquor Licensing Board—Fixtures and supplies—County Liquor Licensing Board -----	198
GAME PRESERVES—	
State Agricultural Commission—Right to purchase real estate for the purpose of reforestation and for establishing game preserves----	1251
GAS—	
Board of Administration—Gas line—State lands-----	276
State Sealer of Weights and Measures—Authority to test gas meter provers—Authority of Public Utilities Commission to test such meters -----	657
GAS PIPE—	
Proceedings for the establishment of county road instituted by commissioners -----	1643

	Page
GAS RATE—	
Power of Director of Public Service to make rules and regulations to insure collection of water, gas or electric rates.....	1761
GARNISHEE—	
Attachment cases—Amount of costs to be taxed against defendant—Jury trial in any such cases—Fees for magistrates, constables, jurors..	1035
Juror fees in justice cases—Deposit of juror fees—Garnishee cases—Security for costs.....	126
GENERAL ASSEMBLY—	
Budget Commission—Disposition of funds of the State Board of Embalming Examiners—Appropriation	52
Circuit Court—Court of Appeals—Allowance for expenses to Judges of the Court of Appeals—Traveling expenses.....	241
Member of General Assembly eligible to appointment to office of County Superintendent of Schools.....	427
Salaries—The manner in which salaries are to be paid—When salaries are to be paid—Mileage.....	214
Steps necessary to establish Eastern Standard Time in the city of Cleveland—In the State of Ohio—Power of the Legislature in this respect—Power of the Legislative Department of the City Government	137
Warrants of Auditor of State—Law does not authorize issuance of duplicate warrants—Treasurer cashes such warrants at his own risk	47
GENERAL ELECTION—	
Primary election not a general election.....	942
Special election—When a petition is signed by twenty per cent. of the electors such election may not be held if regular election occurs not later than ninety days after the petition is filed—Referendum petition	837
GERMAN NEWSPAPER—	
Publication of ordinances and resolutions of a general nature in municipalities—Publication in newspapers of opposite politics—Publication in German newspaper—Posting.....	1178
GIFT—	
Of property to city for library purposes—City may accept such gift.....	611
GINSENG—	
Ginseng constitutes a growing crop within the meaning of taxing statutes —To be listed as personal property.....	1180
GIRLS' INDUSTRIAL SCHOOL—	
Appointment by Probate Court of a woman as Special Probate Officer to convey a girl to the Girls' Industrial School at Delaware, O.—Compensation	1275

GOVERNOR—	Page
Approval of acts by the Governor involving expenditure of money by the Agricultural Commission.....	1754
Approval of the proceedings for the issuance by the village of Cortland, Ohio, of certain bonds for the construction of an electric light and power plant.....	1423
Budget Commission—Disposition of funds of the State Board of Embalming Examiners—Appropriation	52
District Board of Complaints in unclassified service.....	576
Indeterminate sentence—Power of the Governor under indeterminate sentence law	1588
Opinion to—	
Necessary qualifications for head of Lima State Hospital.....	1167
Offices incompatible—Trustee of the Kent Normal School and member of State Board of Administration.....	89
Ohio National Guard—Right of Sheriffs, Mayors and Judges to call out the National Guard in certain cases—Power of the Governor in reference to the National Guard.....	1141
Panama-Pacific International Exposition—Authority of the Governor and the Directing Commissioner to take full charge of the Ohio Exhibit at the Exposition.....	1497
GRADE CROSSINGS—	
Certificate—Appropriated funds—County Commissioners—Railroad company	740
GRAND JURY—	
Service of writs—Constable may not serve writs upon himself—Sheriff may not serve writs upon himself—Sheriff may serve writs on a Deputy Sheriff—Coroner may serve writs on a Sheriff.....	48
GREAT NORTHERN LIFE INSURANCE COMPANY—	
Insurance—Reinsurance of unmaturred policies—Discontinuance of business by insurance company—Policy holder.....	588
GREENLUND LIQUOR LICENSING ACT—	
State Liquor Licensing Board—Vacancy on the County Board—Such vacancy to be filled by appointment—Civil Service.....	263
“GROSS PREMIUM RECEIPTS”—	
Construction of the term “gross premium receipts,” as used in Section 841, General Code, providing for so-called Fire Marshal Tax.....	1516
GROSS RECEIPTS—	
When a corporation going out of business is not liable for excise tax....	1697
GROUND—	
Under the provisions of Section 3585, G. C., a plat of ground subdivided for sale when recorded becomes a sufficient conveyance to vest in a municipal corporation the fee of the grounds designated for street or other public ways.....	1272
GROWING CROP—	
Ginseng constitutes a growing crop within the meaning of taxing statutes—To be listed as personal property.....	1180

	Page
GUARDIAN—	
An application by or on behalf of the Humane Society for appointing guardian under Secs. 10081 et seq., G. C., is a civil and not a criminal proceeding—Witness fees.....	1681
Land registration—Guardian filing suit to sell an undivided interest in realty should not ask for registration of such undivided interest..	1148
Support of inmates of insane asylums—Husband obliged to support his wife, if he is able.....	187
HABEAS CORPUS PROCEEDINGS—	
Indeterminate sentence law—Effect as to prisoners sentenced, after its becoming effective, for crimes committed prior to that time— Power of courts to impose indeterminate sentences.....	745
HALF MILL TAX—	
Taxes and taxation—When State Highway Commissioner may use annual half mill tax levied for road improvement.....	699
HAMS—	
When hams and bacon are to be considered in package form.....	943
HAMILTON COUNTY LAW LIBRARY ASSOCIATION—	
Under House Bill No. 33, amending Section 30, the balance of the fines and penalties is to be paid monthly to the Treasurer of the city of Cincinnati, Ohio.....	631
HARRIS COUNTY HOUSTON SHIP CHANNEL NAVIGATION DISTRICT OF HARRIS COUNTY, TEXAS—	
Bonds of the St. Francis Levee District of Arkansas and the bonds of the H. C. H. S. C. N. D. of Harris County, Texas, not county bonds	1002
HEADS OF PRINCIPAL DEPARTMENTS—	
Civil Service—Deputies—Assistant secretary.....	366
HEALTH OFFICER—	
A person appointed and acting as Health Officer in a village may be appointed Superintendent of Waterworks of such village—Right of the Health Officer of a village to become Superintendent of Public Works on termination of his service as Health officer....	1257
Civil Service—Official holding over—Non-competitive examination.....	365
Village Board of Health—Right of Health Officer to carry provisions to quarantined persons	500
HEATING SYSTEM—	
State Armory Board—Installation of heating system—Payment for same —Powers of Armory Board.....	87
"HERETOFORE" AND "HEREAFTER"—	
Construction of "heretofore" and "hereafter" as used in Section 5649-2, General Code	577

HIGH SCHOOL—	Page
A high school diploma is not legal if the person was never a member of a high school or never performed the work which would entitle him to a diploma.....	1259
Transportation of high school pupils. Laws regulating such transportation	362
HIGHWAYS—	
Disposition of the surplus in a road improvement fund created by a bond issue—County Commissioners have no right to transfer a surplus in a special or established fund in a county to a fund for the building of a new road.....	1382
HIGHWAY DEPARTMENT—	
Highway Department represents State in construction of roads—State not liable for damages in accident.....	44
HIGHWAY FUNDS—	
Highway Department—Right to expend Highway Funds for the publication of a monthly magazine.....	1019
HIGHWAY IMPROVEMENT—	
Roads—Bond issue—Smith Law—10 mill limitation—Longworth Act—Main market road—Hite Road Law.....	781
HITCHING POST—	
Right of municipality to compel replacing a hitching post originally placed by property owner.....	755
HOLIDAY—	
Saturday half holiday—Presentment and payment of instruments—Law not changed by amendment of Section 5978, G. C.....	18
HOME RULE AMENDMENT—	
Board of Health of the city of Cleveland (created by charter) must yield to the general laws when in conflict with them.....	1022
Status of municipalities and townships in counties voted dry under county local option law.....	1454
HOOF AND MOUTH DISEASE—	
Authority of the Agricultural Commission of Ohio to take means of exterminating rabbits for the purpose of preventing the spread of contagious diseases among live stock.....	1532
HORSE THIEVES—	
Organization for the detection and arrest of horse thieves—Right of members of such organization to carry concealed weapons.....	1039
HOSPITAL—	
City of Youngstown may not borrow money to reimburse certain hospitals for losses incurred by them in caring for the sick poor of the city, under a certain contract, the effect of which is considered	1775

	Page
HOSPITAL—Concluded—	
County Commissioners to pay cost of removal and maintenance of a tuberculosis patient from a city of the county to a hospital owned by another city of that county.....	1047
Power of the Industrial Commission in reference to employers carrying their own insurance under Section 22 of the Workmen's Compensation Act—Medical attendance, hospital and nursing service....	1556
Workmen's Compensation Act—Hospitals, country clubs, etc., come within the purview of this act.....	292
HOSPITAL SITE—	
Selection of a City Hospital site—Bond issue.....	364
HOTEL—	
Workmen's Compensation Law—Domestic servants.....	521
HOURS OF LABOR—	
Application of Section 1008, General Code, regulating hours of labor for women	1781
HOURS OF LABOR FOR WOMEN—	
Women may work for two different employers so long as they do not work more than fifty-four hours per week.....	1113
HOUSE DRAIN—	
House sewers—Plumbers—Sewer men—Line of demarkation between the work of plumbers and sewer men.....	139
HUMANE AGENT—	
Offices compatible—Humane Society Agent—Probation officer.....	345
Powers and duties.....	1730
Removal of Humane Agent from office—Procedure necessary.....	503
HUMANE SOCIETY—	
An application by or on behalf of the Humane Society for appointing guardian under Secs. 10081, et seq., G. C., is a civil and not a criminal proceeding—Witness fees.....	1681
Humane Agents—Powers and duties.....	1730
HUNTING LAW—	
Jurisdiction of Juvenile Court over boys under eighteen years of age arrested for violation of the hunting law.....	1430
HUNTING SEASON—	
Authority of the Agricultural Commission of Ohio to take means of exterminating rabbits for the purpose of preventing the spread of contagious diseases among live stock.....	1532
HUSBAND AND WIFE—	
Support of inmates of insane asylums—Husband obliged to support his wife, if he is able.....	187

ILLEGAL SALE OF LIQUOR—	Page
Liquor License Law—Intoxicating liquor—Conviction of licensee does not follow a license into hands of the transferee.....	121
IMPROVEMENT—	
Lot owner can only be assessed for actual foot frontage abutting on improvement	1782
INACTIVE DEPOSITS—	
State Depository Law—Insurance fund of Compensation Act of the State Liability Board of Awards—Amount that may be deposited in a private bank as an inactive deposit.....	594
INACTIVE DEPOSITARIES—	
County depositories—Authority of County Commissioners to designate county depositories—Bids for county funds—Additional advertisement—County Treasurer has authority with reference to depositories for county funds.....	92
INCORPORATORS—	
Powers under charter—Charter must be fully complied with—Commercial bank—Trust company.....	85
INCREASE IN SALARY—	
Term of office—Village Treasurer.....	355
INCUMBENT—	
Civil Service—	
Incumbents under Section 10 of the Civil Service Act.....	601
Official holding over—Non-competitive examination—Health Officer..	365
INDEBTEDNESS—	
Power of County Commissioners to liquidate an indebtedness of the County Agricultural Society when such indebtedness has been caused by placing improvements on Fair Grounds.....	952
Right of a township or village to incur indebtedness during an epidemic for the relief of destitute persons or for the prevention of the spread of disease.....	1615
Transfer of territory from one Rural or Village School District to another—Distribution of funds when such transfer is made—Apportionment of indebtedness when such transfer is made.....	1333
INDETERMINATE SENTENCE—	
Effect as to prisoners sentenced, after its becoming effective, for crimes committed prior to that time—Habeas Corpus proceedings—	
Power of courts to impose indeterminate sentences.....	745
Maximum and minimum sentence—Powers of Parole Board—Concurrent sentences	160
Parole prisoners—Former imprisonment in a penal institution—Indeterminate Sentence Law.....	156
Power of the Governor under Indeterminate Sentence Law.....	1588

INDUSTRIAL COMMISSION OF OHIO—	Page
An analysis of the decision of Judge Day of the Federal District Court of the Northern District of Ohio, in construing Section 21-2 of the Workmen's Compensation Act.....	65
Oil and gas wells—In coal regions maps should be filed with Chief Inspector of Mines showing the location of such wells.....	888
Opinion to—	
Alternating current—Regulation and use in mines.....	410
Application of Section 1008, General Code, regulating hours of labor for women	1781
Approval of the proceedings for the issuance by the village of Cortland, Ohio, of certain bonds for the construction of an electric light and power plant.....	1423
Boiler Inspector's certificate—Fee to be paid before certificate is issued	807
Boiler inspection fee not a preferred claim.....	1015
Charitable institutions—Charge for services rendered—Employment agency—Former opinion reversed.....	95
Chief Inspector of Mines—His duties relating to oil and gas wells on lands interlaid with workable seams of coal.....	877
Child labor—Prohibited in certain institutions until certain age is reached—Permitted in other kinds of employment when the schools of the district in which such child resides are not in session	831
Compulsory Compensation Act—Formation of mutual insurance companies by employers—Insurance Commissioner should supervise formation of such association.....	27
Construction of Section 51 of the Workmen's Compensation Act in reference to common carriers by rail engaged in Interstate Commerce coming under Workmen's Compensation Act.....	1611
Contract—Mine owner—Employee—Miners riding (trips).....	510
Employment agencies—Fee for renewal of license must be paid annually	629
Five or more workmen employed by an independent contractor on federal building within the purview of the Workmen's Compensation Act	1189
In case of injury, employe of news company entitled to compensation out of State insurance fund, if his employer has complied with the Workmen's Compensation Act.....	1192
Industrial Commission may pay necessary expenses of advisers appointed by it—Such expenses to be paid from fund for maintenance	1186
Juvenile code—Employment of minors—Schooling certificate—Telephone operator	98
Liability Board of Awards—Liability insurance—On whom liability insurance should be paid—Laborers employed in foreign states..	294
Liability insurance—Interstate and Intrastate Commerce—Employers engaged in transporting cargoes on the Great Lakes are within the purview of the Ohio Workmen's Compensation Act.....	300
Mattress Inspection Law—Labeling of pillows not required by law..	814
Mine rescue car—Transportation of such car free of charge by railroads	828

INDUSTRIAL COMMISSION OF OHIO—Continued—

Opinion to—Continued—	Page
No authority to hold an application for an award barred by compromise where the contract of release was for a less sum than that to which the employe was entitled under said act.....	1533
Operation of steam boiler—When such boiler is exempt from inspection under Section 1058-7, General Code.....	1187
Power of the Industrial Commission in reference to employers carrying their own insurance under Section 22 of the Workmen's Compensation Act—Medical attendance, hospital and nursing service.....	1556
Right of the Industrial Commission to review the action of the State Board of Censors in refusing to review motion picture films	1048
Road improvement bonds—Supplemented transcript of the proceedings for an issuance of bonds by the County Commissioners, Lorain County, Ohio, in the sum of \$17,000 and \$20,000.....	1297
Sanitary police pension fund included within Workmen's Compensation Act	1092
State insurance fund—Right of the Treasurer of State to pay duplicate vouchers issued by the Industrial Commission.....	1485
Supplement to Opinion No. 1205.....	1365
Transcript of Proceedings—	
And copy of resolution in form of opinion for bond issue for Rural School District, Springfield Township, Ross County, Ohio	1358
For the issuance by Council of city of Niles, Ohio, of bonds in anticipation of the collection of special assessments for the improvement of streets in said city.....	1367
For the issuance of bonds of Columbiana County, issued in anticipation of the collection of taxes and assessments levied in Fairfield Township on account of improvement of inter-county highway	1370
For the issuance of bonds for the County Commissioners of Montgomery County for road improvement purposes.....	1502
For the issuance of bonds of Sandusky County, Ohio, and a form of bond issue in pursuance thereof.....	1366
For bond issue for the village of Hudson, Ohio, for paving of streets in said village.....	1371
Including ordinance and resolutions adopted by Village Council of Mason, Ohio, in reference to bond issue in the construction of an electric light plant.....	1354
Of Council of the village of Niles, Ohio, in the matter of the issuance of bonds for the improvement of streets in said village	1419
Of Council of the village of West Carrollton, Ohio, for bond issue for construction of storm sewers.....	1327
Of the Council of the village of West Carrollton, Ohio, in the matter of the issuance of bonds for the improvement of certain streets therein.....	1320
Of the Council of the village of Grandview Heights in the matter of bonds issued for street improvements.....	1353
Of the Commissioners of Columbiana County in the matter of a bond issue	1365

INDUSTRIAL COMMISSION OF OHIO—Concluded—

Opinion to—Concluded—	
Transcript of Proceedings—Concluded—	Page
Of the County Commissioners of Columbiana County in the matter of bond issue for the improvement of inter-county highways	1497
Of County Commissioners of Huron County, Ohio, in the matter of the issuance of certain bonds under the provisions of the State Highway Law.....	1321
Of County Commissioners of Trumbull County relative to the issuance of bonds of said county in the sum of \$160,000.....	1319
Women may work for two different employers so long as they do not work more than fifty-four hours per week.....	1113
Workmen's Compensation Act—	
Employer—Employee—Who within Compensation Act.....	542
Hospitals, country clubs, etc., come within the purview of this act	292
The right of administrator or personal representative to receive a balance where the award has not been fully paid to the injured employe	778
Workmen's Compensation Law—Domestic servants.....	521
Young Men's Christian Association—Young Women's Christian Association—Teacher's agency—Employment agency—Charitable institutions	325
Payment into the State insurance fund—How payment should be made...	544
Warrants of Auditor of State—Law does not authorize issuance of duplicate warrants—Treasurer cashes such warrants at his own risk	47

INITIATIVE PETITION—

Referendum petition—Submission at general election—Submission at general election	1161
Requirement of an initiative petition calling for an issuance of bonds for hospital purposes under Section 3947, General Code—Two-thirds vote required	1479
Ordinance for the purpose of a bond issue is ineffective where it is submitted for an initiative petition and fails to receive a two-thirds vote in its favor.....	1503

INHERITANCE TAX—

Collateral inheritance tax—Valuing estate—Collateral relative—Massachusetts ruling—Rule for determining value of estate.....	815
Construction of phrase: "In which said tax originates"—Real estate—Personal property	333
Fees—Collection of taxes.....	344
Interpretation of the terms of a will for the purpose of determining inheritance tax	1342
Rules to be followed in determining the valuation of an estate for inheritance tax where the value of the separate interests is such as to make exemptions exhaust the estate.....	1426
Under the exemption provision of the inheritance tax law, nieces and nephews must be of the blood of the decedent.....	1420

INJURY—	Page
Defective machinery—Municipal corporation—Powers of a city to compensate for injuries received.....	190
INJURED EMPLOYEE—	
Workmen's Compensation Act—The right of administrator or personal representative to receive a balance where the award has not been fully paid to the injured employe.....	778
INMATE—	
State Institutions for Feeble-Minded—County to pay for inmates confined in State institutions.....	191
Support of inmates of insane asylums—Husband obliged to support his wife, if he is able.....	187
INQUESTS—	
County Coroner not justified in holding inquests over bodies of persons who lost their lives in the flood of 1913.....	1529
INSANITY—	
State Board of Pharmacy—Right to revoke certificate of pharmacist.....	397
INSPECTOR OF BUILDING AND LOAN ASSOCIATIONS—	
Opinion to—	
Liquidation of a Building and Loan Association—Interest on deposits—Building and Loan Association depositing money with another Building and Loan Association—Rights.....	1020
Right of a Building and Loan Association to regulate initiation fees to be paid by persons becoming borrowing or non-borrowing members	1483
Savings and loan—Foreign savings and loan company—The right to advertise in Ohio.....	335
INSPECTION—	
Institutions—Caring of children—Powers of State Board of Charities....	221
INSPECTION FEE—	
Private bank—Stationery—Inspection—State Banking Department—Private Bank Act.....	192
Right of a Building and Loan Association to regulate initiation fees to be paid by persons becoming borrowing or non-borrowing members	1483
INSPECTION OF SAVINGS AND LOANS—	
Savings and loan—Foreign savings and loan company—The right to advertise in Ohio.....	335
INSTALLMENT BANK—	
Right of a correspondent bank to charge out of the account of an installment bank any indebtedness of installment bank to correspondent bank	1652

INSURANCE—	Page
Contract of the Champion Register Company covering financial loss sustained by fire amounts to insurance.....	1773
Right of foreign insurance companies to write Ohio policies indemnifying physicians against mal-practice.....	996
When taxable bonds deposited by foreign insurance company with Superintendent of Insurance are taxable in Franklin County, Ohio....	1714
INSURANCE COMPANY—	
Acceptance by religious corporation of gift in return for an annuity, not classed as insurance.....	1655
Articles of incorporation—"Blue Sky" Law—Insurance companies—Commissions—Capital stock	147
Construction of the term "gross premium receipts," as used in Section 841, General Code, providing for so-called Fire Marshal Tax....	1516
INSURANCE COMMISSIONER—	
Articles of incorporation—"Blue Sky" Law—Insurance companies—Commissions—Capital stock	147
INSURANCE CONTRACT—	
Contract—Insurance contract under Ohio laws—"Business of Insurance".....	584
INSURANCE PREMIUM—	
Payment into the State insurance fund—How payment should be made....	544
INTER-COUNTY HIGHWAY—	
Organizing Township into a road district—Township Trustees are not entitled to compensation for such service—Township Treasurer—Township road district funds—State Aid Highway Law.....	801
Transcript of Proceedings—	
For the issuance of bonds of Columbiana County, issued in anticipation of the collection of taxes and assessments levied in Fairfield Township on account of improvement of Inter-county Highway	1370
Of the County Commissioners of Columbiana County in the matter of bond issue for the improvement of Inter-county Highway....	1497
INTEREST—	
Collateral Inheritance Tax Law—Method of levying inheritance tax—Collecting the same—Fees—County Treasurer—County Auditor—Auditor of State—Probate Judge.....	204
Disposition of interest on the proceeds of a bond issue for the purpose of constructing a County Memorial Building.....	1450
Liquidation of a Building and Loan Association—Interest on deposits—Building and Loan Association depositing money with another Building and Loan Association—Rights.....	1020
Memorial building—Bond issue—Depository interest—General county funds	200
INTEREST LEVY—	
Taxes and taxation—Smith Law—10 mill limitation—15 mill limitation—Sinking fund	708

	Page
INTERSTATE COMMERCE--	
Construction of Section 51 of the Workmen's Compensation Act in refer- ence to common carriers by rail engaged in Interstate Commerce coming under Workmen's Compensation Act.....	1611
Liability insurance--Interstate and Intrastate Commerce--Employers en- gaged in transporting cargoes on the Great Lakes are within the purview of the Ohio Workmen's Compensation Act.....	300
INTERURBAN RAILROADS--	
Construction of Section 51 of the Workmen's Compensation Act in refer- ence to common carriers by rail engaged in Interstate Commerce coming under Workmen's Compensation Act.....	1611
INTOXICATING LIQUOR--	
Sale of liquor by a drug clerk--Proprietor of a drug store--Penalty for illegal sale of liquor.....	118
INTRASTATE BUSINESS--	
The Coney Island Amusement Company--The Coney Island Transpor- tation Company--Receipts from this business intrastate in char- acter	916
INTRASTATE COMMERCE--	
Liability insurance--Interstate and Intrastate Commerce--Employers en- gaged in transporting cargoes on the Great Lakes are within the purview of the Ohio Workmen's Compensation Act.....	300
INVENTORY--	
Collateral inheritance tax--Executor--Payment--Real estate--How valua- tion should be made.....	395
IRREDUCIBLE DEBT--	
Distribution of school funds at the rate of thirty dollars for each teacher employed--Music teachers employed in more than one district are to be counted as teachers in each district in which they are employed--Average daily attendance of pupils in distri- bution of common school funds to be computed on basis of legal school year--Interest on common school fund money--Distribu- tion of school funds under Section 7600, G. C.....	1071
JANITOR--	
Civil Service--Appointing power.....	603
City Engineer	603
JANE M. CASE HOSPITAL--	
Collateral Inheritance Tax--Taxes and Taxation--Bequest--Aged Ladies' Home	210
JUDGE OF COMMON PLEAS COURT--	
Disposition of fines assessed and collected by the Judge of the Probate Court or Common Pleas Court exercising the jurisdiction of the Juve- nile Court	1630
Right of the chief justice to assign a judge of the Common Pleas Court to hold court in any county of the state--Compensation and expenses of a judge so holding court.....	1057

	Page
JUDGE DAY'S OPINION—	
An analysis of the decision of Judge Day of the Federal District Court of the Northern District of Ohio, in construing section 21-2 of the Workmen's Compensation Act.....	65
JUDGE OF JUVENILE COURT—	
Opinion to—	
All persons committed to any institution under the control and management of the Ohio Board of Administration shall be considered as committed to the control, custody and care of such board—Commitment by Juvenile Court of delinquent boys to the Boys' Industrial School shall be made as before the passage of the Juvenile Research Act—Sections 1841-1, et seq., 2087 and 2093, G. C., apply as before the passage of the Juvenile Research Act.....	1421
JUDGE OF MUNICIPAL COURT (PRESIDING)—	
Judge of the Municipal Court of Cincinnati—	
No finding should be made against Judge of the Municipal Court of Cincinnati for salary earned before January 1st, 1914.....	1601
JUDGE OF MUNICIPAL COURT—	
Police judge made presiding judge of Municipal Court may receive additional compensation—Such compensation not to be received until the organization of the court, January 1st, 1914.....	821
JUDGE OF PROBATE COURT—	
Disposition of fines assessed and collected by the Judge of the Probate Court or Common Pleas Court exercising the jurisdiction of the Juvenile Court	1630
JUDGMENT—	
City Council—Authority to authorize confession of judgment for damages caused by the wrongful act of a police officer.....	859
Construction of act of the legislature creating Municipal Court of Cincinnati—Limitation of the power and jurisdiction of magistrates outside of Cincinnati in similar cases.....	1621
Mayor of the village—Liquor License Law—Fines—Judgment—Fees....	266
JUDGMENTS—	
Judgments against municipal corporations should be paid out of sinking fund—Attorneys' fees:.....	1777
JUDICIAL EXAMINATION—	
Right of a Justice of the Peace to receive one dollar for sitting in a trial in a criminal proceeding where no defense is interposed—Where a judicial examination is held.....	1403
JUDICIAL SALE—	
When lands were sold at judicial sale in the month of March, 1914, the taxes for 1914 are not payable from the proceeds of the sale.....	1396
JUROR FEES—	
Juror fees. in justice cases—Deposit of juror fees—Garnishee cases—Security for costs.....	126

JURY TRIAL--	Page
Attachment cases—Amount of costs to be taxed against defendant—Jury trial in any such cases—Fees for magistrates, constables, jurors----	1035
JUSTICE OF PEACE—	
Fees of assistant constables are to be paid in each separate case at rate of \$1.50 per day in criminal cases-----	55
Jurisdiction of Juvenile Court over boys under eighteen years of age arrested for violation of the hunting law-----	1430
Juror fees in justice cases—Deposit of juror fees—Garnishee cases—Security for costs-----	126
Mayor of the village—Liquor License Law—Fines—Judgment—Fees----	266
Municipal Court created by charter declared by courts to be without jurisdiction in state matters—Fees justice of peace entitled to for hearing state cases—Right of Justice of the Peace to receive such fees from the city -----	1214
Right of a Justice of the Peace to receive one dollar for sitting in a trial in a criminal proceeding where no defense is interposed—Where a judicial examination is held-----	1403
JUVENILE CODE—	
Institutions—Inspection—Caring of children—Powers of State Board of Charities -----	221
JUVENILE COURT—	
All persons committed to any institution under the control and management of the Ohio Board of Administration shall be considered as committed to the control, custody and care of such board—Commitment by Juvenile Court of delinquent boys to the Boys' Industrial School shall be made as before the passage of the Juvenile Research Act—Sections 1841-1, et seq., 2087 and 2093, G. C., apply as before the passage of the Juvenile Research Act-----	1421
Appointment of Juvenile Court Constable—Validity of such appointment	357
Allowance under Mothers' Pension Law—When same becomes available	845
Children's Home—May not refuse to receive a child committed by Juvenile Court, except in certain cases—Juvenile Court—Guardianship of children—Dependent children—Right of Board of Trustees to contract with families for the care of children-----	751
Disposition of fines assessed and collected by the Judge of the Probate Court or Common Pleas Court exercising the jurisdiction of the Juvenile Court -----	1630
Judge of the Juvenile Court—How designated—Length of term of such judge -----	646
Jurisdiction of Juvenile Court over boys under eighteen years of age arrested for violation of the hunting law-----	1430
Jurisdiction of Juvenile Court over a boy ceases when he is committed by the court to the Boys' Industrial School-----	1757
Manner in which State Board of Charities may assume charge of placing of inmates with the trustees of county children's home-----	1759
Offices compatible—Humane Society Agent—Probation Officer-----	345
Payment of contingent expenses incident to the administration of the Mothers' Pension Law—From what fund such expenses are payable	1042

JUVENILE COURT—Concluded.	Page
Power of Juvenile Court to recall children previously committed by it to a children's home—Power of trustees of children's home to remove a child from a foster home.....	1673
JUVENILE RESEARCH ACT—	
All persons committed to any institution under the control and management of the Ohio Board of Administration shall be considered as committed to the control, custody and care of such board—Commitment by Juvenile Court of delinquent boys to the Boys' Industrial School shall be made as before the passage of the Juvenile Research Act—Sections 1841-1, et seq., 2087 and 2093, G. C., apply as before the passage of the Juvenile Research Act.....	1421
KENT STATE NORMAL SCHOOL—	
Agricultural building and training school—Restriction contained in 1913 appropriation bill as to the amount to be spent on agricultural building and training school not carried in 1914 appropriation bill..	934
Contract—Architect—Appropriation	605
KILPATRICK ACT—	
Budget Commission—Effect of decision, State ex rel. Pogue vs. Groom—Work completed by Budget Commission prior to Sept. 15, 1914—Change of personnel of Budget Commission—Prosecuting Attorney member of Budget Commission.....	1241
LABOR—	
Director of Public Service—Construction work—Force account—Council.	567
Eight-hour day on public works—Liability insurance—Educational institutions not included.....	283
Workmen's Compensation Act—Employer—Employee—Who within compensation act	542
LABORERS—	
Civil Service—Heads of principal departments—Deputies—Assistant secretary	366
Liability Board of Awards—Liability insurance—On whom liability insurance should be paid—Laborers employed in foreign states....	294
Private employment agency—Contract with railroad companies to furnish labor	1084
LAKE VIEW CEMETERY ASSOCIATION—	
Lake View Cemetery Association of Cleveland, Ohio, not exempt from taxation upon lands which it holds and which are being used with a view to profit—Residence of cemetery superintendent exempt from taxation.....	1435
LAND—	
Lake View Cemetery Association of Cleveland, Ohio, exempt from taxation upon lands which it holds and which are being used with a view to profit—Residence of cemetery superintendent exempt from taxation	1435
Ohio University lands held under lease prior to 1843 subject to revaluation—Rents for such lands.....	1566

	Page
LAND—Concluded—	
Purchases of land for cemetery purposes—Amount of land that may be purchased	1139
When lands were sold at judicial sale in the month of March, 1914, the taxes for 1914 are not payable from the proceeds of the sale....	1396
LAND OWNER—	
Duty of land owners or tenants to destroy noxious weeds growing on public roads abutting lands of such owners or tenants—Proceedings where such land owners or tenants fail to destroy such noxious weeds	1215
LAND REGISTRATION ACT—	
All papers in proceedings to sell real estate under the Land Registration Law should be delivered to the County Recorder—Where Land Registration Law applies, Probate Court to have care of all papers and records belonging to that court—Land Registration Law applies only to those cases instituted on or subsequent to July 1, 1914.....	1195
Compliance with the Land Registration Law in actions in partition instituted on or after July 1, 1914—Compliance with this law when an election has been made.....	1322
County Commissioners, under the Land Registration Act, are only required to furnish supplies as they in their discretion deem necessary, for the use of the Examiner of Titles.....	1134
Entries Clerk of Courts should make—Expense of registration—County Recorder—Costs arising out of registration.....	1559
Land registration—Guardian filing suit to sell an undivided interest in realty should not ask for registration of such undivided interest..	1148
Not necessary for administrator to file application to register title to realty when proceedings are instituted under Section 11922, G. C.	1735
Right of Common Pleas Court to appoint attorney, a non-resident of the county as Examiner of Titles—Right of such Examiner of Titles to represent parties in proceedings in reference to land titles....	1091
Rules applicable to County Commissioners to furnish blanks to applicants to register land titles.....	1323
LEADERS—	
Ohio Board of Censors is not required to furnish leaders or stamps of approval before motion picture films are publicly exhibited.....	1375
LEASE—	
Canal Land Department—Renewing leases along the Canal in the city of Cincinnati	553
Granted by Board of Public Works for water rights—Renewal clause....	1723
Ohio University lands held under lease prior to 1843 subject to revaluation—Rents for such lands.....	1566
Proceedings for the establishment of county road instituted by Commissioners	1643
LEAVE OF ABSENCE—	
Teacher's pension—Leave of absence cannot be counted as service for the amount of pension to which teacher is entitled.....	617

	Page
LEGAL NOTICE—	
Publication of legal notice—Where such legal notice may be published—	
Rate to be paid for publication of such notice.....	633
LEGISLATURE—	
The Legislature of Ohio is the sole final and only judge of the election	
and qualification of its members.....	1646
LEGISLATIVE POWER—	
Council has the right to delegate to heads of departments and to commit-	
tees of Council the right of approving claims.....	1447
LEGISLATIVE REFERENCE BUREAU—	
Civil Service department—Legislative reference department—Unclassified	
service—Discharge of employees from public library—Offices	
compatible, Clerk of the House and Director of Legislative Ref-	
erence Department	660
LIABILITY BOARD OF AWARDS—	
Liability insurance—On whom liability insurance should be paid—Laborers	
employed in foreign states.....	294
State Depository Law—Insurance fund of Compensation Act of the	
State Liability Board of Awards—Amount that may be deposited	
in a private bank as an inactive deposit.....	594
LIABILITY INSURANCE—	
Eight-hour day on public works—Educational institutions not included...	283
Interstate and Intrastate Commerce—Employers engaged in transporting	
cargoes on the Great Lakes are within the purview of the Ohio	
Workmen's Compensation Act.....	300
Liability Board of Awards—On whom liability insurance should be paid	
—Laborers employed in foreign states.....	294
Municipal corporation—Waterworks improvement—Manner in which con-	
tract for such improvement shall be entered into—Premiums not	
to be paid from bond issue.....	639
LIBRARY—	
Proper custodian of library funds—City Treasurer—How bills for main-	
tenance of library must be paid—City Auditor.....	939
LIBRARY FUNDS—	
May not be received and distributed by the trustees of a city or village	
library, under provisions of Sec. 4300, G. C.....	1762
"LIBRARY STAFF"—	
Definition of the term "library staff" as used in subdivision 6 (a) of	
Section 8 of the Civil Service Act—Public library in city of Cin-	
cinnati is a county institution.....	1507
LICENSE—	
Automobile display—Distinctive number not required in certain cases....	1129
Board of Park Commissioners—License for automobile and motorcycles	
used by this department.....	773

	Page
LICENSE—Concluded—	
Employment agencies—Fee for renewal of license must be paid annually.	629
Liquor License Law—Intoxicating liquor—Conviction of licensee does not follow a license into hands of the transferee.....	121
Mandamus—Chattel loan business.....	324
No power to regulate chattel loan license.....	1749
Organization for the detection and arrest of horse thieves—Right of members of such organization to carry concealed weapons.....	1039
Plumbing ordinance—Right of the village to regulate the plumbing connected with the extension of the waterworks system to a suburb of said village—Village has no right to prevent bill posting.....	894
Right of persons to offer to dispose of stock or stock certificates without license—Right of persons residing in foreign states to offer to dispose of stock and stock certificates in Ohio.....	1151
LICENSEE—	
Liquor License Law—Intoxicating liquor—Conviction of licensee does not follow a license into hands of the transferee.....	121
LIEN—	
Banks and banking—Interpretation of Section 744-6, known as the Kennedy Private Bank Act.....	29
LIEUTENANT-GOVERNOR GREENLAND—	
State Senator—Salary—Resignation—Appointment to State office— Lieutenant-Governor	172
LIFE INSURANCE—	
Articles of incorporation—Insurance—Certificate—Corporation.....	229
Companies organized under the laws of Ohio assuming the business of a company organized under the laws of another state—Procedure to be followed.....	1104
LIGHT FUND—	
Transfer of unexpended light fund to water fund of a village—Circumstances under which such transfer may be made—Village water works	1340
LIMA STATE HOSPITAL—	
Necessary qualifications for head of Lima State Hospital.....	1167
LIQUIDATING DEPARTMENT—	
Emploes of liquidating department of State Banking Department are subject to the provisions of the Civil Service Act.....	1619
LIQUIDATION—	
Banks and banking—Private bank changing to a national bank.....	447
LIQUIDATION DEPARTMENT—	
Authority of Auditor of State to check out and examine Department of Superintendent of Banks.....	1753
LIQUIDATION OF A BUILDING AND LOAN ASSOCIATION—	
Interest on deposits—Building and Loan Association depositing money with another Building and Loan Association—Rights.....	1020

	Page
LIQUIDATION OF BANK—	
Superintendent of Banks has no authority to pay final dividend in the liquidation of a bank before the expiration of one year.....	1635
LIQUOR—	
Petition for municipal local option election under the Beal Law—When such petition may be entertained.....	1468
LIQUOR LICENSE—	
Liquor License Law—Saloon keeper—Saloon license—Failure to pay saloon license—Levy—Penalty	185
Official census is to be used to determine the number of saloons that may be permitted in a particular subdivision.....	909
LIQUOR LICENSING BOARD—	
Civil Service—Liquor Licensing Board—Entitled to two secretaries or clerks in the unclassified service.....	765
LIQUOR TRAFFIC—	
Speakeasies—Ordinance—Prosecutions must be made under the State law	84
LISTING BONDS FOR TAXATION—	
Taxes and taxation—Non-taxable bonds—Maturity.....	124
LIVE STOCK—	
Authority of the Agricultural Commission of Ohio to take means of exterminating rabbits for the purpose of preventing the spread of contagious diseases among live stock.....	1532
LOCAL OPTION ELECTIONS—	
Petition for municipal local option election under the Beal Law—When such petition may be entertained.....	1468
Status of municipalities and townships in counties voted dry under County Local Option Law—Home Rule Amendment.....	1444
LOCAL OPTION LAWS—	
Mayor of the village—Liquor License Law—Fines—Judgment—Fees.....	266
Sale of liquor by a drug clerk—Proprietor of a drug store—Penalty for illegal sale of liquor.....	118
LONGWORTH ACT—	
Approval of the proceedings for the issuance by the village of Cortland, Ohio, of certain bonds for the construction of an electric light and power plant	1423
Bond issue under Longworth Act for the purchase of automobile hose truck	1512
Bonds issued contrary to law in excess of the 1% limit—Bona fide holder—Duty to pay such bonds—Illegal to levy tax to pay such bonds where no obligation has been created.....	957
Municipal Road Districts—Taxes levied for special road improvement purposes—Township Trustees—Bond issue under Longworth Act—Council—Budget ordinance should be published.....	839

LONGWORTH ACT—Concluded—	Page
Taxes and taxation—Bond issue—Enlarging and improving a municipal waterworks plant—Sinking fund and interest levies—Ordinance—Longworth Act	932
LONGVIEW HOSPITAL—	
Appropriation—Maintenance fund—Appropriation for ordinary repairs and improvements—Board of Administration.....	143
Right of the Directors of Longview Hospital to pay for publicity campaign, relative to bond issue, from funds at their disposal.....	1419
LOST FEES—	
Sheriff's bill for lost fees—What it shall include—What it shall not include	119
LOVELAND LIGHT AND WATER COMPANY—	
Articles of incorporation of the L. L. & Water Co. disapproved—Forming a corporation for furnishing natural and artificial gas and electricity, heat and power—Right of such corporation to manufacture and deal in natural and artificial ice—Articles of incorporation	1107
LUNATIC—	
Disposition of a lunatic held under a warrant for arrest.....	1642
MACHINERY—	
Alternating current—Regulation and use in mines.....	410
Defective machinery—Injury—Municipal corporation—Powers of a city to compensate for injuries received.....	190
Operation of steam boiler—When such boiler is exempt from inspection under Section 1057, G. C.....	1187
MAGISTERIAL DISTRICT—	
Bond—Not to be classed as county bonds under Section 9778, General Code	701
MAGISTRATE—	
Construction of act of the Legislature creating Municipal Court of Cincinnati—Limitation of the power and jurisdiction of magistrates outside of Cincinnati in similar cases.....	1621
MAIN MARKET ROADS—	
Roads—Bond issue—Smith Law—10 mill limitation—Longworth Act—Hite Road Law.....	781
MAL-PRACTICE—	
Right of foreign insurance companies to write Ohio policies indemnifying physicians against mal-practice.....	996
MANDAMUS—	
License—Chattel loan business.....	324

	Page
MANDAMUS PROCEEDINGS—	
Duty of the City Solicitor to defend the Mayor in such proceeding—Powers of the Mayor to dismiss city officials—City Civil Service Commission	133
MANAGING OFFICERS—	
Civil Service—Board of Administration—Managing officers of institutions under control of the Ohio Board of Administration.....	712
MANSFIELD REFORMATORY—	
Arson—Power of Board of Administration to parole a prisoner convicted for arson from the Mansfield Reformatory.....	651
MAPS—	
Oil and gas wells—In coal regions maps should be filed with the Chief Inspector of Mines showing the location of such wells.....	888
Plats for quadrennial appraisalment—Contract for the making of such plats must be entered into according to law—Moral obligation to pay for such maps and plats where the same are furnished on an illegal contract.....	808
Under the provisions of Section 3585, G. C., a plat of ground subdivided for sale when recorded becomes a sufficient conveyance to vest in a municipal corporation the fee of the grounds designated for street or other public ways.....	1272
MARSHAL—	
Village Council—Compensation to Mayor—Fees and costs.....	536
Incumbents—Mayor—Temporary appointment—Street Commissioner—Incumbency	688
MATRON—	
Children's Home—Superintendent—Visiting agent—Offices incompatible..	272
MATTRESS INSPECTION LAW—	
Labeling of pillows not required by law.....	814
MAYOR—	
Appointment of cemetery trustees—Length of time such trustees should serve—Duties of the Mayor making these appointments.....	90
A Village Mayor is required to enforce an ordinance passed by Council of a village to prohibit the running of dogs at large, without permits, secured by the owners of the dogs, from the Mayor.....	1406
Budget Commission—Right of deputy to act on behalf of his principal—President of Council.....	705
Chief of Police in the classified service, under the new Civil Service Law—Right of the Mayor to appoint Chief of Police—Promotional appointment	1300
City ordinance—Mayor's veto—Pass ordinance over Mayor's veto—Vote necessary to pass ordinance over mayor's veto.....	238
Civil Service—	
Appointing power—City Engineer—Janitor.....	603
Chiefs of Police and Fire Chiefs not required to take Civil Service examination—Continuance in office.....	380

	Page
MAYOR—Concluded—	
Council—Power to compel the Mayor to enforce ordinances and resolutions	944
Incumbents—Temporary appointment—Street Commissioner—Marshal—Incumbency	688
Mandamus proceedings—Duty of the City Solicitor to defend the Mayor in such proceeding—Powers of the Mayor to dismiss city officials—City Civil Service Commission.....	133
Of the village—Liquor License Law—Fines—Judgment—Fees.....	266
Power of a Mayor to remove members of Council outside of a provision of Section 4238, G. C.—Removal for misconduct in office.....	1339
Right of Mayor of a city having no police force to issue a warrant in a State case, directed to the Sheriff of a county—Right of the Sheriff, called on by Chief of Police to assist in making an arrest, to a fee—Compensation of assistants used by Chief of Police—Automobile hire—Policemen may retain fees received in State cases	1246
Right of the Mayor of a city or village to arrest a person found violating an ordinance of a city or village, for the purpose of holding such person until a warrant may be obtained.....	1563
Village Council—	
Compensation to Mayor—Marshal—Fees and costs.....	536
Mayor may vote in case of a tie.....	307
MECHANICS LIEN LAW—	
Contractors doing county work—Filing of a statement mentioned in Section 3 of the Mechanics Lien Law with County Commissioners drawing estimates	1235
MEDICAL EXAMINER FOR STATE INDUSTRIAL COMMISSION—	
Offices incompatible—Member of a City Council.....	129
MEMBER OF BOARD OF ELECTIONS—	
Opinion to—	
Offices compatible—Member of Board of Election arbitrator between the village and Public Service Corporation.....	925
MEMBER OF COUNCIL—	
Contract—Right of Members of Council to be interested in contracts with the city—Pecuniary and financial nature of such contracts..	257
Power of a Mayor to remove members of Council outside of a provision of Section 4238, G. C.—Removal for misconduct in office.....	1339
MEMBER OF THE COUNTY BOARD OF EDUCATION—	
Member of the General Assembly—Right to serve upon County Board of Education	817
MEMBER OF GENERAL ASSEMBLY—	
Offices incompatible—Coroner and member of the General Assembly....	28
Right to serve upon County Board of Education.....	817
The Legislature of Ohio is the sole final and only judge of the election and qualification of its members.....	1646

MEMBER OF HOUSE OF REPRESENTATIVES—	Page
Offices incompatible—Coroner and member of the General Assembly-----	28
Opinion to—	
Automobile display—Distinctive number not required in certain cases	1129
Board of Health of the city of Cleveland (created by charter) must yield to the general laws when in conflict with them-----	1022
Construction of act of the Législature creating Municipal Court of Cincinnati—Limitation of the power and jurisdiction of magistrates outside of Cincinnati in similar cases-----	1621
Eligibility of women to hold certain offices in Ohio—Women only to have control of institutions taking care of the physical and moral welfare of women and children—Women not eligible to appointment as examiners of trained nurses-----	22
Member of General Assembly eligible to appointment to office of County Superintendent of Schools-----	427
Member of the General Assembly—Right to serve upon County Board of Education -----	817
Municipal corporation—Authority to provide for sanitary police pension fund -----	946
Number of times that a teacher's certificate covered by Sections 7845 and 7846, General Code, as amended, may be renewed-----	1295
Steps necessary to establish Eastern Standard Time in the city of Cleveland—In the State of Ohio—Power of the Legislature in this respect—Power of the legislative department of the city government -----	137
Teacher's pensions—Who entitled to such pensions-----	496
Village Council without right to provide pensions for volunteer firemen -----	511
MEMBER OHIO STATE SENATE—	
Opinion to—	
Offices compatible—Village Marshal—Village Health Officer-----	409
Ordinance defining a misdemeanor and imposing a penalty—Constitutionality of such an ordinance-----	766
State Board of Health—Plumbing regulation—Kinds of pipe that may be used-----	442
MEMBER STATE BOARD OF ADMINISTRATION—	
Offices incompatible—Trustee of the Kent Normal School and member of State Board of Administration-----	89
MEMORIAL BUILDING—	
Bond issue—Depository interest—General county funds-----	200
County Memorial Commission cannot legally expend more than \$250,000 for the erection of a Memorial Building under Section 3059, G. C.-----	1603
METER PROVER—	
State Sealer of Weights and Measures—Authority to test gas meter provers—Authority of Public Utilities Commission to test such meters -----	657
MIAMI AND ERIE CANAL—	
Abatement of a nuisance by the State Board of Health where the city Board of Health neglects or refuses to do so—Miami and Erie Canal at Cincinnati-----	1165

MIAMI UNIVERSITY—

Page

- Board of Trustees of Miami University—Legal transaction of business by such trustees..... 1684
- Eight-hour day on public works—Liability insurance—Educational institutions not included..... 283

MILEAGE—

- For testifying to an officer authorized to take depositions—Mileage allowed a witness for testifying in a court of record—No conflict between Sections 3016 to 3018 and 4555, General Code..... 812
- General Assembly—Salaries—The manner in which salaries are to be paid—When salaries are to be paid..... 214

MILITARY AUTHORITIES—

- Power of military authorities to purchase caskets—Contract—State to pay for such caskets as were used..... 79

MINES—

- Alternating current—Regulation and use in mines..... 410
- Contract—Mine owner—Employes—Miners riding (trips)..... 510

MINE RESCUE CAR—

- Transportation of such car free of charge by railroads..... 828

MINISTERIAL ASSOCIATION—

- Y. M. C. A.—Y. W. C. A.—Teacher's agency—Employment agency—Charitable institutions 325

MINORS—

- Jurisdiction of Juvenile Court over boys under eighteen years of age arrested for violation of the hunting law..... 1430
- Sale of cubeb cigarettes illegal in certain cases..... 1140
- The word "tobacco" as used in Section 12965, G. C., includes chewing tobacco 1678

MISCONDUCT IN OFFICE—

- Power of a Mayor to remove members of Council outside of a provision of Section 4238, G. C.—Removal for misconduct in office..... 1339

MISDEMEANOR—

- Ordinance defining a misdemeanor and imposing a penalty—Constitutionality of such an ordinance..... 766

MISDEMEANOR CASES—

- Lost fees—Sheriff's bill for lost fees—What it shall include—What it shall not include 119

MISTAKE—

- Of Clerk of Courts in certifying a prisoner—Effect of such mistake—Ohio State Reformatory—Ohio Penitentiary—Parole prisoner..... 170
- Ohio Board of Administration—Right to rescind mistake made by the Board of Managers of the Ohio Penitentiary..... 935

	Page
MONEY—	
Taxes on money belonging to the Wood, Wire and Metal Lathers' International Union	1119
How the moneys paid into the County Board of Education fund on account of the salaries of County and District Superintendents are to be paid—Such funds are automatically appropriated for the payment of such salaries and cannot be used for any other purpose—Transfers from the dog tax fund, under Section 5653, G. C.	1209
Right of the Board of Education to borrow money under Section 5656, General Code, to pay obligations incurred for furnishing the transportation of pupils, which the law requires to be furnished..	1394
MONTHLY MAGAZINE—	
Highway Department—Right to expend highway funds for the publication of a monthly magazine.....	1019
MOTHERS' PENSION—	
Costs incurred in proceedings under Mothers' Pension Act—Payment of such costs	1009
Juvenile Judge—Allowance under Mothers' Pension Law—When same becomes available	845
Payment of contingent expenses incident to the administration of the Mothers' Pension Law—From what fund such expenses are payable	1042
Persons entitled to mothers' pension—Persons not entitled to mothers' pension	885
Residence required in order to obtain mothers' pension—Legal residence of mothers applying for mothers' pension.....	921
The County Auditor shall issue a warrant upon the County Treasurer for the payment of mothers' pensions, as provided in Section 1683-9, G. C.....	1662
MOTORCYCLES—	
Board of Park Commissioners—License for automobile and mortocycles used by this department.....	773
MOTOR VEHICLE—	
Automobile display—Distinctive number not required in certain cases....	1129
Reduction of fees to certain owners of motor vehicles filed for registration after September 1, 1914.....	1149
Speed ordinance in a municipality—Power of municipal corporations to regulate speed of motor vehicles—Power of State to regulate such matters	57
MOVING PICTURE CENSORS—	
Not in classified service—Civil Service.....	574
Right of the Industrial Commission to review the action of the State Board of Censors in refusing to review motion picture films.....	1048
MOTION PICTURE FILMS—	
Ohio Board of Censors is not required to furnish leaders or stamps of approval before motion picture films are publicly exhibited.....	1375
Right of the Industrial Commission to review the action of the State Board of Censors in refusing to review motion picture films.....	1048

MUNICIPALITY—	Page
A municipality may not advertise for bids on a proposed improvement, after having offered bonds for sale, and receiving no bids therefor, and where the contractor would agree to take the bonds as a part of his contract.....	1393
Contract for purchase of electric current for a village must be made on behalf of the village by the Council—Not by the Board of Trustees of Public Affairs.....	1045
County Commissioners—Authority of County Commissioners to turn over to a municipality its share of the tax levy for road purposes—Authority to turn over its proportionate share of county bridge fund	864
Hitching post—Right of municipality to compel replacing a hitching post originally placed by property owner.....	755
Liquor Licensing Commission—Saloons—Number of liquor licenses that may be granted in a municipality.....	438
No power in municipality to compel electric light company to permit such municipality to use poles of the light company for carrying wires	1750
Not legally bound to pay for services to family physician who rendered services to quarantined persons, without contract with the municipality	1735
Right of village to issue bonds to pay for constructing pole line.....	1779
State Board of Health—Employment of a plumbing inspector in a municipality	873
The effect of the statute requiring the furnishing of a transcript by a municipality or other public body issuing bonds to the successful bidder of the bonds.....	1433
The right of a city or village to enter into a contract whereby the city furnishes electric current to the village—Such contract should conform to the provisions of Section 6, Article XVIII of the Constitution	769
Where a village that is supplied with water by a municipality has a water-works system	832
 MUNICIPALITIES—	
Newspaper publications—In municipalities where notices must be published in papers of opposite politics, a newspaper is entitled to publication so long as it does not demand more than the legal rate	1511
Road improvement—One mile limit—Application of Amended Section 6929, G. C., to residents of municipalities.....	240
 MUNICIPAL BOARD OF HEALTH—	
Power of Municipal Board of Health to regulate the keeping of poultry..	1397
State Plumbing Code—Private dwelling—Plumbing resolutions—Plumber's license	731
 MUNICIPAL BONDS—	
Taxation of Ohio municipal bonds deposited with the State Treasurer by foreign trust companies as security.....	1197
Village School District bonds not classed as municipal bonds.....	1098

	Page
MUNICIPAL CHARTER—	
Board of Health of the city of Cleveland (created by charter) must yield to the general laws when in conflict with them.....	1022
MUNICIPAL CIVIL SERVICE COMMISSION—	
City Council—Municipal Civil Service—Salary—Expenses.....	524
Right of Municipal Civil Service Commission to fix salaries of its employes—Powers of Council.....	1123
MUNICIPAL CIVIL SERVICE COMMISSION AND CERTAIN STATE, COUNTY AND CITY OFFICES—	
Municipal Civil Service—Right to hold another office in addition to that of Civil Service Commissioner.....	404
MUNICIPAL CIVIL SERVICE COMMISSIONER—	
Municipal Civil Service—Right to hold another office in addition to that of Civil Service Commissioner.....	404
MUNICIPAL CORPORATION—	
A city, the greater limits of which are coextensive with the boundaries of a Township, may make levies for Township purposes under provision of Section 5649-3a, G. C.—Such levies are governed by the two mill limitation—Levies for public health—Poor relief and correctional purposes not levies for Township purposes—Status of Justice of the Peace under Section 1747 et seq., G. C.	1228
Article XII, Section 11 of the Constitution as applied to bonds issued by a municipal corporation.....	682
Authority to provide for sanitary police pension fund.....	946
Bond issue—Funding bonds to replace notes issued in anticipation of the collection of special assessments—Status of such bonds—Notes issued in anticipation of the collection of special assessments—Issuing of such bonds and notes before the anticipated levy is actually levied	897
Bureau of Inspection and Supervision of Public Offices—Right to prescribe and require the installation of a system of accounting to be used in cities having a charter form of government.....	258
Municipal officers—Right to be interested or connected with contracting for supplies while in office.....	848
Municipal Road Districts—Taxes levied for special road improvement purposes—Township Trustees—Bond issue under Longworth Act—Council—Budget ordinance should be published.....	839
Power of municipality to sell bonds for the purpose of erecting poles, wires and other fixtures for transmitting and distributing electric current, purchased by such municipality from others.....	989
Right of member of the Board of Sinking Fund Trustees to sell goods to a city—Right of a person who owns stock in a corporation to sell to a city, to act as Sinking Fund Trustee.....	1250
Sinking Fund Trustees—Powers—Certificates of indebtedness—Reserve fund—Interest—Assessment	558
Speakeasies—Liquor traffic—Ordinances—Prosecutions must be made under the State law.....	84
Speed ordinance in a municipality—Power of municipal corporations to regulate speed of motor vehicles—Power of State to regulate such matters	57

	Page
MUNICIPAL CORPORATION—Concluded—	
Under the provision of Section 3585, G. C., a plat of ground subdivided for sale when recorded becomes a sufficient conveyance to vest in a municipal corporation the fee of the grounds designated for street or other public ways.....	1272
Village Council without right to provide pensions for volunteer firemen..	511
MUNICIPAL COURT—	
Construction of act of the Legislature creating Municipal Court of Cincinnati—Limitation of the power and jurisdiction of magistrates outside of Cincinnati in similar cases.....	1621
Created by charter declared by courts to be without jurisdiction in State matters—Fees Justice of Peace entitled to for hearing State cases—Right of Justice of the Peace to receive such fees from the city	1214
MUNICIPAL ELECTION—	
Appointment of cemetery trustees—Length of time such trustees should serve—Duties of the Mayor making these appointments.....	90
MUNICIPAL FUNDS—	
Section 13 of the Private Bank Act does not apply to municipal funds...	930
MUNICIPAL TAXES—	
A demand upon a County Auditor and Treasurer for advance payment of municipal taxes, before settlement, may be made only by the City Treasurer	1290
MUSIC TEACHERS—	
Distribution of school funds at the rate of thirty dollars for each teacher employed—Music teachers employed in more than one district are to be counted as teachers in each district in which they are employed—Average daily attendance of pupils in distribution of common school funds to be computed on basis of legal school year—Interest on common school fund money—Distribution of school funds under Sec. 7600, G. C.....	1071
NATIONAL BANK—	
A national bank surrendering its charter ceases to be a member of the federal reserve bank.....	1648
Banks and banking—Private bank changing to a national bank.....	447
NATIONAL MUTUAL AUTOMOBILE INSURANCE ASSOCIATION—	
Articles of Incorporation—	
Of the N. M. A. I. A. not approved.....	965
Purpose clause disapproved.....	835
NEGOTIABLE INSTRUMENTS—	
Saturday half holiday—Presentment and payment of instruments—Law not changed by amendment of Section 5978, G. C.....	18
NEGOTIABLE PAPER—	
Business paper and commercial paper are synonymous with bankable paper	56

	Page
NEMAR PUBLISHING COMPANY—	
Right of the city auditor to subscribe for the publication of the Nemar Publishing Company, to wit, the department reports.....	1658
NEPHEW—	
Under the exemption provision of the inheritance tax law, nieces and nephews must be of the blood of the decedent.....	1420
NEWS BOY—	
In case of injury, employe of news company entitled to compensation out of state insurance fund, if his employer has complied with the Workmen's Compensation Act.....	1192
NEWS COMPANY—	
In case of injury, employe of news company entitled to compensation out of state insurance fund, if his employer has complied with the Workmen's Compensation Act.....	1192
NEW YORK BOARD OF PHARMACY—	
State Board of Pharmacy—Right to recognize certificate of pharmacist from foreign state.....	408
NEWSPAPERS—	
Not required to make proof of publication in transcript for the issuance and sale of bonds.....	1623
Publications—In municipalities where notices must be published in papers of opposite politics, a newspaper is entitled to publication so long as it does not demand more than the legal rate.....	1511
Publication of—	
Legal notice—Where such legal notice may be published—Rate to be paid for publication of such notice.....	633
Ordinances and resolutions of a general nature in municipalities—Publication in newspapers of opposite politics—Publication in German newspaper—Posting.....	1178
Right of—	
County commissioners to designate newspapers in which the report of such commissioners shall be published.....	1432
Persons to offer to dispose of stock or stock certificates without license—Right of persons residing in foreign states to offer to dispose of stock and stock certificates in Ohio.....	1151
The District Tax Assessor to receive pay, as proprietor of a newspaper, for publication under Section 6252, General Code.....	1496
NUISANCE—	
Abatement of a nuisance by the State Board of Health where the city Board of Health neglects or refuses to do so—Miami and Erie Canal at Cincinnati.....	1165
Power of municipal Board of Health to regulate the keeping of poultry	1397
NIECE—	
Under the exemption provision of the inheritance tax law, nieces and nephews must be of the blood of the decedent.....	1420

NOMINATION PETITIONS—	Page
Deputy State Supervisors of Elections—Not permitted to furnish nomination petitions to candidates at the expense of the county.....	926
Election expenses—Expenses to be charged back against political division—Expenses to be paid by the county.....	402
 NONCOMPETITIVE EXAMINATION—	
State Civil Service Commission has no authority to pay witness fees—Police officer not entitled to witness fees—City Clerk under civil service—Secretary and assistant to Director of Public Service subject to noncompetitive examination.....	74
 NORMAL SCHOOL DIRECTOR—	
Whether or not member of General Assembly may serve as Normal School Director.....	1646
 NOTARY PUBLIC—	
Bond of notary applicant—Fee for Clerk of Court for certifying under seal to the genuineness of the signature of such bond.....	965
Notary fees are proper items of cost in cases in which the pleading is filed	1444
 NOTES—	
Bond issue—Funding bonds to replace notes issued in anticipation of the collection of special assessments—Status of such bonds—Notes issued in anticipation of the collection of special assessments—Issuing of such bonds and notes before the anticipated levy is actually levied.....	897
May not be issued by a village in anticipation of the collection of the special tax authorized by Section 4362, General Code, to defray partially the expenses of operating a municipal waterworks plant	1390
 NOTICE—	
Necessity of ordinance for construction of sidewalks in cities and villages—Such ordinance need not be published—Notice to abutting property owners.....	1384
 OFFER—	
County Commissioners offering a reward—Terms of such offer—To whom award may be paid.....	166
 OFFICES—	
Declaring an office vacant—Failure to give bond—Notice of election....	624
Incumbents—Mayor—Temporary appointment—Street commissioner—Marshal—Incumbency	688
Member of Council—Removal from ward—Forfeiture of office.....	467
Necessary qualifications for head of Lima State hospital.....	1167
 OFFICERS—	
Banks and Banking—Financial condition of a bank—Examination of officers and agents to ascertain the financial condition of a bank—Method of conducting such an examination.....	32
Blanket bond for Ohio National Guard officers—Legality of such bond—Payment of premium of such bond.....	838

OFFICERS—Concluded—	Page
Civil Service—Fees Tax Assessor—District Assessors—Women not eligible to office—Elector.....	226
Construction of a sewerage disposal plant ordered by the State Board of Health—Proper party in the city to enter into a contract of this kind	387
Employment of secret service officer by prosecuting attorney—Employment of additional secret service officer.....	399
Not legal for a person to resign an office and thereafter be appointed to fill his own vacancy.....	1764
Officers and employes of the Archaeological and Historical Society not under civil service.....	506
Power of the Ohio Board of Administration to regulate the number and salaries of officers referred to in Section 2180, G. C.....	977
OFFICIAL YEAR—	
The official year of the State Fire Marshal closed on November 15, 1914	1486
OFFICES COMPATIBLE—	
City Engineer—Right to act as consulting engineer.....	341
Civil service department—Legislative reference department—Unclassified service—Discharge of employes from public library—Offices compatible, clerk of the house and director of legislative reference department.....	660
Deputy auditor—Chief clerk in the office of a district assessor.....	182
Humane Society agent—Probation officer.....	345
Member of the Board of Education—City electrician.....	600
Prosecuting attorney may be trustee of sinking fund of city.....	972
Village marshal—Village Health Officer.....	409
Village Treasurer and member of the Board of Education—Offices incompatible—Treasurer of the School Board and member of the Board of Education.....	462
OFFICES INCOMPATIBLE—	
Children's Home—Superintendent—Visiting agent—Matron.....	272
Coroner and member General Assembly.....	28
Deputy assessor—Clerk of Board of Deputy State Supervisor of Elections—Tax Commission.....	738
Deputy City Auditor and Secretary to the Municipal Civil Service Commission	383
District Assessor—Village Health Officer.....	492
Offices compatible—Fire Chief and Village Clerk.....	123
Medical examiner for the State Industrial Commission—Member of a City Council.....	129
Municipal Civil Service—Right to hold another office in addition to that of Civil Service Commissioner.....	404
Superintendent of Waterworks and Superintendent of Light and Power plant—The rule of incompatibility.....	837
Trustee of the Kent Normal School and member of State Board of Administration	89
Offices compatible—Village Treasurer and member of the Board of Education incompatible—Treasurer of the School Board and member of the Board of Education.....	462

INDEX.

1897

OHIO BLIND RELIEF LAWS—	Page
Right of one pensioned by the federal government to draw blind relief—	
Ohio blind relief laws.....	1303
OHIO BOARD OF ADMINISTRATION—	
All persons committed to any institution under the control and manage-	
ment of the Ohio Board of Administration shall be considered	
as committed to the control, custody and care of such board—	
Commitment by Juvenile Court of delinquent boys to the Boys'	
Industrial School shall be made as before the passage of the	
Juvenile Research Act—Sections 1841-1, et seq., 2087 and 2093,	1421
G. C., apply as before the passage of the Juvenile Research Act..	
Civil Service—Managing officers of institutions under control of the	
Ohio Board of Administration.....	712
Opinion to—	
Abstract of title.....	17
Abstract of title—Deed from James J. Bailey, Administrator, estate	
of C. D. Bailey, deceased, to the State of Ohio—Deed sufficient	
to convey to the State a title in fee simple.....	209
Authority of Board of Administration to adopt rules relative to	
paroling prisoners from the Ohio Penitentiary.....	694
Gas line—State lands.....	276
Construction of the 1914 Budget Bill—Construction as it applies to	
convict labor	1031
Indeterminate sentence—Parole prisoners—Former imprisonment in	
a penal institution—Indeterminate Sentence Law.....	156
Longview Hospital—Appropriation—Maintenance fund—Appropri-	
ation for ordinary repairs and improvements.....	143
Right to rescind mistake made by the Board of Managers of the Ohio	
Penitentiary	935
Toledo State Hospital—Change in plans and specifications of build-	
ing	1114
Power of the Ohio Board of Administration to regulate the number and	
salaries of officers referred to in Section 2180, G. C.....	977
Power of the Board of Administration to parole a prisoner who has	
been previously convicted in another state, or sentenced for an	
offense which is a felony in Ohio.....	1329
OHIO BOARD OF CENSORS—	
Is not required to furnish leaders or stamps of approval before motion	
picture films are publicly exhibited.....	1375
OHIO EXHIBIT—	
Panama-Pacific International Exposition—Authority of the Governor and	
the Directing Commissioner to take full charge of the Ohio Ex-	
hibit at the Exposition.....	1497
OHIO NATIONAL GUARD—	
Blanket bond for Ohio National Guard—Officers—Legality of such bond	
—Payment of premium for such bond.....	838
Power of military authorities to purchase caskets—Contract—State to pay	
for such caskets as were used.....	79
Right of Sheriffs, Mayors and Judges to call out the National Guard in	
certain cases—Power of the Governor in reference to the Na-	
tional Guard	1141

	Page
OHIO NATIONAL GUARD—Concluded—	
State Armory Board—Installation of heating system—Payment for same	
—Powers of Armory Board.....	87
OHIO PENITENTIARY—	
Authority of Board of Administration to adopt rules relative to paroling	
prisoners from the Ohio Penitentiary.....	694
Day school at Ohio Penitentiary—Prisoner not required to remain in	
one grade for the full period of forty weeks before taking pro-	
motional examination	1755
Indeterminate Sentence Law—Maximum and minimum sentence—Powers	
of Parole Board—Concurrent sentences	160
Mistake of Clerk of Court in certifying a prisoner—Effect of such mis-	
take—Ohio State Reformatory—Parole prisoner.....	170
Ohio Board of Administration—Right to rescind mistake made by the	
Board of Managers of the Ohio Penitentiary.....	935
Power of Board of Administration to parole a prisoner confined in the	
Ohio Penitentiary, who has been previously convicted of a felony	1102
Prisoner—Pleading guilty same as convicted.....	23
Right to take earnings of prisoners confined in the Ohio Penitentiary for	
cost of conviction—Garnishee proceedings—Exemption allowed	
prisoners	1085
Right to sell articles manufactured by prisoners of the Ohio Penitentiary	
to other states, or political divisions thereof, or public institu-	
tions owned by such states.....	1332
OHIO SANITORIUM—	
Right of County Commissioners to contract with the Ohio Sanitorium	
for the care of tuberculosis patients.....	1096
OHIO STATE ARMORY BOARD—	
Installation of heating system—Payment for same—Powers of Armory	
Board	87
OHIO STATE BOARD OF EMBALMING EXAMINERS—	
State Treasurer—The term "other expenses of the board defined".....	880
OHIO STATE LIBRARY—	
Power of the Board of Library Commissioners to appoint employes in	
the Ohio State Library.....	117
OHIO STATE REFORMATORY—	
Mistake of Clerk of Court in certifying a prisoner—Effect of such mis-	
take—Ohio Penitentiary—Parole prisoner.....	170
OHIO STATE UNIVERSITY—	
Duty of the inspector of buildings in the city of Columbus to approve	
the plans of buildings of the Ohio State University, and to en-	
force the State Building Code with reference thereto—Applica-	
tion of Columbus ordinance relating to the construction of	
buildings of the Ohio State University.....	1307
Professors may be employed at Experiment Station during vacation.....	507

OHIO STOCKHOLDERS—	Page
Right of the Tax Commission to require foreign corporations to report to the commission a list of their Ohio stockholders, as a part of their annual report.....	1409
OHIO UNIVERSITY—	
Abstract of title for Ohio University, Athens, O.....	1355, 1356, 1357, 1418
OHIO UNIVERSITY LANDS—	
Held under lease prior to 1843 subject to revaluation—Rents for such lands	1566
OIL—	
State Oil Inspector—Certificate to be placed on the wagon from which oil is sold.....	696
OIL AND GAS WELLS—	
Chief Inspector of Mines—His duties relating to oil and gas wells on lands interlaid with workable seams of coal.....	877
In coal regions maps should be filed with the Chief Inspector of Mines showing the location of such wells.....	888
ONE MILE LIMIT—	
Road improvement—Application of Amended Section 6929, G. C., to residents of municipalities.....	240
ORDINANCE—	
A Village Mayor is required to enforce an ordinance passed by Council of a village to prohibit the running of dogs at large, without permits, secured by the owners of the dogs, from the Mayor....	1406
Amending bonds for sewerage system—Enacting ordinance on same—Bond issue	695
Assessment of lots in making a street improvement—Power of Council to settle and adjust excess assessments.....	1043
Bond issue—Provisions that should be contained in such ordinance.....	444
City Council—Passage of salary ordinance—Vote necessary for passage of such ordinance—President of Council.....	82
City Solicitor may not receive compensation for supervising the codification of city ordinances—The Assistant City Solicitor may receive compensation for services rendered in the codification of city ordinances	892
Correct wording of ordinance or resolution under Article XII, Section 11 of the Constitution of Ohio.....	460
Council—Power to compel the Mayor to enforce ordinances and resolutions	944
Defining a misdemeanor and imposing a penalty—Constitutionality of such an ordinance.....	766
Duty of the inspector of buildings in the city of Columbus to approve the plans of buildings of the Ohio State University, and to enforce the State Building Code with reference thereto—Application of Columbus ordinance relating to the construction of buildings of the Ohio State University.....	1307

	Page
ORDINANCE—Concluded—	
Effect of the repeal of an ordinance and the simultaneous re-enactment of a new ordinance—Effect on office or employment will be by virtue of the old ordinance when such office or employment is retained by the new ordinance.....	849
Establishment of firemen's pension fund—Abolition of firemen's pension fund	667
For the purpose of a bond issue is ineffective where it is submitted for an initiative petition and fails to receive a two-thirds vote in its favor	1503
Mayor—Village Council—Mayor may vote in case of a tie.....	307
Necessity of ordinance for construction of sidewalks in cities and villages—Such ordinance need not be published—Notice to abutting property owners	1384
Of city of Toledo providing that employes of the departments of the city government shall be paid the prevailing wage rate extant in the city does not comply with Section 2214, General Code.....	1469
Publication of—	
Legal notice—Where such legal notice may be published—Rate to be paid for publication of such notice.....	633
Ordinances and resolution of a general nature in municipalities—Publication in newspapers of opposite politics—Publication in German newspaper—Posting	1178
Requirement of an initiative petition for an issuance of bonds for hospital purposes under Section 3947, General Code—Two-thirds vote required	1479
Right of the Mayor of a city or village to arrest a person found violating an ordinance of a city or village, for the purpose of holding such person until a warrant may be obtained.....	1563
Speakeasies—Liquor traffic—Prosecutions must be made under the State law	84
State Board of Health—Employment of a plumbing inspector in a municipality	873
Taxes and taxation—Bond issue—Enlarging and improving a municipal waterworks plant—Sinking fund and interest levies—Longworth Act	932
Under the provisions of Section 3585, G. C., a plat of ground subdivided for sale when recorded becomes a sufficient conveyance to vest in a municipal corporation the fee of the grounds designated for street or other public ways.....	1272
Village Council—Franchise—Contract—Legal contract.....	468
ORDINANCES AND RESOLUTIONS—	
Village Council—Contract—Right to hire an engineer—Pay roll—Referendum on pay roll.....	261
ORPHANS' ASYLUM—	
Boards of Education are required to provide schools and sufficient educational facilities for inmates of County Children's Homes—Public schools of the State are free to inmates of public or private orphan asylums	966
Schools located at County Children's Home—Control of such schools placed with Board of Trustees of such home—Meaning of the term "orphans' asylum," as used in Section 7676, G. C.....	1552

PACKAGE—	Page
When hams and bacon are to be considered in package form.....	943
PAID-UP STOCK—	
Difference between paid-up stock of a Building and Loan Association and paid-up stock of other corporations—Legal investment for corporations and savings bank.....	608
PANAMA-PACIFIC INTERNATIONAL EXPOSITION—	
Authority of the Governor and the Directing Commissioner to take full charge of the Ohio Exhibit at this Exposition.....	1497
Directing Commissioner—Compensation—Voucher—Reimbursement.....	763
PARENTS—	
Mothers' pension—Persons entitled to mothers' pension—Persons not entitled to mothers' pension.....	885
PAROCHIAL SCHOOL—	
Right of Council to furnish water to such school free.....	317
PAROLE—	
Arson—Power of Board of Administration to parole a prisoner convicted for arson from the Mansfield Reformatory.....	651
Authority of Board of Administration to adopt rules relative to paroling prisoners from the Ohio Penitentiary.....	694
Power of the Board of Administration to parole a prisoner who has been previously convicted in another state, or sentenced for an of- fense which is a felony in Ohio.....	1329
PAROLE BOARD—	
Indeterminate sentence law—Maximum and minimum sentence—Powers of Parole Board—Concurrent sentences.....	160
PAROLE PRISONER—	
Indeterminate sentence—Former imprisonment in a penal institution— Indeterminate sentence law.....	156
PARTITION—	
Compliance with the land registration law in action in partition instituted on or after July 1, 1914—Compliance with this law when an election has been made.....	1322
PARTNERSHIP—	
Banks and banking—Interpretation of Section 744-6, known as the Ken- nedy Private Bank Act.....	29
PATROLMAN—	
Chief of Police—Right to suspend patrolman—Director of Public Safety —Jurisdiction over patrolman.....	856
PAUPERS—	
Right of County Commissioners to borrow money to provide for the maintenance of County Tuberculosis Hospital, until March 1, 1915	984

	Page
PAVING—	
Right of County Commissioners to replace paving on street and sidewalks destroyed by the construction of approaches to a bridge within a municipality.....	950
Street—Repaving—Assessment	530
Street railway—Franchise—Paving between the rails.....	671
Transcript of proceedings for bond issue for the village of Hudson, Ohio, for paving of streets in said village.....	1371
PAYMASTER—	
Right of Auditor of State to issue warrants to paymasters of the respective state departments for employes therein.....	1303
PAYMENT—	
Saturday half holiday—Presentment and payment of instruments—Law not changed by amendment of Section 5978, G. C.....	18
PECUNIARY FINANCIAL INTEREST—	
Contract—Member of Council—Right of members of Council to be interested in contracts with the city—Pecuniary and financial interest or nature of such contracts.....	257
PENAL INSTITUTION—	
Indeterminate sentence—Parole prisoners—Former imprisonment in a penal institution—Indeterminate sentence law.....	156
PENALTY—	
Banks in process of liquidation liable for Willis Law Taxes and penalties until its dissolution—Duty of the Superintendent of Banks in reference to such taxes and penalties.....	1065
Liquor License Law—Saloon keeper—Saloon license—Failure to pay saloon license—Levy—Penalty	185
Ordinance defining a misdemeanor and imposing a penalty—Constitutionality of such an ordinance.....	766
Power of Municipal Board of Health to regulate the keeping of poultry..	1397
State case—Expenses of police department incurred in State cases to be paid by county. Fees to be received by Chief of Police—Serving of warrant by patrolman—Fees for same.....	449
Taxes and Taxation—	
Listing property for taxation—Live stock—Tax penalty.....	280
Penalty for failure to pay taxes.....	703
The Secretary of State has no right to remit the one hundred dollars penalty exacted from a corporation whose articles of incorporation or certificate of authority to do business has been cancelled..	1377
PENITENTIARY—	
Indeterminate sentence—Power of the Governor under indeterminate sentence law	1588
PENITENTIARY SITE—	
Taxes charged against real estate condemned by the State for penitentiary purposes after the date of the attachment of the tax lien and before making up of the duplicate.....	1428

PENSION—	Page
Right of one pensioned by the Federal government to draw blind relief— Ohio Blind Relief Laws.....	1303
Teacher's pensions—Who entitled to such pensions.....	496
Village Council without right to provide pensions for volunteer firemen..	511
PENSION FUND—	
Municipal corporation—Authority to provide for sanitary police pension funds	946
Resolution—The right of the widow of one who has been a beneficiary to participate in a firemen's pension fund.....	919
PERSONAL PROPERTY—	
Collateral inheritance tax—Application to be made under Section 5333, G, C	321
Ginseng constitutes a growing crop within the meaning of taxing statutes —To be listed as personal property.....	1180
Inheritance tax—Construction of phrase: "in which said tax originates"— Real estate	333
No power to regulate chattel loan license.....	1749
PER DIEM EXPENSES—	
City Engineer—Assistant to City Engineer—Salaries—Resolution—Per diem—Public Policy—Compensation	287
Right of the Chief Justice to assign a Judge of the Common Pleas Court to hold court in any county of the State—Compensation and ex- penses of a Judge so holding court.....	1057
PETITION—	
Assessment of lots in making a street improvement—Power of Council to settle and adjust excess assessments.....	1043
For charter election—Compliance with Section 8, Article XXIII of the Constitution—Action of Council on a petition in complying with above articles of the Constitution—Calling a charter election when proper petitions have been filed.....	1222
For municipal local option election under the Beal Law—When such peti- tion may be entertained.....	1468
PILING—	
Toledo State Hospital—Change in plans and specifications of building---	1114
PILLOWS—	
Mattress inspection law—Labeling of pillows not required by law.....	814
PHARMACY—	
Agricultural Commission Act—Disposition of fines, fees and costs as pro- vided by Section 114 of said act—To what fees the costs refer to in above section—Disposition of fines as provided by Section 1313, General Code, under prosecutions brought by the Agri- cultural Commission in enforcement of laws relating to the prac- tice of pharmacy	1218
PHARMACIST—	
State Board of Pharmacy—	
Right to revoke certificate of pharmacist.....	397
Right to recognize certificate of pharmacist from foreign state.....	408

PHYSICIAN—	Page
Defective machinery—Injury—Municipal corporation—Powers of a city to compensate for injuries received.....	190
Municipality not legally bound to pay for services to family physician who rendered services to quarantined persons, without contract with the municipality.....	1735
Power of the Industrial Commission in reference to employers carrying their own insurance under Section 22 of the Workmen's Compensation Act—Medical attendance, hospital and nursing service..	1556
Right of foreign insurance companies to write Ohio policies indemnifying physicians against mal-practice.....	996
PLACE OF BUSINESS—	
Liquor license—Power of making sales under saloon license—Saloon license can only cover one place of business—Saloonist not permitted to sell drinks in a restaurant with which he has no connection	37
PLANS AND SPECIFICATIONS—	
Circumstances under which a change in the plans and specifications of a bridge substructure involving additional cost may be made—Aggregate cost of structure may not be exceeded.....	1305
County Commissioners—Contracts—County buildings—Board of State Charities	251
Toledo State Hospital—Change in plans and specifications of building....	1114
PLAT—	
Plats for quadrennial appraisement—Contract for the making of such plats must be entered into according to law—Moral obligation to pay for such maps and plats where the same are furnished on an illegal contract.....	808
Under the provisions of Section 3585, G. C., a plat of ground subdivided for sale when recorded becomes a sufficient conveyance to vest in a municipal corporation the fee of the grounds designated for street or other public ways.....	1272
PLEA OF GUILTY—	
Prisoner—Pleading guilty same as convicted.....	23
PLEADING—	
Notary fees are proper items of cost in cases in which the pleading is filed	1444
PLUMBER—	
Duty of the inspector of buildings in the city of Columbus to approve the plans of buildings of the Ohio State University, and to enforce the State Building Code with reference thereto—Application of Columbus ordinance relating to the construction of buildings of the Ohio State University.....	1307
House drains—House sewers—Sewer men—Line of demarkation between the work of plumbers and sewer men.....	139

PLUMBING—	Page
Application of the State Building Code with respect to the subject of sanitation,-including the manner of sanitary plumbing applying to buildings being erected by the city of Cincinnati at Glendale, Ohio, for use as Boys' Refuge Home—Cincinnati plumbing code has no application outside of Cincinnati.....	1525
PLUMBING INSPECTOR—	
Plumbing ordinance—Right of the village to regulate the plumbing connected with the extension of the waterworks system to a suburb of said village—Village has no right to prevent bill posting.....	894
State Board of Health—Employment of a plumbing inspector in a municipality	873
PLUMBERS' LICENSES—	
Annexation of a village to a city—Effect of plumbers' licenses issued by the village annexed	1274
PLUMBING ORDINANCE—	
Right of the village to regulate the plumbing connected with the extension of the waterworks system to a suburb of said village—Village has no right to prevent bill posting.....	894
PLUMBING REGULATION—	
State Board of Health—Kinds of pipe that may be used.....	442
PLUMBING RESOLUTIONS—	
State Plumbing Code—Private dwelling—Municipal Board of Health—Plumber's license	731
POISON—	
Construction of Section 12664, General Code, in reference to poison and proprietary medicine deleterious to health.....	1061
Expert witness—Fees—Section 2494, G. C., must be complied with.....	43
POLICEMAN—	
City Manager of chartered city—Not required to regard seniority of service in reducing the number of positions in a department.....	798
Right of Mayor of a city having no police force to issue a warrant in a State case, directed to the Sheriff of a county—Right of the Sheriff, called on by Chief of Police to assist in making an arrest, to a fee—Compensation of assistants used by Chief of Police—Automobile hire—Policemen may retain fees received in State cases.....	1246
Sanitary police pension fund included within Workmen's Compensation Act	1092
State case—Expenses of police department incurred in State cases to be paid by county—Fees to be received by Chief of Police—Serving of warrant by patrolman—Fees for same.....	449
POLICE DEPARTMENT—	
Council—Power to compel the Mayor to enforce ordinances and resolutions	944

	Page
POLICE DEPARTMENT—Concluded—	
Ordinance—Effect of the repeal of an ordinance and the simultaneous re-enactment of a new ordinance—Effect on office or employment will be by virtue of the old ordinance when such office or employment is retained by the new ordinance.....	849
Section 4505, G. C., not repealed.....	692
State case—Expenses of police department incurred in State cases to be paid by county—Fees to be received by Chief of Police—Serving of warrant by patrolman—Fees for same.....	440
 POLICE JUDGE—	
Made presiding judge of Municipal Court may receive additional compensation—Such compensation not to be received until the organization of the court, January 1, 1914.....	821
 POLICE OFFICER—	
City Council—Authority to authorize confession of judgment for damages caused by the wrongful act of a police officer.....	859
Right of council by ordinance or resolution to legally pay from city funds judgments made against public officers through false arrests—Regular patrolmen may receive additional compensation where they have worked more than the number of hours stipulated by the Director of Public Safety.....	1461
State Civil Service Commission has no authority to pay witness fees—Police officer not entitled to witness fees—City Clerk under civil service—Secretary and assistant to Director of Public Service subject to noncompetitive examination.....	74
 POLICIES—	
Insurance—Reinsurance of unmatured policies—Discontinuance of business by insurance company—Policy holder.....	588
 POLITICS—	
Classified civil service—Persons in the classified service may not become candidates for office.....	509
Newspaper publications—In municipalities where notices must be published in papers of opposite politics, a newspaper is entitled to publication so long as it does not demand more than the legal rate	1511
 POLITICAL DIVISIONS—	
Election expenses—Expenses to be charged back against political division—Expenses to be paid by the county.....	402
Right to sell articles manufactured by prisoners of the Ohio Penitentiary to other states, or political divisions thereof, or public institutions owned by such states.....	1332
 POLITICAL SUBDIVISIONS—	
Employers' Liability Act—Application of this law not regulated by the number of employes in political subdivisions.....	250
 POLITICAL PARTY—	
No person in the classified service may serve as a member of an executive committee of a political party.....	1213

	Page
POMEROY ARMORY—	
State Armory Board—Installation of heating system—Payment for same	
—Powers of Armory Board.....	87
POOR—	
City of Youngstown may not borrow money to reimburse hospitals for	
caring for sick poor.....	1775
POOR FUND—	
Right of township trustees to borrow money to replenish the township	
poor fund.....	1386
POOR RELIEF—	
Poor relief—Power of County Commissioners to raise funds—Issuing of	
notes—Bond issue—Taxes and taxation—Emergency.....	146
POSTOFFICE BUILDING—	
Five or more workmen employed by an independent contractor on federal	
building within the purview of the workmen's compensation act	1189
POWERS UNDER CHARTER—	
Charter must be fully complied with—Commercial bank—Trust company	
—Incorporators	85
PRECINCT—	
Compensation of Deputy State Supervisors of Election—Beginning of the	
year—Registration city—Election precinct—Compensation of the	
clerk of the Deputy State Supervisors of Election.....	130
PREFERRED CLAIM—	
Boiler inspection fee not a preferred claim.....	1015
PREFERRED STOCK—	
Capital stock—Increase of capital stock—Articles of incorporation.....	305
PREMIUM—	
Construction of the term "gross premium receipts," as used in Section	
841, General Code, providing for so-called Fire Marshal tax....	1516
PRESENTMENT—	
Saturday half holiday—Presentment and payment of instruments—Law	
not changed by amendment of Section 5978, G. C.....	18
PRESIDENT OF COUNCIL—	
Budget Commission—Right of deputy to act on behalf of his principal—	
Mayor	705
City Council—Passage of salary ordinance—Vote necessary for passage	
of such ordinance.....	82
PRIMARY ELECTION—	
Deputy State Supervisors of Elections—Registration city—Compensa-	
tion	723
Primary election not a general election.....	942

	Page
PRIMARY ELECTION DAY—	
Closing of saloons on election day-----	923
PRINTING—	
Publication of ordinances and resolutions of a general nature in municipalities—Publication in newspapers of opposite politics—Publication in German newspaper—Posting-----	1178
PRIMARIES—	
Election expenses—Expenses to be charged back against political division—Expenses to be paid by the county-----	402
PRISONER—	
Authority of Board of Administration to adopt rules relative to paroling prisoners from the Ohio Penitentiary-----	694
Costs of the proceeding on a fugitive from justice—Where such costs are chargeable -----	1015
Day school at Ohio Penitentiary—Prisoner not required to remain in one grade for the full period of forty weeks before taking promotional examination-----	1755
Disposition of a lunatic held under a warrant for arrest-----	1642
Indeterminate sentence law—Effect as to prisoners sentenced—After its becoming effective, for crimes committed prior to that time—Habeas corpus proceedings—Power of courts to impose indeterminate sentences-----	745
Indeterminate sentence law—Maximum and minimum sentence—Powers of parole board—Concurrent sentences-----	160
Mistake of Clerk of Court in certifying a prisoner—Effect of such mistake—Ohio State Reformatory—Ohio Penitentiary—Parole prisoner -----	170
Power of the Board of Administration to parole a prisoner who has been previously convicted in another state, or sentenced for an offense which is a felony in Ohio-----	1329
Power of the Ohio Board of Administration to parole a prisoner confined in the Ohio Penitentiary who has been previously convicted of a felony -----	1102
Railroad policemen—Duties—May collect reward offered by county commissioners -----	107
Right of mayor of a city having no police force to issue a warrant in a state case, directed to the sheriff of a county—Right of the sheriff, called on by Chief of Police to assist in making an arrest, to a fee—Compensation of assistants used by Chief of Police—Automobile hire—Policemen may retain fees received in state cases-----	1246
Right to sell articles manufactured by prisoners of the Ohio Penitentiary to other states, or political divisions thereof, or public institutions owned by such states-----	1332
Right to take earnings of prisoner confined in the Ohio Penitentiary for cost of conviction—Garnishee proceedings—Exemption allowed prisoners -----	1085

PRIVATE BANK—	Page
Banks and banking—Private bank changing to a national bank.....	447
Inspection fee—Stationery—Inspection—State Banking Department— Private Bank Act.....	192
Right of private bank to own stock in a state bank.....	975
Section 13 of the Private Bank Act does not apply to municipal funds..	930
PRIVATE BANK ACT—	
Private bank—Inspection fee—Stationery—Inspection—State Banking Department	192
Who may use the words "bank," "banker," "banking" or "trust" or "trust company"	1606
PRIVATE DWELLING—	
State plumbing code—Plumbing resolutions—Municipal Board of Health —Plumber's license	731
PRIVATE EMPLOYMENT AGENCIES—	
Contract with railroad companies to furnish labor.....	1084
PRIVATE FAMILIES—	
The right of trustees and superintendents of Children's Homes to place children under their care with private families.....	628
PRIVATE RESIDENCE—	
Workmen's Compensation Law—Domestic servants.....	521
PRIVATE ROADS—	
County private roads—Maintenance of a road leading to a school house— Right of Board of Education to construct bridge on such road— County Commissioners.....	247
PROBATE JUDGE—	
A person serving as Probate Judge, who has been elected Common Pleas Judge for a term beginning January 1, 1915, may continue to act as judge of the Probate Court until immediately prior to his en- trance upon the term as Common Pleas Judge.....	1457
A vacancy in the office of Probate Judge can only be filled by appoint- ment until the next general election, when a successor must be qualified for the unexpired term.....	1622
Collateral inheritance tax—Executor—Payment—Real estate—How val- uation should be made.....	395
Collateral inheritance tax law—Method of levying inheritance tax—Col- lecting the same—Fees—County Treasurer—County Auditor— Auditor of State—Interest.....	204
County Commissioners must provide suitable cases for safe keeping and preservation of books; also furnish necessary stationery to Probate Judge	1690
Deputy clerks under Probate Judge are in the unclassified service, such deputies being deputies within the meaning of subdivision 8a of Section 8 of the Civil Service Act.....	1211

	Page
PROBATE JUDGE—Concluded—	
Fees received by Probate Judge for taking deposition in will case do not belong to fee fund.....	1641
Opinion to—	
Agricultural Commission Act—Disposition of fines, fees and costs as provided by Section 114 of said act—To what fees the costs refer to in above section—Disposition of fines as provided by Section 1313, General Code, under prosecutions brought by the Agricultural Commission in enforcement of laws relating to the practice of pharmacy.....	1218
All papers in proceedings to sell real estate under the Land Registration Law should be delivered to the County Recorder—Where Land Registration Law applies, Probate Court to have care of all papers and records belonging to that court—Land Registration Law applies only to those cases instituted on or subsequent to July 1, 1914.....	1195
Appointment by Probate Court of a woman as special probate officer to convey a girl to the Girls' Industrial School at Delaware, O.—Compensation	1275
Juvenile Judge—Allowance under Mothers' Pension Law—When same becomes available.....	845
Judge of the Juvenile Court—How designated—Length of term of such judge.....	646
Land registration—Guardian filing suit to sell an undivided interest in realty should not ask for registration of such undivided interest	1148
Mothers' pension—Persons entitled to mothers' pension—Persons not entitled to mothers' pension.....	885
Ordinance providing for a bond issue for installation of pure water system ordered by State Board of Health, not subject to referendum when bond issue is to carry out an order of the State Board of Health.....	1679
Payment of contingent expenses incident to the administration of the Mothers' Pension Law—From what fund such expenses are payable	1042
Probate Judge—Examiners of the county treasury—Appointment of such examiners.....	655
Right of a deputy clerk to be appointed probation officer in probate office	1117
 PROBATE COURT—	
All papers in proceedings to sell real estate under the Land Registration Law should be delivered to the county recorder—Land Registration Law applies only to those cases instituted on or subsequent to July 1, 1914.....	1195
Appointment by Probate Court of a woman as special probate officer to convey a girl to the Girls' Industrial School at Delaware, O.—Compensation	1275

INDEX.

1911

	Page
PROBATE COURT—Concluded—	
Juvenile Court—Appointment of Juvenile Court Constable—Validity of such appointment.....	357
Power of a Mayor to remove members of Council outside of a provision of Section 4238, G. C.—Removal for misconduct in office.....	1339
Removal of Humane Agent from office—Procedure necessary.....	503
 PROBATION OFFICER—	
Appointment by Probate Court of a woman as special Probate Officer to convey a girl to the Girls' Industrial School at Delaware, O.—Compensation	1275
Offices compatible—Humane Society Agent.....	345
Right of deputy clerk to be appointed Probation Officer in Probate Office	1117
 PROCEEDINGS—	
Approval of the proceedings for the issuance by the village of Cortland, Ohio, of certain bonds for the construction of an electric light and power plant.....	1423
Transcript of proceedings for bond issue for the village of Hudson, Ohio, for paving of streets in said village.....	1371
 PROFESSOR—	
Ohio State University professors may be employed at Experiment Station during vacation.....	507
 PROPERTY HOLDER—	
County ditches—Intercounty ditches—Assessments—Procedure.....	477
 PROPERTY—	
Contract—Insurance contract under Ohio laws—"Business of Insurance"	584
Exemption of property of foreign corporations in Ohio under Section 192, General Code.....	1561
Lot owner can only be assessed for actual foot frontage abutting on improvement	1782
Taxes and taxation—Wrong distribution of taxable property—No remedy in such case.....	411
 PROPERTY OWNERS—	
Appropriation made from sundry appropriation bill to the city of Columbus for the paving and repaving before a state property—When same shall be paid.....	1487
Hitching post—Right of municipality to compel replacing a hitching post originally placed by property owner.....	755
 PROPRIETARY MEDICINE—	
Construction of Section 12664, General Code, in reference to poison and proprietary medicine deleterious to health.....	1061

PROSECUTING ATTORNEY—	Page
Budget Commission—Effect of decision, State ex rel. Pogue vs. Groom— Work completed by Budget Commission prior to September 15, 1914—Change of personnel of Budget Commission—Prosecuting Attorney member of Budget Commission.....	1241
Common Pleas Court—Jurisdiction—Right to entertain applications for clerk hire.....	313
County Treasurer has no authority to employ an Attorney to make col- lection of taxes under Section 2667, General Code—Prosecuting Attorney not allowed additional compensation for making such collections.....	1415
Transportation of high school pupils—Laws regulating such transporta- tion.....	362
Under House Bill No. 33, amending Section 30, the balance of the fines and penalties is to be paid monthly to the Treasurer of the City of Cincinnati, Ohio.....	631
Opinion to—	
A high school diploma is not legal if the person was never a member of a high school or never performed the work which would entitle him to a diploma.....	1259
A person serving as Probate Judge, who has been elected Common Pleas Judge for a term beginning January 1, 1915, may continue to act as judge of the Probate Court until immediately prior to his entrance upon the term as Common Pleas Judge.....	1457
Approval of plans made by the State Highway Commissioner—Not to actually supervise the work—Construction of Section 1183, General Code.....	59
Arson—Power of the Board of Administration to parole a prisoner con- victed for arson from the Mansfield Reformatory.....	651
Assessment of canal lands—Assessment of electric railway whose lines parallel improvements made under Section 7407, General Code— Farmers land may not be assessed for such improvement—Col- lection of costs from abutting owners.....	1351
Blind relief—County Commissioners—Old Blind Relief Law—New Blind Relief Law—Blind Relief Commission.....	278
Board of—	
Complaints holding office illegally—De facto officers—De jure officer—Appointments invalid where all are made from a city of the county.....	1130
Education—Rabe case.....	936
Education—Securing new site in order to replace school house condemned or destroyed—Fixing levies.....	1128
Trustees of Public Affairs is the proper authority to enter into contracts for the village electric light plant—Subject to statutory provisions with reference to competitive bidding.....	1094
Boxwell-Patterson Law—Pupil must comply with this law in order to receive free tuition in high school—What high school graduate to attend.....	418
Centralized school—Borrowing money with which to build central- ized school.....	607
Childrens' Homes—Assignment of children from such a Home— Funeral expenses.....	648

PROSECUTING ATTORNEY—Continued—

Opinion to— Continued—	Page
Circumstances under which a change in the plans and specifications of a bridge substructure involving additional cost may be made—Aggregate cost of structure may not be exceeded.....	1305
Circumstances under which it is the duty of County Commissioners to repave approach to bridges and relay sidewalks in a city where such bridges were destroyed by a flood—City must pay for damage to abutting property owners where grade of the bridge is changed.....	1440
Clerk of the Board of Education can receive extra compensation for performing the duties of Treasurer of such board—The Board of Education has the legal right to fix the compensation of such clerk when he is required to perform the added duties of Treasurer of the Board of Education.....	1202
Clerk of the Board of Education may not be employed as teacher by such board.....	1478
Clerk acting as Treasurer Board of Education—The status of teachers of rural schools hired before Section 7705, General Code amended, went into effect.....	1490
Collateral Inheritance Tax—	
“Adopted child” does not include “step child” unless such child is adopted.....	836
Application to be made under Section 5333, General Code.....	321
Executor—Payment—Real estate—How valuation should be made.....	395
Jane M. Case Hospital—Taxes and taxation—Bequest—Aged Ladies’ Home.....	210
Valuing estate—Collateral relatives—Massachusetts ruling—Ruling for determining valuation of estate.....	815
Common Pleas Court—Jurisdiction—Right to entertain application for clerk hire.....	313
Compensation—	
Deputy State Supervisors of Elections and their Clerks.....	691
Effect of abolition of two days’ labor on the highway.....	466
Compliance with the land registration law in actions in partition instituted on or after July 1, 1914—Compliance with this law when an election has been made.....	1322
Condemnation of a school bulding by the State Building Inspector—Levies for the necessary repairs are not entitled to exemptions...	1328
Contract entered into between Board of Education and coal company, of which one of the members of the board is a stockholder, without advertising and bids, is illegal.....	1201
Contractors doing county work—Filing of a statement mentioned in Section 3, of the Mechanics’ Lien Law with County Commissioners drawing estimates.....	1235
Construction of—	
“Heretofore” and “hereafter” as used in Section 5649-2, General Code.....	577
Section 4744-1, General Code, with reference to the salary of the County Superintendent of Schools—Right of the County Board of Education to fix the salary of a County Superintendent at an amount in excess of \$1,200.00—To fix the salary at an amount greater than \$2,000.00.....	1265
Section 4736 General Code, in reference to rural school districts which go to make up county school districts.....	1599

PROSECUTING ATTORNEY—Continued—

	Page
Opinion to—Continued—	
Conveyance of pupils in a special district—Board of Education— Truant Officer—Compulsory attendance at school—Special dis- trict.....	152
Costs of the proceeding on a fugitive from justice—Where such costs are chargeable.....	1015
County Board of Education may use its discretion in determining whether or not it is necessary in changing rural school districts to have the county surveyor change the lines.....	1492
County Commissioners—	
Offering a reward—Terms of such offer—To whom award may be paid.....	166
Power to expend money—Submission of question of expenditure to vote of the electors.....	181
Contracts—County buildings—Board of State Charities.....	251
Agricultural Societies—Construction of highways.....	348
Levy for Soldiers' Relief Commission.....	852
To pay cost of removal and maintenance of a tuberculosis patient from a city of the county to a hospital owned by another city of that county.....	1047
Under the Land Registration Act, are only required to furnish supplies as they in discretion deem necessary for the use of the examiner of titles.....	1134
Not personally liable where they expend slightly more than \$15,000.00 for the construction of a county building, exclusive of fixtures, without submitting the question to a vote of the electors.....	1171
Have no authority to construct a public comfort station as such	1217
County—	
Detective—Secret Service Officer—Amount that county may pay for detective service.....	188
Depositaries—Authority of the County Commissioners to des- ignate county depositaries—Bids for county funds—Addi- tional advertisement—County Treasurer has authority with reference to depositaries for county funds.....	92
Ditches—Inter-county ditches—Assessments—Procedure.....	477
Memorial Commission cannot legally expend more than \$250,000 for the erection of Memorial Building under Section 3059, General Code.....	1603
Private roads—Maintenance of a road leading to a school house —Right of Board of Education to construct bridge on such road—County Commissioners.....	247
Date for officially certifying to the clerk or clerks of the Board of Education that the village or rural districts or union school dis- tricts will employ a Superintendent is mandatory—Employment of joint Superintendent for supervision purposes by two town- ships.....	1168
Deputy Sheriffs and Deputy Clerks may act in place of Sheriffs and Clerks.....	653
Deputy Sheriff may not receive compensation for use of automobile by himself or Sheriff—Public policy.....	774

PROSECUTING ATTORNEY--Continued--

Opinion to-- Continued--	Page
Discussion of Section 7629, General Code, providing for the issuance of bonds by Boards of Education--Operation of this section under Smith Law and Article XII, Section 11 of the Constitution.....	1078
Disposition of the surplus in a road improvement fund created by a bond issue--County Commissioners have no right to transfer a surplus in a special or established fund in a county to a fund for the building of a new road.....	1382
Disposition of--	
Interest on the proceeds of a bond issue for the purpose of constructing a county memorial building.....	1450
An inter-county balance standing to the credit of a township or District Board of Education--Compensation that may be allowed Township Clerk for the time expended by him with State Examiner--How compensation of Treasurer is computed.....	1472
Tax levy made by Board of Education of a special school district where the proceedings for the formation of such district were declared void by the court.....	1592
Duty of--	
Land owners or tenants to destroy noxious weeds growing on public roads abutting lands of such owners or tenants--Proceedings where such land owners or tenants fail to destroy such noxious weeds.....	1215
City Solicitor to represent city officers in proceedings to restrain the certification and collection of special assessments-- City Solicitors may not be appointed by County Officers to represent them in such action--Compensation.....	1262
County Auditor with reference to the distribution of school funds for the use of the County Board of Education--County Auditor must make settlement on the basis of certificate required to be made by the County Board of Education under Section 4748-2, General Code.....	1346
Emergency Commission -- County Commissioners -- Repair of damages caused by flood.....	535
Employers' liability--Political subdivision--Application of this law not regulated by the number of employes in political subdivisions.....	250
Employment of Secret Service Officer by Prosecuting Attorney-- Employment of additional Secret Service Officer.....	399
Equipment--Automobile not included in equipment for District Assessor.....	520
Erection of a new school building-- Bond issue--Taxes and taxation --Emergency.....	548
Expert witness--Fees--Section 2494, General Code, must be complied with.....	43
Fees that should be collected by the Clerk of the Court for registration of titles to real estate.....	1146
Free Turnpike Road Commissioners--Costody of funds--County Commissioners--County Auditor--Road improvement.....	330
Highway Department represents state in construction of roads-- State not liable for damages in accident.....	44

PROSECUTING ATTORNEY—Continued—

Opinion to—Continued—	Page
How the moneys paid into the County Board of Education fund on account of the salaries of County and District Superintendents are to be paid—Such funds are automatically appropriated for the payment of such salaries and cannot be used for any other purpose—Transfers from the dog tax fund, under Section 5653, General Code.....	1209
Improvement of roads of a township by graveling without a vote of the people—Increasing tax levy.....	1122
Incorporation of a township school district into a special district—Duty of Board of Education to transport pupils unprovided for to a school.....	803
Inheritance tax—Construction of phrase “in which said tax originates”—Real estate—Personal property.....	333
Interpretation of the terms of a will for the purpose of determining inheritance tax.....	1342
Jurisdiction of Juvenile Court over boys under eighteen years of age arrested for violation of the hunting law.....	1430
Juvenile Court—The appointment of a Juvenile Court Constable—Validity of such appointment.....	357
Liability of counties in case of suit brought against the County Commissioners in their individual capacity for damages.....	1499
Liquor license law—Saloon keeper—Saloon license—Failure to pay saloon license—Levy—Penalty.....	185
Lost fees—Sheriff’s bill for lost fees—What it shall include—What it shall not include.....	119
Memorial Building—Bond issue—Depository interest—General county funds.....	200
No statutory provision for dissolution of boys’ high school districts..	1495
Not necessary for administrator to file application to register title to realty when proceedings are instituted under Section 11922, General Code.....	1735
Offices compatible—	
Village Treasurer and Member of the Board of Education—Offices incompatible—Treasurer of School Board and Member of the Board of Education.....	462
Deputy Auditor—Chief Clerk in the office of a District Assessor..	182
Prosecuting Attorney may be Trustee of Sinking Fund of a city...	972
Organization for the detection and arrest of horse thieves—Right of members of such organization to carry concealed weapons.....	1039
Organizing township into a road district—Township trustees are not entitled to compensation for such service—Township Treasurer—Township road district funds—Inter-county highway—State Aid Highway Law.....	801
Poor relief—Power of County Commissioners to raise funds—Issuing of notes—Bond issue—Taxes and taxation—Emergency.....	146
Private employment agency—Contract with railroad companies to furnish labor.....	1084
Proceedings for the establishment of county road instituted by Commissioners.....	1643
Procedure to be followed in suspending a school.....	1101

PROSECUTING ATTORNEY—Continued—

	Page
Opinion to—Continued—	
Public highways crossing railways—Construction and repair of such bridges over railway—Maintenance of such bridges—County Commissioners—Bridges to be maintained by railway.....	174
Purchase of land for cemetery purposes—Amount of land that may be purchased.....	1139
Roads—Power of Dragging Superintendent	491
Roads—Bond issue—Smith Law—Ten Mill Limitation—Longworth Act—Main market road—Hite Road Law.....	781
Road Commissioners may improve road through the village.....	610
Road Improvement—Land owner—County Commissioners—Roads and highways.....	425
Road improvement—One mile limit—Application of amended Section 6929, General Code, to residents of municipalities.....	240
Right of County Commissioners to borrow money to provide for the maintenance of County Tuberculosis Hospital.....	984
Right of—	
Common Pleas Court to appoint attorney, a non-resident of the county as Examiner of Titles—Right of such Examiner of Titles to represent parties in proceedings in reference to land titles.....	1091
County Commissioners to contract with the Ohio Sanitorium for the care of tuberculosis patients.....	1096
One pensioned by the Federal Government to draw blind relief—Ohio blind relief law.....	1303
Township Trustees to borrow money to replenish the township poor fund.....	1386
The Board of Education to borrow money under Section 5656, General Code, to pay obligations incurred for furnishing the transportation of pupils, which the law requires to be furnished.....	1394
County Commissioners to designate newspapers in which the report of such commissioners shall be published.....	1432
The District Tax Assessor to receive pay as proprietor of a newspaper, for publication under Section 6252, General Code.....	1496
The Board of Education under Section 7730, General Code, to suspend school when the average daily attendance thereof is less than twelve—Powers of such board under Section 7730, General Code, as amended.....	1625
Township Trustees under Sections 7033-7052, General Code, to pay part of the cost of a certain road improvement.....	1645
Rules applicable to County Commissioners to furnish blanks to applicants to register land titles.....	1323
Rules to be followed in determining the valuation of an estate for an inheritance tax where the value of the separate interests is such as to make exemptions exhaust the estate	1426
Sales of liquor by a drug clerk—Proprietor of a drug store—Penalty for illegal sale of liquor.....	118
Sale of cubeb cigarettes illegal in certain cases.....	1140
Schools—Township Board of Education—Boxwell-Patterson graduate—Tuition.....	729
Schools—Definition of the term "supervisor" as employed in Section 7811, General Code.....	1659

PROSECUTING ATTORNEY—Continued—

	Page
Opinion to—Concluded—	
School attendance should not be determined, under Section 7730, General Code, at a time when there is an epidemic prevailing in the school.....	1742
School districts—Right of a District Board employing a Superintendent to join with the rural school district which never employed a Superintendent—Power of school districts to join by mutual consent with the Boards of Education.....	980
State institutions for Feeble Minded—Inmates—County to pay for inmates confined in State Institutions.....	191
Status of municipalities and townships in counties voted dry under county local option law—Home Rule Amendment.....	1454
Street improvement—Bond sale—Road improvement—Township Trustees.....	627
Taxes and taxation—	
Construction of a bridge to replace bridge that has been condemned—County Commissioners—Bond issue.....	111
Snyder Act—County Commissioners—Construction of a permanent bridge to replace a temporary structure—Bond issue....	113
Listing property for taxation—Live stock—Tax penalty.....	280
Penalty for failure to pay taxes.....	703
Smith Law—Ten Mill Limitation—Fifteen Mill Limitation—Sinking fund—Interest levy.....	708
The Three Arts Club—Property of such club exempt from taxation—Institution of public charity.....	905
The word "Chauffeur" defined—Those who operate motor vehicles for hire—Those who operate such vehicles as an employe of the owner.....	1018
The right of the County Commissioners to transfer from the county fund or from the proceeds of any other county tax levies to supply deficiencies in County Board of Education fund, in case there is no money available in the sheep fund.....	1206
Township Trustees—Board of Education—Surplus funds.....	599
Townships may not join in condemning, purchasing and operating stone quarry property.....	619
Tuition—Parent or pupil residing outside of a school district where such pupil attends school—Right of a school district to credit such tuition account with the amount of taxes assessed on school.	216
Tuition of pupils attending district school—Apportionment of distance.....	1783
Under the exemption provision of the Inheritance Tax Law, nieces and nephews must be of the blood of the decedent.....	1420
Under what statute the salaries of former Township Boards of Education are to be paid for the year 1914.....	1510
Village and Township Treasurers continued to act as treasurers of school funds until they are superseded by the County Treasurer by virtue of Section 4763, General Code, may draw compensation for their services.....	1676
When lands were sold at judicial sale in the month of March, 1914, the taxes for 1914 are not payable from the proceeds of the sale.....	1396
When a school may be suspended because the average daily attendance during the preceding year was less than twelve.....	1691

INDEX.

1919

	Page
PROSECUTING ATTORNEY—Concluded—	
Secret Service—Officer—Salary—County Detective.....	270
May appoint such assistants as he deems necessary for the proper performance of his duties.....	1160
PUBLICATION—	
Right of the District Tax Assessor to receive pay, as proprietor of a newspaper, for publication under Section 6252, General Code.....	1496
PUBLIC CHARITY—	
Taxes on money belonging to the Wood, Wire and Metal Lathers' International Union	1119
The Three Arts Club—Property of such club exempt from taxation—Institution of Public Charity.....	905
PUBLIC COMFORT STATION—	
County Commissioners have no authority to construct a public comfort station as such.....	1217
PUBLIC DEPOSITORIES—	
Depository law—Rules governing the depositing of money where two banks furnish a bond.....	1657
PUBLIC HIGHWAY—	
Automobile display—Distinctive number not required in certain cases....	1129
Crossing railways—Construction and repair of such bridges over railway—Maintenance of such bridges—County Commissioners—Bridges to be maintained by railway.....	174
PUBLIC LIBRARY—	
Definition of the term "library staff" as used in subdivision 6 (a) of Section 8 of the Civil Service Act—Public Library in City of Cincinnati is a County Institution.....	1507
PUBLIC LIBRARY OF THE CITY OF FINDLAY—	
Gift of property to city for library purposes—City may accept such gift...	611
PUBLIC MONEY—	
Bureau of Inspection and Supervision of Public Offices—Extent of findings that may be made against public officials.....	1605
PUBLIC OFFICE—	
Cemetery Trustee—Member of the Village Council—Abolition of office of Member of Cemetery Trustees.....	105
PUBLIC OFFICIALS—	
Bureau of Inspection and Supervision of Public Offices—Extent of findings that may be made against public officials.....	1605
PUBLIC PARK—	
The Coney Island Transportation Company—The Coney Island Amusement Company—Receipts from this business intra-state in character.....	916

	Page
PUBLIC PRINTING—	
Newspaper—City printing—Ex-Mayor of city may be owner of newspaper doing such printing.....	385
PUBLIC POLICY—	
City Engineer—Assistant to City Engineer—Salaries—Resolution—Per Diem—Compensation.....	287
Deputy Sheriff may not receive compensation for use of automobile by himself or Sheriff.....	774
PUBLIC ROADS—	
Duty of land owners or tenants to destroy noxious weeds growing on public roads abutting lands of such owners or tenants—Proceedings where such land owners or tenants fail to destroy such noxious weeds...	1215
PUBLIC SAFETY DEPARTMENT—	
Right of the Director of Public Safety to receive a salary as Clerk in the Public Safety Department.....	1425
PUBLIC SERVICE CORPORATION—	
Employers' Liability Act—Political subdivisions—Application of this law not regulated by the number of employes in political subdivisions.	250
Offices compatible—Member of Board of Elections arbitrator between the village and public service corporation.....	925
PUBLIC SCHOOLS—	
Child labor—Prohibited in certain institutions until certain age is reached—Permitted in other kinds of employment when the schools of the district in which such child resides are not in session.....	831
Teachers' pensions—Who entitled to such pensions.....	496
PUBLIC UTILITIES—	
Director of Public Service—Jurisdiction over public utilities.....	1785
Disposing of stocks and bonds received prior to the enactment of the "Blue Sky" Law and prior to the creating of the Public Utilities Commission—"Blue Sky" Law—Public Utilities Commission....	759
State Sealer of Weights and Measures—Authority to test gas meter provers—Authority of Public Utilities Commission to test such meters.....	657
Vandalia Railroad Company not liable for the payment of excise or franchise tax—Rolling stock used by this railroad company in Ohio on the tracks of another railroad taxable as property—Such railroad company to report as a railroad company and a public utility to the Tax Commission of Ohio.....	1358
Village—Telephone company franchise—Telephone company cannot be compelled to maintain the rate agreed upon in the ordinance granting the franchise—Right to use village streets—Public utilities Commission may fix reasonable rates.....	775
PUBLIC WATER SUPPLY—	
Engineer—Referee—Contingent fund.....	309

PUBLIC WORK—	Page
Eight hour day on public works—Liability insurance—Educational institutions not included.....	283
Eight Hour Law—Distinction between workmen engaged in public work and workmen working for the public.....	595
PUPIL—	
Compulsory attendance at school—Powers of Truant Officer—Ages between which children must attend school.....	101
Conveyance of pupils in a special district—Board of Education—Truant Officer—Compulsory attendance at school—Special district.....	152
Right of the Board of Education to borrow money under Section 5656, General Code, to pay obligations incurred for furnishing the transportation of pupils, which the law requires to be furnished..	1394
Schools—Board of Education cannot be compelled to pay tuition of pupil attending school in another township when the pupil lives more than one and one-half miles from a school in his own township....	862
Transportation of high school pupils—Laws regulating such transportation.....	362
Tuition—Parent or pupil residing outside of a school district where such pupil attends school—Right of a school district to credit such tuition account with the amount of taxes assessed on school.....	216
When a school may be suspended because the average daily attendance during the preceding year was less than twelve.....	1691
PUT-IN-BAY—	
Board of Health—Refuse.....	339
QUADRENNIAL APPRAISEMENT—	
Plats for quadrennial appraisalment—Contract for the making of such plats must be entered into according to law—Moral obligation to pay for such maps and plats where the same are furnished on an illegal contract.....	808
QUALIFICATION—	
The Legislature of Ohio is the sole final and only judge of the election and qualification of its members.....	1646
QUARANTINE—	
Municipality not legally bound to pay for services to family physician who rendered services to quarantined persons, without contract with the municipality.....	1735
Village Board of Health—Health Officer—Right of Health Officer to carry provisions to quarantined persons.....	500
QUARTERMASTERS—	
Blanket Bond for Ohio National Guard Officers—Legality of such bond—Payment of premium of such bond.....	838
QUORUM—	
Banks and Banking—Board of Directors—Constituting a quorum....	31

RAILROAD COMPANY—	Page
Certificate—Appropriated Funds—County Commissioners—Grade crossings.....	740
Public highways crossing railways—Construction and repair of such bridges over railway—Maintenance of such bridges—County Commissioners—Bridges to be maintained by railway.....	174
Vandalia Railroad Company not liable for the payment of excise or franchise tax—Rolling stock used by this railroad company in Ohio on the tracks of another railroad taxable as property—Such railroad company to report as a railroad company and a public utility to the Tax Commission of Ohio.....	1358
RAILROAD COMPANIES—	
Mine rescue car—Transportation of such car free of charge by railroads..	828
Private employment agency—Contract with railroad companies to furnish labor.....	1084
Express companies—Sale of steamship or railroad tickets to and from foreign countries—Personally conducted parties.....	665
RAILROAD POLICEMEN—	
Duties—May collect reward offered by County Commissioners.....	107
Railroad Policemen's Bond—Where to be filed—Filing fee.....	1
RAILROAD TICKETS—	
Railroad companies—Express companies—Sale of steamship or railroad tickets to and from foreign countries—Personally conducted parties.....	665
RAILS—	
Street Railway—Franchise—Paving between the rails.....	671
RATES—	
Village—Telephone Company Franchise—Telephone company cannot be compelled to maintain the rate agreed to in the ordinance granting the franchise—Right to use village streets—Public Utilities Commission may fix reasonable rates.....	775
REAL ESTATE—	
Collateral Inheritance Tax—Executor—Payment—Real estate—How valuation should be made.....	395
Compliance with the Land Registration Law in actions in partition instituted on or after July 1, 1914—Compliance with this law when an election has been made.....	1322
Contract—Insurance Contract under Ohio Laws—"Business of insurance"	584
Inheritance Tax—Construction of phrase "in which said tax originates"—Personal property.....	333
Road improvement—One mile limit—Application of Amended Section 6929, General Code, to residents of municipalities.....	240
Trust companies, whose business in Ohio is confined merely to loaning money on real estate, should pay fees provided for in Section 736, General Code.....	1238
REAL PROPERTY—	
Formation of a corporation for the purpose of education, amusement and instruction—Right to acquire and own property.....	1125

RECEIPTS AND BALANCES—	Page
Budget—Balances of 1913 appropriation—Appropriation covering contracts—School Fund—Sinking Fund—University Fund.....	3
RECEIVER—	
Assignee—Trustees in bankruptcy—Listing of property for taxation.....	673
RECIPROCITY—	
State Board of Pharmacy—Right to recognize certificate of pharmacist from foreign state.....	408
RECORDER—	
Land Registration Act—Entries Clerk of Courts should make—Expense of registration—County Recorder—Costs arising out of registration.....	1559
REFEREE—	
Engineer—Public water supply—Contingent Fund.....	309
REFERENDUM—	
Ordinance providing for a bond issue for installation of pure water system ordered by State Board of Health, not subject to referendum when bond issue is to carry out an order of the State Board of Health...	1679
Village Council—Contract—Right to hire an engineer—Pay roll—Referendum on pay roll.....	261
REFERENDUM PETITION—	
Submission at general election—Initiative petition—Submission at general election.....	1161
Special election—When a petition is signed by twenty per cent. of the electors such election may not be held if regular election occurs not later than ninety days after the petition is filed.....	837
REFORESTATION—	
State Agricultural Commission—Right to purchase real estate for the purpose of reforestation and for establishing game preserves.....	1251
REFUSE—	
Board of Health—Put-in-Bay.....	339
REGISTRAR OF AUTOMOBILES—	
Opinion to—	
Automobiles operated by Chief of Fire Department containing fire extinguishers must be registered.....	1060
Reduction of fees to certain owners of motor vehicles filed for registration after September 1, 1914.....	1149
REGISTRAR OF VITAL STATISTICS—	
Subject to provisions of civil service act—In classified service—Village registrars not in civil service.....	1682
REGISTRATION—	
Automobile operated by Chief of Fire Department containing fire extinguishers must be registered.....	1060

	Page
REGISTRATION—Concluded—	
Reduction of fees to certain owners of motor vehicles filed for registration after September 1, 1914.....	1149
State Board of Pharmacy—Right to recognize certificate of pharmacist from foreign state.....	408
REGISTRATION CITY—	
Compensation to Deputy State Supervisors of Election—Beginning of the year—Election precinct—Compensation of the Clerk of the Deputy State Supervisors of Election.....	130
REGISTRATION OF TITLES—	
Fees that should be collected by the Clerk of the Court for registration of titles to real estate.....	1146
REGULAR ELECTION—	
Primary election not a general election.....	942
RE-INSURANCE—	
Insurance—Re-insurance of unmatured policies—Discontinuance of business by insurance company—Policy holder.....	588
RELIGIOUS CORPORATION—	
Acceptance by Religious Corporation of gift in return for an annuity, not classed as insurance.....	1655
REMOVAL FROM OFFICE—	
Removal of Humane Agent from office—Procedure necessary.....	503
Removal of Members of State Board of Health under civil service—Procedure to be followed.....	378
RENEWAL CLAUSE—	
Lease granted by Board of Public Works for water rights.....	1723
REPAIRS ON SCHOOL BUILDING—	
When competitive bidding for such repairs may be dispensed with—Urgent need.....	1077
REPAVING—	
Street—Paving—Assessment.....	530
REPAVING HIGH STREET—	
Appropriation made from Sundry Appropriation Bill to the city of Columbus for the paving and repaving before a state property—When same shall be paid.....	1487
REPORT—	
Right of County Commissioners to designate newspapers in which the report of such Commissioners shall be published.....	1432
RESEARCH WORK—	
Ohio State University Professors may be employed at Experiment Station during vacation.....	507

INDEX.

1925

	Page
RESERVE—	
Savings Banks—Right to invest three-tenths of their ten per cent. reserve on time deposits in securities.....	964
RESERVE FUND—	
Municipal Corporation—Sinking Fund Trustees—Powers—Certificates of indebtedness—Interest—Assessment.....	558
RESIDENCE—	
Mothers' Pension—Residence required in order to obtain mothers' pension	
Legal residence of mothers applying for mothers' pension.....	921
RESIGNATION—	
A Member of a Civil Service Commission resigning his office may not be reappointed for the unexpired portion of his term.....	1439
State Senator—Salary—Appointment to State Office—Lieutenant Governor	172
RESOLUTION—	
City Engineer—Assistant to City Engineer—Salaries—Resolution—Per Diem—Public policy—Compensation.....	287
Correct wording of ordinance or resolution under Article XII, Section 11 of the Constitution of Ohio.....	460
Council—Power to compel the Mayor to enforce ordinances and resolutions	944
The right of the widow of one who has been a beneficiary to participate in a fireman's pension fund.....	919
Transcript of proceedings and copy of resolution in form of opinion for bond issue for rural school district, Springfield Township, Ross County, Ohio.....	1358
RESTAURANT KEEPER—	
Liquor license—Power of making sales under saloon license—Saloon license can only cover one place of business—Saloonist not permitted to sell drinks in a restaurant with which he has no connection.....	37
RETIREMENT FROM BUSINESS—	
Retirement from business of a foreign corporation—What contemplated by such retirement.....	1172
REVALUATION—	
Ohio University lands held under lease prior to 1843 subject to revaluation - Rents for such lands.....	1566
Taxation and revaluation of Sections 16 and 29 when such sections are leased for more than fifteen years—Power of Tax Commission to remit taxes.....	1162
REVENUES—	
Payment of moneys into State Treasury by State Departments—State Universities not affected by provisions of Section 24, General Code.....	61
REVISION OF SCHOOL BOOKS—	
When the listing of school books expires.....	1055

	Page
REWARD—	
Railroad policemen—Duties—May collect reward offered by County Commissioners.....	107
RICHMOND CASKET COMPANY—	
Dayton flood—Contract.....	245
ROADS—	
Road Commissioner may improve road through the village.....	610
Right of Township Trustees under Sections 7033-7052, General Code, to pay part of the cost of a certain road improvement.....	1645
Disposition of the surplus in a road improvement fund created by a bond issue—County Commissioners have no right to transfer a surplus in a special or established fund in a county to a fund for the building of a new road.....	1382
Highway Department—Right to expend highway funds for the publication of a monthly magazine.....	1019
Improvement of roads of a township by graveling without a vote of the people—Increasing tax levy.....	1122
ROADS, PUBLIC—	
Powers of Dragging Superintendent.....	491
ROADS AND HIGHWAYS—	
Assessment of canal lands—Assessment of electric railway whose lines parallel improvements made under Section 7407, General Code, —Farmers land may not be assessed for such improvement—Collection of costs from abutting owners.....	1351
Roads—Bond issue—Smith law—Ten Mill Limitation—Longworth Act —Main market road—Hite Road Law.....	781
Road improvement—Land owner—County Commissioners.....	42
ROAD COMMISSIONERS—	
County Commissioners—Agricultural Societies—Construction of highways.....	348
Free Turnpike Road Commissioners—Custody of funds—County Commissioners—County Auditor—Road improvement.....	330
May improve road through the village.....	610
ROAD CONTRACT—	
State Highway Commissioner—Right to send assistants out of the state relative to conducting investigations as to the best methods of road construction.....	710
ROAD DISTRICT—	
County Commissioners—Authority of County Commissioners to turn over to a municipality its share of the tax levy for road purposes—Authority to turn over its proportionate share of county bridge fund.....	864
Municipal road districts—Taxes levied for special road improvement purposes—Township Trustees—Bond issue under Longworth Act—Council—Budget ordinance should be published.....	839

ROAD IMPROVEMENT—		Page
Land owner—County Commissioners—Roads and highways.....		425
One mile limit—Application of amended Section 6929, General Code, to residents of municipalities.....		240
Street improvement—Bond sale—Township Trustees.....		627
Taxes and taxation—When State Highway Commissioner may use half mill tax levied for road improvement.....		699
 ROAD IMPROVEMENT FUND—		
Disposition of the surplus in a road improvement fund created by a bond issue—County Commissioners have no right to transfer a surplus in a special or established fund in a county to a fund for the building of a new road.....		1382
 RULES—		
A County Auditor is not estopped from recovering money paid out by him according to the rule of the Bureau of Inspection and Supervision of Public Offices when a different rule is subsequently decided by the Supreme Court.....		1400
Authority of Board of Administration to adopt rules relative to paroling prisoners from the Ohio Penitentiary.....		694
 RURAL SCHOOL DISTRICT—		
Construction of Section 4736, General Code, in reference to rural school districts which go to make up county school districts.....		1599
 RURAL TOWNSHIP SCHOOL DISTRICT—		
County Board of Education without authority to directly dissolve rural township school district and attach territory to village district..		1687
 ST. FRANCIS LEVEE DISTRICT, OF ARKANSAS.		
Bonds of the St. F. L. D. of Arkansas and the bonds of the Harris County Houston Ship Channel Navigation District of Harris County, Texas, not county bonds.....		1002
 SALARY—		
A Member of a Civil Service Commission resigning his office may not be reappointed for the unexpired portion of his term.....		1439
City Council—Municipal Civil Service—Expenses.....		524
Construction of Section 4744-1, General Code, with reference to the salary of County Superintendent of Schools—Right of the County Board of Education to fix the salary of a County Superintendent at an amount in excess of \$1200.00—To fix the salary at an amount greater than \$2000.00.....		1265
Fixing the salary of members of the Board of Review when the County Commissioners fail to fix such salary—When salary must be fixed		1590
General Assembly—Salaries—The manner in which salaries are to be paid—When salaries are to be paid—Mileage.....		214
How the moneys paid into the County Board of Education Fund on account of the salaries of county and district superintendents are to be paid—Such funds are automatically appropriated for the payment of such salaries and cannot be used for any other purpose—Transfers from the dog tax fund, under Section 5653, General Code ..		1209

	Page
SALARY—Concluded—	
Not legal for a person to resign an office and thereafter be appointed to fill his own vacancy.....	1764
Offices incompatible—Chief of Police and Chief of Fire Department.....	1378
Police Judge made Presiding Judge of Municipal Court may receive additional compensation—Such compensation not to be received until the organization of the court, January 1, 1914.....	821
Power of the Ohio Board of Administration to regulate the number and salaries of officers referred to in Section 2180, General Code.....	977
Prosecuting Attorney—Secret Service—Officer—County Detective.....	270
State Senator—Resignation—Appointment to State Office—Lieutenant Governor.....	172
Right of Municipal Civil Service Commission to fix salaries of its employes—Powers of council.....	1123
Under what statute the salaries of former Township Boards of Education are to be paid for the year 1914.....	1510
Village Council—Power to fix salaries and approve bonds of employes of villages—Village Boards of Public Affairs have the power to employ persons to do the work of the village.....	20
SALARY ORDINANCE—	
City Council—Passage of salary ordinance—Vote necessary for passage of such ordinance—President of council.....	82
City Ordinance—Pass ordinance over Mayor's veto—Vote necessary to pass ordinance over Mayor's veto.....	238
Term of office—Increase in salary—Village Treasurer.....	355
SALES—	
Banks and Banking—Sale of shares of stock to pay balance due on same—Power of directors of banks to make such sale—Procedure to be followed.....	86
When lands were sold at judicial sale in the month of March, 1914, the taxes for 1914 are not payable from the proceeds of the sale.....	1396
SALE OF DRINKS—	
Liquor License—Power of making sales under Saloon License—Saloon License can only cover one place of business—Saloonist not permitted to sell drinks in a restaurant with which he has no connection.....	37
SALOONS—	
Closing of saloons on election day.....	923
Liquor License Board—Saloons in township regulated by population.....	35
Liquor Licensing Commission—Saloons—Number of liquor licenses that may be granted in a municipality.....	438
Liquor License—Official census is to be used to determine the number of saloons that may be permitted in a particular sub-division.....	909
SALOON KEEPER—	
Liquor License Law—Saloon License—Failure to pay saloon license—Levy—Penalty.....	185

INDEX.

1929

SALOON LICENSES—	Page
Census—Census Bureau estimate—Number of saloon licenses granted in a township.....	310
Liquor License—Power of making sales under Saloon License—Saloon License can only cover one place of business—Saloonist not permitted to sell drinks in a restaurant with which he has no connection.....	37
Liquor License Law—Saloon keeper—Failure to pay Saloon License—Levy—Penalty.....	185
Liquor Licensing Commission—Saloons—Number of Liquor Licenses that may be granted in a municipality.....	438
SANITARY POLICEMEN—	
Municipal corporation— Authority to provide for sanitary police pension fund.....	946
SANITARY POLICE PENSION FUND—	
Sanitary Police pension fund included within Workmen's Compensation Act.....	1092
SANITARY RULES AND REGULATIONS—	
How prosecutions by State Board of Health for violations of standing orders must be instituted—Enforcement of sanitary rules and regulations of State Board of Health—Prosecution of offenders for violation of rules and regulations.....	1287
SAVINGS BANKS—	
Banks and banking—Commercial bank and savings bank—Ten per cent. reserve to be maintained by such banks.....	874
Difference between paid up stock of a building and loan association and paid up stock of other corporations—Legal investment for corporations and savings bank.....	608
Right to invest three-tenths of their ten per cent. reserve on time deposits in securities.....	964
SAVINGS AND LOAN COMPANY—	
Savings and loan—Foreign savings and loan company—The right to advertise in Ohio.....	235
SAW MILL—	
Operation of steam boiler—When such boiler is exempt from inspection under Section 1058-7, General Code.....	1187
SCHOOLS—	
School attendance should not be determined, under Section 7730, General Code, at a time when there is an epidemic prevailing in the school.....	1742
Boards of Education are required to provide schools and sufficient educational facilities for inmates of County Children's Homes—Public schools of the state are free to inmates of public or private orphan asylums.....	966
Boxwell-Patterson Law—Pupil must comply with this law in order to receive free tuition in high school—What high school graduate to attend.....	418

SCHOOLS—Concluded—	Page
Clerk acting as Treasurer of Board of Education—The status of teachers of rural schools hired before Section 7705, General Code, amended, went into effect.....	1490
Compulsory attendance at school—Powers of truant officer—Ages between which children must attend school.....	101
Conveyance of pupils in a special district—Board of Education—Truant Officer—Compulsory attendance at school—Special district.....	152
County private roads—Maintenance of a road leading to a school house—Right of Board of Education to construct bridge on such road—County Commissioners.....	247
Definition of the term "Supervisor" as employed in Section 7811, General Code.....	1659
Districts—Right of a district board employing a superintendent to join with a rural school district which never employed a superintendent—Power of school districts to join by mutual consent with the Board of Education.....	980
Examiners—School examination—Compensation.....	642
Located at County Children's Home—Control of such schools placed with Board of Trustees of such homes—Meaning of the term "Orphans' Asylum", as used in Section 7676, General Code.....	1552
No statutory provision for dissolution of boys' high school districts.....	1495
Procedure to be followed in suspending a school.....	1101
Right of the Board of Education to borrow money under Section 5656, General Code, to pay obligations incurred for furnishing the transportation of pupils, which the law requires to be furnished.....	1394
Township Board of Education—Boxwell-Patterson graduate—Tuition.....	729
Tuition—Parent or pupil residing outside of a school district where such pupil attends school—Right of a school district to credit such tuition with the amount of taxes assessed on school.....	216
Tuition of pupils attending district school—Apportionment of distance.....	1783
Village school—How village school district may become part of county school district—Right of such village school district to become part of the county school district.....	883
When a school may be suspended because the average daily attendance during the preceding year was less than twelve.....	1691
 SCHOOL BOOKS—	
Revision of a school book—When the listing of school books expires.....	1055
 SCHOOL BUILDING—	
Condemnation of a school building by the State Building Inspector—Levies for the necessary repairs are not entitled to exemptions.....	1328
Repairs on school building—When competitive bidding for such repairs may be dispensed with—Urgent need.....	1077
 SCHOOLING CERTIFICATE—	
Duty of the Board of Education in reference to providing relief for boys under fifteen years of age and girls under sixteen years of age, who are unable to support themselves and stay in school.....	1536
 SCHOOL CODE—	
Number of times that a teacher's certificate covered by Sections 7945 and 7846, General Code, as amended, may be renewed.....	1295

	Page
SCHOOL CODE—Concluded—	
School districts—Right of a district board employing a Superintendent to join with a rural school district which never employed a Superintendent—Power of school districts to join by mutual consent with the Boards of Education.....	980
SCHOOL CHILDREN—	
Duty of the Board of Education in reference to providing relief for boys under fifteen years of age and girls under sixteen years of age who are unable to support themselves and stay in school.....	1536
SCHOOL COMMISSIONER—	
Number of times that a teacher's certificate covered by Sections 7845 and 7846, General Code, as amended, may be renewed	1295
SCHOOL DISTRICTS—	
Construction of Section 4782, General Code, in reference to the establishment of depositories for school funds of school districts and the dispensing of the treasurers of the school moneys.....	1475
Parochial school—Right of council to furnish water to such school free ..	317
Transfer of territory from one rural or village school district to another—Distribution of funds when such transfer is made—Apportionment of indebtedness when such transfer is made.....	1333
Tuition—Parent or pupil residing outside of a school district where such pupil attends school—Right of a school district to credit such tuition account with the amount of taxes assessed on school.....	216
Village and township treasurers continued to act as treasurers of school funds until they are superseded by the county treasurer by virtue of Section 4763, General Code, may draw compensation for their services.....	1676
SCHOOL DISTRICTS, VILLAGE—	
County Board of Education may use its discretion in determining whether or not it is necessary in changing rural school districts to have the County Surveyor change the lines.....	1492
SCHOOL FUNDS—	
Budget—Balances of 1913 appropriation—Receipts and balances—Appropriation covering contracts—Sinking fund—University fund.....	3
Construction of Section 4782, General Code, in reference to the establishment of depositories for school funds of school districts and the dispensing of the treasurers of the school moneys.....	1475
Distribution of school funds at the rate of thirty dollars for each teacher employed—Music teachers employed in more than one district are to be counted as teachers in each district in which they are employed—Average daily attendance of pupils in distribution of common school funds to be computed on basis of legal school year—Interest on common school fund money—Distribution of school funds under Section 7600, General Code.....	1071
Duty of County Auditor with reference to the distribution of school funds for the use of the County Board of Education—County Auditor must make settlement on the basis of certificate required to be made by the County Board of Education under Section 4744-2, General Code.....	1346

	Page
SCHOOL FUNDS— Concluded—	
Not necessary for school depository banks to give new bonds to bind securities—Bonds.....	1765
Village and Township Treasurers continued to act as treasurers of school funds until they are superseded by the County Treasurer by virtue of Section 4763, General Code, may draw compensation for their services	1676
SCHOOL HOUSE—	
Board of Education—Securing new site in order to replace school house condemned or destroyed—Fixing levies.....	1128
SEAL—	
Bond of Notary Applicant—Fee for Clerks of Court for certifying under seal to the genuineness of the signature of such bond.....	965
SECRETARY—	
City School District—Such teachers attending County Teachers' Institutes not entitled to compensation—A city school district teacher may act as Secretary of County Teachers' Institute and receive compensation therefor.....	1062
Civil Service—	
Heads of principal departments—Deputies—Assistant Secretary.....	366
Liquor Licensing Board—Entitled to two secretaries or clerks in the unclassified service.....	765
Director of Public Service cannot delegate power of executing contracts to his secretary.....	1500
Right of the State Liquor Licensing Board to designate one of the County Liquor Licensing Commissioners as Secretary of the County Liquor Licensing Board.....	1672
Teachers' Institute—Compensation to Secretary—Teacher attending such institute may act as secretary.....	434
SECRETARY OF AGRICULTURAL COMMISSION—	
Bond—State does not require bond from Secretary of Agricultural Commission—Commission may require bond from secretary—Where such bond is to be filed.....	123
SECRETARY BOARD OF TRUSTEES—	
Opinion to—	
Kent State Normal School—Contract—Architect—Appropriation....	605
Duty of the Inspector of Buildings in the City of Columbus to approve the plans of buildings of the O. S. U. and to enforce the State Building Code with reference thereto—Application of Columbus ordinance relating to the construction of buildings of the Ohio State University.....	1307
SECRETARY THE FORT MEIGS MEMORIAL COMMISSION—	
Opinion to—	
Powers of the Fort Meigs Memorial Commission to make reasonable rules prohibiting trespassing on the grounds under its control.....	988

SECRETARY STATE ARMORY BOARD—

	Page
Opinion to—	
Abstract of Title—Village of Oak Harbor to State of Ohio.....	128
Abstract of Title.....	437
Abstract of Title and Deed. (Armory site, Marietta, O.).....	457
Abstract of Title.....	593
Abstract of Title, City of Athens to State of Ohio, armory site.....	1489
Floor covering for State Armory may not be purchased from the State Armory Construction Funds.....	922
State Armory Board not liable for street assessments.....	46
State Armory Board—Installation of heating system—Payment for same—Powers of Armory Board.....	87

SECRETARY OF STATE—

Articles of Incorporation—	
“Blue Sky” Law—Insurance companies—Commissions—Capital stock.....	147
Insurance—Certificate—Corporation—Life Insurance.....	229
Automobile operated by Chief of Fire Department containing fire ex- tinguishers must be registered.....	1060
Opinion to—	
Amendment to articles of incorporation of abstracting companies in order to form title guaranteeing and trust companies—Such amendment not permissible—Rule.....	1695
Articles of Incorporation—	
Of the Workman’s Aid Association of Toledo should be filed by the Secretary of State.....	51
Corporation reducing its capital stock—The number of shares of capital stock may not be reduced.....	253
National Mutual Automobile Insurance Association—Purpose clause disapproved.....	835
Power of corporations organized for furnishing abstracts of titles Of the National Mutual Automobile Insurance Association not approved.....	965
Of the Loveland Light and Water Company disapproved—Forming a corporation for furnishing natural and artificial gas and electricity, heat and power—Right of such corporation to manufacture and deal in natural and artificial ice—Articles of incorporation.....	1107
The Auto Insurance Company, Norwalk, O.....	1679
Capital Stock—Increase of capital stock—Preferred stock—Articles of incorporation.....	305
Closing of saloons on election day.....	923
Formation of a corporation for the purpose of education, amusement and instruction—Right to acquire and own property.....	1125
Mandamus—License—Chattel Loan Business.....	324
No power to regulate Chattel Loan License.....	1749
Referendum petition—Submission at general election—Initiative petition—Submission at general election.....	1161
Retirement from business of a foreign corporation—What contemplated by such retirement.....	1172
The Secretary of State has no right to remit the one hundred dollars penalty exacted from a corporation whose articles of incorporation or certificate of authority to do business has been cancelled.....	1377

SECRETARY TO DIRECTOR OF PUBLIC SERVICE—	Page
State Civil Service Commission has no authority to pay witness fees— Police officer not entitled to witness fees—City Clerk under civil service—Secretary and assistant to Director of Public Service subject to non-competitive examination.....	74
SECRET SERVICE—	
County Detective—Secret Service Officer—Amount that county may pay for detective service—Prosecuting Attorney.....	188
Employment of Secret Service Officer by Prosecuting Attorney—Employ- ment of additional Secret Service Officer.....	399
Prosecuting Attorney—Officer—Salary—County Detective.....	270
SECURITIES—	
“Blue Sky” Law—What constitutes securities under this law.....	352
Meaning of the words “well secured” as used in Section 9735, General Code, in reference to security for a debt.....	1432
Savings Banks—Right to invest 3-10ths of their 10% reserve on time deposits in securities.....	964
SELLING AGENCY—	
Foreign corporations—Circumstances under which credits arising from business done by foreign corporations may be taxed in Ohio— Goods held in stock by such corporations.....	1578
SERIAL BOND—	
Taxes and taxation—Serial bond may be issued under authority of Article XII, Section 11, of the Constitution—Compliance with Article XII, Section 11, of the Constitution in reference to serial bonds..	1224
SEWERS—	
Power of the Board of Health under Bense Act to authorize installation system of sanitary sewers as a pertinent to a sewage disposal plant	1337
Right of the Director of Public Service, or the Council of the municipality, to contract with a property owner for the construction of a sanitary sewer from his property.....	1392
SEWERS, STORM—	
Transcript of proceedings of Council of the Village of West Carrollton, Ohio, for bond issue for construction of storm sewers.....	1327
SEWERAGE DISPOSAL PLANT—	
Construction of a sewerage disposal plant ordered by the State Board of Health—Proper party in the city to enter into a contract of this kind.....	387
Construction of a sewage disposal plant—Under the Bense Act City Auditor’s certificate that the money is in the treasury may be issued after the bonds have been authorized.....	1126
Power of the Board of Health under Bense Act to authorize installation system of sanitary sewers as a pertinent to a sewage disposal plant.....	1337
SEWERAGE SYSTEM—	
Amending bonds for sewerage system—Enacting ordinance on same— Bond issue.....	695

SHARP-DOLLISON LEASE—	Page
Canal funds—Crediting back of funds.....	501
“SHEEP FUND”—	
The right of the County Commissioners to transfer from the county fund or from the proceeds of any other county tax levies to supply deficiencies in County Board of Education fund, in case there is no money available in the sheep fund.....	1206
SHERIFF—	
Deputy Sheriffs and Deputy Clerks may act in place of Sheriffs and Clerks	653
Deputy Sheriff may not receive compensation for use of automobile by himself or Sheriff—Public policy.....	774
Lost fees—Sheriff’s bill for lost fees—What it shall include—What it shall not include.....	119
Ohio National Guard—Right of Sheriffs, Mayors and Judges to call out the National Guard in certain cases—Power of the Governor in reference to the National Guard.....	1141
Right of Mayor of a city having no police force to issue a warrant in a state case, directed to the Sheriff of a county— Right of the Sheriff, called on by Chief of Police to assist in making an arrest, to a fee—Compensation of assistants used by Chief of Police—Automobile hire—Policemen may retain fees received in state cases.....	1246
Service of writs—Constable may not serve writs upon himself—Sheriff may not serve writs upon himself—Sheriff may serve writs on a deputy Sheriff—Coroner may serve writs on a Sheriff.....	48
SIDEWALKS—	
Circumstances under which it is the duty of County Commissioners to repave approaches to bridges and relay sidewalks in a city where such bridges were destroyed by a flood—City must pay for damage to abutting property owners where grade of the bridge is changed	1440
Necessity of ordinance for construction of sidewalks in cities and villages—Such ordinance need not be published— Notice to abutting property owners.....	1384
SINKING FUND—	
Budget—Balances of 1913 appropriation—Receipts and balances—Appropriation covering contracts—School fund—University fund...	3
Deficiency—Question of assessment in anticipation of which bonds have been issued.....	1174
Disposition of the surplus in a road improvement fund created by a bond issue—County Commissioners have no right to transfer a surplus in a special or established fund in a county to a fund for the building of a new road.....	1382
Judgments against municipal corporations should be paid out of sinking fund—Attorneys’ fees.....	1777
Taxes and taxation—	
Smith Law—Ten mill limitation—Fifteen mill limitation—Sinking fund—Interest levy.....	708
Serial bond may be issued under authority of Article XII, Section 11 of the Constitution—Compliance with Article XII, Section 11 of the Constitution in reference to serial bonds.....	1224

	Page
SINKING FUND COMMISSIONERS—	
Of a city school—Have no control in the selection of a depository for school money under their control.....	1234
SINKING FUND TRUSTEES—	
Authority of sinking fund trustees to refund special assessments erroneously charged and paid.....	1318
Disposition of bond given by depository bank under Sections 4295, 4296, 4515, 4516, General Code.....	1639
Municipal corporation—Powers—Certificate of indebtedness—Reserve fund—Interest—Assessment.....	558
Municipal council, only, has power to fix salary of sinking fund trustees...	1772
Municipal officers—Right to be interested or connected with contracting for supplies while in office.....	848
SMALL POX—	
Village Board of Health—Health Officer—Right of Health Officer to carry provisions to quarantined persons.....	500
SMITH ONE PER CENT. LAW—	
Board of Education—Securing new site in order to replace school house condemned or destroyed—Fixing levies.....	1128
Construction of words “heretofore” and “hereafter” as used in Section 5649-2, General Code.....	577
Discussion of Section 7629, General Code, providing for the issuance of bonds by Boards of Education—Operation of this Section under Smith Law and Article XII, Section 11, of the Constitution....	1078
Roads—Bond issue—Ten mill limitation—Longworth Act—Main market road—Hite Road Law.....	781
Taxes and taxation—Ten mill limitation—Fifteen mill limitation—Sinking fund—Interest levy.....	708
SNYDER LAW—	
Taxes and taxation—Snyder Act—County Commissioners—Construction of a permanent bridge to replace a temporary structure—Bond issue.....	113
SOLDIERS’ RELIEF COMMISSION—	
County Commissioners—Levy for Soldiers’ Relief Commission.....	852
SOLICITING—	
Savings and loan—Foreign savings and loan company—The right to advertise in Ohio.....	335
SPEAK EASIES—	
Speak easies—Liquor traffic—Ordinance—Prosecutions must be made under the state law.....	84
SPECIAL ASSESSMENT—	
Apportionment of the total cost and expenses of special assessment improvement—Department of Public Service.....	1703
Bond issue—Funding bonds to replace notes issued in anticipation of the collection of special assessments—Status of such bonds—Notes issued in anticipation of the collection of special assessments—Issuing of such bonds and notes before the anticipated levy is actually levied.....	897

	Page
SPECIAL ASSESSMENT—Concluded—	
Duty of City Solicitor to represent city officers in proceedings to restrain the certification and collection of special assessments—City Solicitors may not be appointed by county officers to represent them in such action—Compensation.....	1262
Repeal of special assessment legislation for improvement of streets—Unlawful to use moneys derived from sale of bonds for such improvement.....	1693
Transcript of proceedings for bond issue for the Village of Hudson, Ohio, for paving of streets in said village.....	1371
SPECIAL COUNSEL—	
Flood Conservancy Act—Constitutionality of said Act—Employment of assistant to City Solicitor.....	622
SPECIAL ELECTION—	
Compensation—Deputy State Supervisors of Elections and their clerks...	691
Petition for municipal local option election under the Beal Law—When such petition may be entertained.....	1468
When a petition is signed by twenty per cent. of the electors such election may not be held if regular election occurs not later than ninety days after the petition is filed—Referendum petition.....	837
SPECIAL LEVY—	
Right of County Commissioners to borrow money to provide for the maintenance of county tuberculosis hospital, until March 1, 1915.....	984
SPECIAL SCHOOL DISTRICT—	
Conveyance of pupils in a special district—Board of Education—Truant Officer—Compulsory attendance at school—Special district.....	152
Disposition of tax levy made by Board of Education of a special school district where the proceedings for the formation of such district were declared void by the Court.....	1592
Incorporation of a township school district into a special district—Duty of Board of Education to transport pupils unprovided for to a school.....	803
SPECIAL TAXES—	
Notes may be issued by a village in anticipation of the collection of the special tax authorized by Section 4362, General Code, to defray partially the expenses of operating a municipal water works plant.....	1390
SPEED ORDINANCE—	
Speed ordinance in a municipality—Power of municipal corporations to regulate speed of motor vehicles—Power of state to regulate such matters.....	57
STAMPS—	
Ohio Board of Censors is not required to furnish leaders or stamps of approval before motion picture films are publicly exhibited.....	1375
STANDARD TIME—	
Steps necessary to establish Eastern Standard Time in the City of Cleveland—In the State of Ohio—Power of the legislature in this respect—Power of the legislative department of the city government.....	137

	Page
STATE AID—	
Tuition fund—Deficiency	540
STATE AID LAW—	
Highway department represents state in construction of roads—State not liable for damages in accident	44
STATE AID ROADS—	
Approval of plans made by the State Highway Commissioner—Not to actually supervise the work—Construction of Section 1183, General Code	59
STATE ARMORY—	
Floor covering for state armory may not be purchased from state armory construction funds	922
STATE ARMORY BOARD—	
State Armory Board not liable for street assessments	46
STATE AUDITOR—	
Dishonored check—Procedure to be followed by State Auditor—State Treasurer in handling dishonored checks—State Department	268
Issuing warrants to assignee of a claim—Duty of the State Auditor in matters of this kind—Duties of the State Treasurer—How the certification of such claim should be made	136
STATE BANK—	
A national bank surrendering its charter ceases to be a member of the federal reserve bank	1648
Banks and banking—Private banks—Stocks—Power of a private bank to hold stock in a state bank	162
Right of private bank to own stock in a state bank	975
STATE BANKING DEPARTMENT—	
Private bank—Inspection fee—Stationery—Inspection—State banking department—Private Bank Act	192
STATE BOARD OF ACCOUNTANCY—	
State Board of Accountancy required to pay state moneys into state treasury	1597
STATE BOARD OF CENSORS—	
Right of the Industrial Commission to review the action of the State Board of Censors in refusing to review motion picture films	1048
STATE BOARD OF CHARITIES—	
Annual session of National Children's Home Society—Expenses of delegates from State Board of Charities may be legally paid	49
County Commissioners—Contracts—County buildings—Board of State Charities	251

	Page
STATE BOARD OF EMBALMING EXAMINERS—	
Budget Commission—Disposition of funds of the State Board of Embalming Examiners—Appropriation.....	52
Opinion to—	
State Treasurer—The term “other expenses of the board” defined....	880
 STATE BOARD OF EXAMINATION AND REGISTRATION OF TRAINED NURSES—	
Eligibility of women to hold certain offices in Ohio—Women only to have control of institutions taking care of the physical and moral welfare of women and children—Women not eligible to appointment as examiners of trained nurses.....	22
 STATE BOARD OF HEALTH—	
Abatement of a nuisance by the State Board of Health where the City Board of Health neglects or refuses to do so—Miami and Erie Canal at Cincinnati.....	1165
Construction of a sewage disposal plant ordered by the State Board of Health—Proper party in the city to enter into a contract of this kind.....	387
Construction of a sewage disposal plant—Under the Bense Act City Auditor’s Certificate that the money is in the treasury may be issued after the bonds have been authorized.....	1126
Employment of a plumbing inspector in a municipality.....	873
How prosecutions by State Board of Health for violations of standing orders must be instituted—Enforcement of sanitary rules and regulations of State Board of Health—Prosecution of offenders for violation of rules and regulations of the Board.....	1287
Ordinance providing for a bond issue for installation of pure water system ordered by State Board of Health, not subject to referendum when bond issue is to carry out an order of the State Board of Health.....	1679
Opinion to—	
Application of the state building code with respect to the subject of sanitation, including the manner of sanitary plumbing applying to buildings being erected by the City of Cincinnati at Glendale, Ohio, for use as a Boys’ Refuge Home—Cincinnati plumbing code has no application outside of Cincinnati.....	1525
Refuse—Put-in-Bay.....	339
Engineer—Referee—Public water supply—Contingent fund.....	309
Powers of State Board of Health do not extend beyond the territorial limits of the state—Power of state to regulate municipality in other state.....	973
 STATE BOARD OF PHARMACY—	
State Board of Pharmacy—Right to revoke certificate of pharmacist.....	397
Right to recognize certificate of pharmacist from foreign state.....	408
 STATE BUDGET COMMISSIONER—	
Opinion to—	
Budget—Balances of 1913 appropriation—Receipts and balances—Appropriation covering contracts—School Fund—Sinking Fund—University Fund.....	3

	Page
STATE BUILDING INSPECTOR—	
Condemnation of a school building by the State Building Inspector— Levies for the necessary repairs are not entitled to exemptions..	1328
STATE BUILDING CODE—	
Application of the State Building Code with respect to the subject of sanitation, including the manner of sanitary plumbing applying to buildings being erected by the city of Cincinnati at Glendale, Ohio, for use as Boys' Refuge Home—Cincinnati Plumbing Code has no application outside of Cincinnati.....	1525
Construction of the 1914 Budget Bill—Construction as it applies to convict labor.....	1031
STATE BUILDING INSPECTION—	
Repairs on school building—When competitive bidding for such repairs may be dispensed with—Urgent need.....	1077
STATE BUDGET COMMISSIONER—	
Budget—Balances of 1913 appropriation—Receipts and balances—Ap- propriation covering contracts—School Fund—Sinking Fund— University Fund.....	3
STATE CASES—	
Municipal Court created by charter declared by Courts to be without jurisdiction in state matters—Fees, Justice of Peace entitled to for hearing state cases—Right of Justice of the Peace to receive such fees from the city.....	1214
STATE CIVIL SERVICE COMMISSION—	
Opinion to—	
A person contracting to oversee a particular piece of work constructed by State Highway Department not within classified civil service— The same rule applies to day laborers.....	1459
A member of a Civil Service Commission resigning his office may not be reappointed for the unexpired portion of his term.....	1439
Chief of Police in the classified service, under the new Civil Service Law—Right of Mayor to appoint Chief of Police—Promotional appointment.....	1300
City Council—Municipal civil service—Salary—Expenses.....	524
City Manager of chartered city—Not required to regard seniority of service in reducing the number of positions in a department....	798
City Sealer of Weights and Measures—In the unclassified service— Assistants to the City Sealer of Weights and Measures in the classified service—County Auditor—County Sealer of Weights and Measures—Deputy County Sealer of Weights and Measures in the unclassified service.....	911
Civil Service—	
Appointing power—City Engineer—Janitor.....	603
Board of Administration—Managing officers of institutions under control of the Ohio Board of Administration.....	712
Bureau of Inspection and Supervision of Public Offices—Classified service.....	734
Chiefs of Police and Fire Chiefs not required to take Civil Service Examination—Continuance in office.....	380

STATE CIVIL SERVICE COMMISSION—Continued.

Opinion to—Continued—

	Page
Civil Service—Concluded—	
Fees— Tax Assessor—District Assessors—Women not eligible to office—Elector.....	226
Heads of principal departments—Deputies—Assistant Secretary	366
Incumbents under Section 10 of the Civil Service Act.....	601
Liquor Licensing Board—Entitled to two secretaries or clerks in the unclassified service.....	765
Official holding over—Non-competitive examination—Health Officer.....	365
Civil Service Act—	
An officer who is appointed for a definite period fixed by the appointing power, if in the classified service, his employment does not terminate at the expiration of his appointed term of office.....	1664
Civil Service Commission may not hold promotional examination where only one person is eligible for such examination.....	1653
Civil Service Department—Legislative Reference Department—Unclassified service—Discharge of employes from Public Library—Officer compatible, Clerk of the House and Director of Legislative Reference Department.....	660
Classified Civil Service—Persons in the classified service may not become candidates for office.....	509
Clerk of Council—Party to be selected.....	574
Definition of the term "Library Staff," as used in subdivision 6 (a) of Section 8 of the Civil Service Act—Public Library in City of Cincinnati is a county institution.....	1507
Deputy Clerks under Probate Judge are in the unclassified service, such deputies being deputies within the meaning of subdivision 8 (a) of Section 8 of the Civil Service Act.....	1211
District Board of Complaints in unclassified service.....	576
Employes of Liquidating Department of State Banking Department are subject to the provisions of the Civil Service Act.....	1619
Members of the County Board of School Examiners not subject to the Civil Service Law.....	1301
Moving Picture Censors not in classified service—Civil Service.....	574
Municipal Civil Service—Right to hold another office in addition to that of Civil Service Commissioner.....	404
No person in the classified service may serve as a member of an executive committee of a political party.....	1213
Offices incompatible—Deputy City Auditor and Secretary to the Municipal Civil Service Commission.....	383
Offices incompatible—Superintendent of Water Works and Superintendent of Light and Power Plant—The rule of incompatibility..	837
Officers and employes of Archaeological and Historical Society not under civil service.....	506
Ordinance—Effect of the repeal of an ordinance and the simultaneous re-enactment of a new ordinance—Effect on office or employment will be by virtue of the old ordinance when such office or employment is retained by the new ordinance.....	849
Persons in the Department of Auditor of State in the unclassified civil service.....	1379

STATE CIVIL SERVICE COMMISSION—Concluded—

	Page
Opinion to—Concluded—	
Registrar of Vital Statistics subject to provisions of Civil Service Act—In classified civil service—Village Registrars not in civil service.....	1682
Removal of Humane Agent from office—Procedure necessary.....	503
Right of Municipal Civil Service Commission to fix salaries of its employes—Powers of council.....	1123
State Civil Service Commission has no authority to pay witness fees—Police officer not entitled to witness fees—City Clerk under civil service—Secretary and assistant to Director of Public Service subject to non-competitive examination.....	74
Superintendent of Infirmiry—Civil service examination—Removal from office.....	376
Torrens Land Act—Examiners not subject to civil service regulations.....	1298

STATE DAIRY AND FOOD DEPARTMENT—

Agricultural Commission Act—Disposition of fines, fees and costs as provided by Section 114 of said Act—To what fees the costs refer to in above section—Disposition of fines as provided by Section 1313, General Code, under prosecutions brought by the Agricultural Commission in enforcement of laws relating to the practice of pharmacy.....	1218
---	------

STATE DEPARTMENT—

Auditor of State—May not issue warrant to disbursing officer of state department—How such warrant must be issued.....	948
Payment of moneys into state treasury by state departments—State universities not affected by provisions of Section 24, General Code..	61
Right of Auditor of State to issue warrants to paymasters of the respective state departments for employes therein.....	1303

STATE FIRE MARSHAL—

Opinion to—	
The official year of the State Fire Marshal closed on November 15, 1914.....	1486

STATE FIRE MARSHAL TAX—

Franchise tax—Method of calculation of such tax.....	643
--	-----

STATE HIGHWAY COMMISSIONER—

Approval of plans made by the State Highway Commissioner—Not to actually supervise the work—Construction of Section 1183, General Code.....	59
Awarding of contract by State Highway Commissioner in a case where the county has not contributed any part of the cost of a road improvement.....	1528
Highway department—Right to expend highway funds for the publication of a monthly magazine.....	1019
Highway department represents state in construction of roads—State not liable for damages in accident.....	44
Right to send assistants out of the state to conduct investigations relative to the best methods of road construction.....	710

STATE HIGHWAY COMMISSIONER—Concluded—	
Opinion to—	Page
State Highway Law—Constitutionality of the State Highway Law —Case of Link vs. Karb.....	109
Taxes and taxation—When State Highway Commissioner may use annual half mill tax levied for road improvement.....	699
STATE HIGHWAY DEPARTMENT—	
A person contracting to oversee a particular piece of work constructed by State Highway Department not within classified civil service— The same rule applies to day laborers.....	1459
STATE HIGHWAY LAW—	
Transcript of the proceedings of County Commissioners of Huron County, Ohio, in the matter of the issuance of certain bonds under the provisions of the State Highway Law.....	1321
STATE HOSPITAL FOR THE INSANE—	
Support of inmates of insane asylums—Husband obliged to support his wife, if he is able.....	187
STATE INSPECTOR OF OILS—	
Opinion to—	
State Oil Inspector—Certificate to be placed on the wagon from which the oil is sold.....	696
STATE INSTITUTIONS—	
Civil service—Board of Administration—Managing officers of institutions under control of the Ohio Board of Administration.....	712
STATE INSURANCE FUND—	
Payment into the state insurance fund—How payment should be made....	544
Right of the Treasurer of State to pay duplicate vouchers issued by the Industrial Commission.....	1485
State Depository Law—Insurance fund of Compensation Act of the State Liability Board of Awards—Amount that may be deposited in a private bank as an inactive deposit.....	594
STATE INSURANCE COMMISSIONER—	
Compulsory Compensation Act—Formation of mutual insurance com- panies by employers—Insurance Commissioner should supervise formation of such association.....	27
STATE LANDS—	
Board of Administration—Gas line—State lands.....	276
STATE LIBRARIAN—	
Opinion to—	
Power of the Board of Library Commissioners to appoint employes in the Ohio State Library.....	117

STATE LIQUOR LICENSING BOARD—

	Page
Opinion to—	
Census—Census Bureau estimate—Number of saloon licenses granted in a township.....	310
Fixtures and supplies—County Liquor Licensing Board.....	198
Greenlund Liquor Licensing Act—Vacancy on the County Board—Such vacancy to be filled by appointment—Civil service.....	263
Liquor license—Official census is to be used to determine the number of saloons that may be permitted in a particular subdivision.....	909
Liquor license—Power of making sales under saloon license—Saloon license can only cover one place of business—Saloonist not permitted to sell drinks in a restaurant with which he has no connection.....	37
Liquor License Board—Saloons in township regulated by population.....	35
Liquor Licensing Commission—Saloons—Number of liquor licenses that may be granted in a municipality.....	438
Liquor License Law—Intoxicating liquor—Conviction of licensee does not follow a license into hands of the transferee.....	121
Right of the State Liquor Licensing Board to designate one of the County Licensing Commissioners as Secretary of the County Liquor Licensing Board.....	1672
Stationery—Supervisor of Public Printing not to furnish stationery to Liquor License Boards—Other provisions made in the statutes for these departments.....	72

STATE LIQUOR LICENSE BOARD—

Right of the Liquor License Commission to increase compensation of members of the County Liquor License Board.....	1513
--	------

STATE OFFICERS—

Payment of moneys into State Treasury by State Departments—State Universities not affected by provisions of Section 24, General Code.....	61
---	----

STATE OFFICIAL—

Dishonored check—Procedure to be followed by State Auditor, State Treasurer, in handling dishonored checks—State Department...	268
--	-----

STATE PLUMBING CODE—

Private dwelling—Plumbing resolutions—Municipal Board of Health—Plumber's license.....	731
--	-----

STATE SEALER OF WEIGHTS AND MEASURES—

Authority to test gas meter provers—Authority of Public Utilities Commission to test such meters.....	657
---	-----

STATE SENATOR—

Salary—Resignation—Appointment to State Office—Lieutenant Governor	172
--	-----

STATE TAX COMMISSION—

Civil Service—Fees—Tax Assessor—District Assessors—Women not eligible to office—Elector.....	226
--	-----

STATE TREASURER—	Page
Dishonored check—Procedure to be followed by State Auditor, State Treasurer, in handling dishonored checks—State Department....	268
Issuing warrants to assignee of a claim—Duty of the State Auditor in matters of this kind—Duties of the State Treasurer—How the certification of such claim should be made.....	136
Payment of moneys into State treasury by State Departments—State Universities not affected by provisions of Section 24, General Code.....	61
State Board of Embalming Examiners—The term “other expenses of the board” defined.....	880
STATE TREASURY—	
State Board of Accountancy required to pay state moneys into the State Treasury.....	1597
STATIONERY—	
County Commissioners must provide suitable cases for safe keeping and preservation of books; also furnish necessary stationery to Probate Judge.....	1690
Private bank—Inspection fee—Stationery—Inspection—State Banking Department—Private Bank Act.....	192
Supervisor of Public Printing not to furnish stationery to Liquor License Boards—Other provisions made in the statutes for these departments.....	72
State Liquor Licensing Board—Fixtures and supplies—County Liquor Licensing Board.....	198
STEAM BOILER—	
Operation of steam boiler—When such boiler is exempt from inspection under Section 1058-7, General Code.....	1187
STEAM RAILROADS—	
Construction of Section 51 of the Workmen’s Compensation Act in reference to common carriers by rail engaged in interstate commerce coming under Workmen’s Compensation Act.....	1611
STEAMSHIP TICKETS—	
Railroad companies—Express companies—Sale of steamship or railroad tickets to and from foreign countries—Personally conducted parties.....	665
STENOGRAPHERS—	
Court Stenographer—Appointment of additional or assistant stenographers to the official stenographer—Payment of salaries to such additional stenographers.....	265
STEP CHILD—	
Collateral inheritance tax—“Adopted child” does not include “step child” unless such child is adopted.....	836

STOCK—	Page
A resident of the State of Ohio, who is appointed trustee under a will of a decedent of Illinois, must list shares of stock for taxation in the Ohio county in which he resides, though certificates thereof are kept in Michigan.....	1277
Banks and banking—Sale of shares of stock to pay balance due on same—Power of directors of banks to make such sale—Procedure to be followed.....	86
Capital stock—Increase of capital stock—Preferred stock—Articles of incorporation.....	305
Difference between paid up stock of a building and loan association and paid up stock of other corporations—Legal investment for corporations and savings bank.....	608
Right of a private bank to own stock in a state bank.....	975
Right of persons to offer to dispose of stock or stock certificates without license—Right of persons residing in foreign states to offer to dispose of stock and stock certificates in Ohio.....	1151
Right of a building and loan association to regulate initiation fees to be paid by persons becoming borrowing or non-borrowing members.....	1483
Right of a Member of the Board of Sinking Fund Trustees to sell goods to a city—Right of a person who owns stock in a corporation to sell to a city, to act as Sinking Fund Trustee.....	1250
 STOCKS AND BONDS—	
Disposing of stocks and bonds received prior to the enactment of the "Blue Sky Law" and prior to the creating of the Public Utilities Commission—"Blue Sky Law"—Public Utilities Commission...	759
 STOCK CERTIFICATES—	
Banking corporation—Stock—Restrictive regulations in stock—Validity of such regulations.....	243
"Blue Sky Law"—What constitutes securities under this law.....	352
Right of persons to offer to dispose of stock or stock certificates without license—Right of persons residing in foreign states to offer to dispose of stock and stock certificates in Ohio.....	1151
 STOCKHOLDERS—	
Banks and banking—Cumulative voting.....	445
Board of directors—Disqualification of members of such board—Encumbrance on stock.....	430
Warnes Tax Law—Effect of taxation on bank shares.....	597
 STONE QUARRY PROPERTY—	
Townships may not join in condemning, purchasing and operating stone quarry property.....	619
 STREETS—	
Paving—Repaving—Assessment.....	530
Right of County Commissioners to replace paving on streets and sidewalks destroyed by the construction of approaches to a bridge within a municipality.....	950
Repeal of special assessment legislation for improvements of streets—Unlawful to use moneys derived from sale of bonds for such improvement.....	1693

STREETS—Concluded—	
Transcript of—	Page
Proceedings for bond issue for the Village of Hudson, Ohio, for paving of streets in said village.....	1371
Proceedings of the Council of the Village of West Carrollton, Ohio, in the matter of the issuance of bonds for the improvement of certain streets therein.....	1320
STREET ASSESSMENT—	
Bond issue—Ordinance—Provisions that should be contained in such ordinance.....	444
State Armory Board not liable for street assessments.....	46
STREET COMMISSIONER—	
Incumbents—Mayor—Temporary appointment—Marshal—Incumbency...	688
STREET IMPROVEMENT—	
Assessment of lots in making a street improvement—Power of Council to settle and adjust assessments.....	1043
Bond issue—Director of Public Service—Council.....	456
Bond sale—Road improvement—Township Trustees.....	627
Improvements may be divided into two or more sections or divisions in conformity to the varying width of the street—Assessments of the cost of a street improvement where no division has been made may be apportioned at a uniform rate for the entire length of the street.....	1136
The cost of a culvert to carry water across the street to be considered a part of the cost of street improvement.....	1737
Transcript of—	
The proceedings for the issuance by Council of the City of Niles, Ohio, of bonds in anticipation of the collection of special assessments for the improvement of streets in said city.....	1367
Proceedings of the Council of the Village of Grandview Heights in the matter of bonds issued for street improvements.....	1353
When parts of street may be left out in front of lots, the assessment on which would exceed thirty-three and one-third per cent. of the actual value thereof.....	569
STREET RAILWAY—	
Franchise—Paving between the rails.....	671
STUDENT—	
Boxwell-Patterson Law—Pupil must comply with this law in order to receive free tuition in high school—What high school graduate to attend.....	418
SUBDISTRICT—	
Construction of Section 4736, General Code, in reference to rural school districts which go to make up county school districts.....	1599
SUIT—	
Liability of counties in case of suit brought against the County Commissioners in their individual capacity for damages.....	1499

SUPERINTENDENT—	Page
A person contracting to oversee a particular piece of work constructed by State Highway Department not within classified civil service—	
The same rule applies to day laborers.....	1459
Necessary qualifications for head of Lima State Hospital.....	1167
The right of Trustees and Superintendents of Children's Homes to place children under their care with private families.....	628
 SUPERINTENDENT BOYS' INDUSTRIAL SCHOOL—	
Opinion to—	
Jurisdiction of Juvenile Court over boy ceases when he is committed by the Court to the Boys' Industrial School.....	1757
 SUPERINTENDENT OF BANKS—	
Authority of Auditor of State to check out and examine Department of Superintendent of Banks.....	1753
Opinion to—	
A national bank surrendering its charter ceases to be a member of the federal reserve bank.....	1648
Banks in process of liquidation liable for Willis Law taxes and penalties until its dissolution—Duty of the Superintendent of Banks in reference to such taxes and penalties.....	1065
Banks and banking—	
Articles of incorporation—Branch bank.....	727
Boards of Directors—Constituting a quorum.....	31
Branch banks—Banks not permitted to have a branch.....	26
Commercial bank and savings bank—Ten per cent. reserve to be maintained by such banks.....	874
Cumulative voting.....	445
Financial condition of a bank—Examination of officers and agents to ascertain the financial condition of a bank—Method of conducting such examination.....	32
Interpretation of Section 744-6, known as the Kennedy Private Bank Act.....	29
Private banks—Stocks—Power of a private bank to hold stock in a state bank.....	162
Private bank changing into a national bank.....	447
Sale of shares of stock to pay balance due on same—Power of directors of bank to make such sale—Procedure to be followed.....	86
Trust funds—Assets and liabilities—Taxes and taxation—Tax—Fee bill.....	195
Banking corporation—Stock—Restrictive regulations in stock—Validity of such regulations.....	243
"Blue Sky" Law—What constitutes securities under this law.....	352
Board of Directors—Disqualification of members of such board—Encumbrance on stock.....	430
Business paper and commercial paper are synonymous with bankable paper—Negotiable paper.....	56
Central Standard Time—Application of such time to banks.....	872
Depository law—Rules governing the depositing of money where two banks furnish a bond.....	1657
Difference between paid up stock of a building and loan association and paid up stock of other corporations—Legal investment for corporations and savings bank.....	608

SUPERINTENDENT OF BANKS—Concluded

	Page
Opinion to—Concluded—	
Disposing of stocks and bonds received prior to the enactment of the "Blue Sky" Law and prior to the creating of Public Utilities Commission—"Blue Sky" Law—Public Utilities Commission...	759
Foreign exchange bank not subject to supervision of Superintendent of Banks of Ohio.....	1610
Has no authority to pay final dividend in the liquidation of a bank before the expiration of one year.....	1635
Meaning of the words "well secured" as used in Section 9735, General Code, in reference to security for a debt.....	1482
Or his assistants may not disclose information obtained in examinations to Clearing House Examiners and Auditing Committees....	1649
Powers under charter—Charter must be fully complied with—Commercial bank—Trust company—Incorporators.....	85
Private bank—Inspection fee—Stationery—Inspection—State Banking Department—Private Bank Act.....	192
Private Bank Act—Who may use the words "bank," "banker," "banking" or "trust" or "trust company".....	1606
Proper investment for an institution having commercial and savings bank, safe deposit and trust company powers.....	1656
Qualification of a foreign trust company to act as trustee in a foreign will.....	1636
Right of persons to offer to dispose of stock or stock certificates without license—Right of persons residing in foreign states to offer to dispose of stock and stock certificates in Ohio.....	1151
Right of a correspondent bank to charge out of the account of an installment bank any indebtedness of installment bank to correspondent bank.....	1652
Rights of trust company organized prior to passage of Thomas Act, which transacted no trust business prior to passage of Thomas Act.....	1650
Saturday half holiday—Presentment and payment of instruments—Law not changed by amendment of Section 5978, General Code...	18
Savings banks—Right to invest three-tenths of their ten per cent. reserve on time deposits in securities.....	964
Trust companies, whose business in Ohio is confined merely to loaning money on real estate, should pay fees provided for in Section 736, General Code.....	1238
Warnes Tax Law—Effect of taxation on bank shares.....	597

SUPERINTENDENT OF CHILDREN'S HOME—

Children's Home—Visiting Agent—Offices incompatible—Matron.....	272
---	-----

SUPERINTENDENT OF INFIRMARY—

Civil service examination—Removal from office.....	376
--	-----

SUPERINTENDENT OF INSTITUTIONS FOR FEEBLE MINDED—

State Institutions for Feeble Minded—Inmates—County to pay for inmates confined in State Institutions.....	191
--	-----

SUPERINTENDENT OF INSURANCE—

	Page
Opinion to—	
Acceptance by religious corporation of gift in return for an annuity, not classed as insurance.....	1655
Articles of incorporation—"Blue Sky" Law—Insurance companies— Commissions—Capital stock.....	147
Construction of the term "gross premium receipts" as used in Sec- tion 841, General Code, providing for so-called Fire Marshal Tax.....	1516
Contract—Insurance contract under Ohio laws—"Business of in- surance".....	584
Contract of The Champion Register Company covering financial loss sustained by fire amounts to insurance.....	1773
Insurance—Re-insurance of unmaturred policies—Discontinuance of business by insurance company—Policy holder.....	588
Life insurance companies organized under the laws of Ohio assuming the business of a company organized under the laws of another state—Procedure to be followed.....	1104
Right of foreign insurance companies to write Ohio policies indem- nifying physicians against mal-practice.....	996
State Fire Marshal Tax—Franchise Tax—Method of calculation of such tax.....	643
When taxable bonds deposited by foreign insurance company with Super- intendent of Insurance are taxable in Franklin County, Ohio.....	1714

SUPERINTENDENT OF LIGHT AND POWER PLANT—

Offices incompatible—Superintendent of Water Works and Superintendent of Light and Power Plant—The rule of incompatibility.....	837
--	-----

SUPERINTENDENT OF PUBLIC INSTRUCTION—

Opinion to—	
Removal of Member of a City School Board from district—Effect of such removal.....	819
Revision of a school book—When the listing of school books expires..	1055
Schools—Board of Education cannot be compelled to pay tuition of pupil attending school in another township when the pupil lives more than one and one-half miles from a school in his own town- ship.....	862
Section 7748, General Code, providing for transportation of pupils who are required to go to a school more than four miles distant, does not apply to Village and City Boards of Education.....	1004
Transfer of territory from one rural or village school district to another—Distribution of funds when such transfer is made— Apportionment of indebtedness when such transfer is made.....	1333
Village school—How village school district may become part of county school district—Right of such village school district to become part of the county school district.....	883
Abstract of title—Property situated in Butler County, Lemon Town- ship, Ohio.....	1116

SUPERINTENDENT OF PUBLIC WORKS—

A person appointed and acting as Health Officer in a village may be ap- pointed Superintendent of Water Works of such village—Right of the Health Officer of a village to become Superintendent of Public Works on termination of his service as Health Officer.....	1257
---	------

SUPERINTENDENT OF PUBLIC WORKS—Concluded—

	Page
Opinion to—	
Board of Public Works not authorized to readjust the rental reserved in The Union Gas and Electric Light Company's leased property consisting of a part of the canal in Cincinnati.....	1739
Canal funds—Crediting back of funds—Sharp-Dollison lease.....	501
Canal Land Department—Renewing leases along the canal in the City of Cincinnati.....	553
Contracts limited by 1913 appropriation cannot be continued under 1914 appropriation.....	557
Lease granted by Board of Public Works for water rights—Renewal clause.....	1723

SUPERINTENDENT OF WATER WORKS—

A person appointed and acting as Health Officer in a village may be appointed Superintendent of Water Works of such village—Right of the Health Officer of a village to become Superintendent of Public Works on termination of his service as Health Officer....	1257
Offices incompatible—Superintendent of Water Works and Superintendent of Light and Power Plant—The rule of incompatibility.....	837

SUPERVISOR—

Schools—Definition of the term "supervisor" as employed in Section 7311, General Code.....	1659
--	------

SUPERVISOR OF PUBLIC PRINTING—

Opinion to—	
Stationery—Supervisor of Public Printing not to furnish stationery to Liquor License Boards—Other provision made in the statutes for these Departments.....	72
The word "document" as used in Section 749, General Code, defined—Preservation of documents in the office of Public Printer.....	698

SUPERVISION OF CONSTRUCTION OF ROADS—

Approval of plans made by the State Highway Commissioner—Not to actually supervise the work—Construction of Section 1183, General Code.....	59
---	----

SUPERVISION DISTRICT—

Date for officially certifying to the Clerk or Clerks of the Board of Education that the village or rural school districts or union school districts will employ a superintendent is mandatory—Employment of joint superintendent for supervision purposes by two townships	1168
---	------

SUPPLEMENTARY CONTRACT—

Contractor—City Engineer—Work done in excess of contract price—Powers of City Council in such matter.....	222
---	-----

SUPPLIES—

State Liquor Licensing Board—Fixtures and supplies—County Liquor Licensing Board.....	198
---	-----

SURPLUS—	Page
Disposition of the surplus in a road improvement fund created by a bond issue—County Commissioners have no right to transfer a surplus in a special or established fund in a county to a fund for the building of a new road.....	1382
Section 13, of the Private Bank Act does not apply to municipal funds....	930
SURPLUS FUNDS—	
Township Trustees— Boards of Education—Surplus funds.....	599
SURVEYOR—	
County Board of Education may use its discretion in determining whether or not it is necessary in changing rural school districts to have the County Surveyor change the lines.....	1492
SUSPENSION OF SCHOOL—	
Right of the Board of Education under Section 7730, General Code, to suspend school when the average daily attendance thereof is less than twelve—Powers of such board under Section 7730, General Code.....	1625
TAXES—	
A Village Mayor is required to enforce an ordinance passed by Council of a village to prohibit the running of dogs at large, without permits, secured by the owners of the dogs, from the Mayor.....	1406
County Treasurer has no authority to employ an attorney to make collection of taxes under Section 2667, General Code—Prosecuting Attorney not allowed additional compensation for making such collections.....	1415
Taxation and revaluation of Sections 16 and 29 when such sections are leased for more than fifteen years—Power of Tax Commission to remit taxes.....	1162
Taxes charged against real estate condemned by the State for Penitentiary purposes after the date of the attachment of the tax lien and before making up of the duplicate.....	1428
When lands were sold at judicial sale in the month of March, 1914, the taxes for 1914 are not payable from the proceeds of the sale.....	1396
TAX COMMISSION—	
Corporation—Charter—Reinstatement of corporation when charter has been cancelled.....	570
Opinion to—	
A city, the greater limits of which are co-extensive with the boundaries of a township, may make levies for township purposes under provision of Section 5649-3a, G. C.—Such levies are governed by the two mill limitation—Levies for public health—Poor relief and correctional purposes not levies for township purposes—Status of Justice of the Peace under Section 1747, et seq., G. C....	1228
A resident of the State of Ohio, who is appointed trustee under a will of a decedent of Illinois, must list shares of stock for taxation in the Ohio county in which he resides, though certificates thereof are kept in Michigan.....	1277
Budget Commission—Effect of decision, State ex rel. Pogue vs. Groom—Work completed by Budget Commission prior to September 15, 1914—Change of personnel of Budget Commission—Prosecuting Attorney member of Budget Commission.....	1241

TAX COMMISSION—Continued—

Opinion to—Continued—	Page
Construction of Section 9716, G. C.	550
Corporation—Charter—Reinstatement of corporation when charter has been cancelled.	570
Deputy Assessor—Clerk of Board of Deputy State Supervisor of Elections—Tax Commission.	738
Exemption of property of foreign corporations in Ohio under Section 192, G. C.	1561
Finnish Working People's Society—Building exempt from taxation. . .	398
Foreign corporations—Circumstances under which credits arising from business done by foreign corporations may be taxed in Ohio—Goods held in stock by such corporations.	1578
Ginseng constitutes a growing crop within the meaning of taxing statutes—To be listed as personal property.	1180
Lake View Cemetery Association of Cleveland, Ohio, not exempt from taxation upon lands which it holds and which are being used with a view to profit—Residence of Cemetery Superintendent exempt from taxation.	1435
Powers and duties of District Assessors in increasing or reducing tax valuations—Board of Complaints—Power and duties of Board of Complaints in increasing or decreasing tax valuations—Power of State Tax Commission.	1539
Property purchased by church not exempt from taxes where a contract was entered into for the purchase, prior to the date on which a tax lien attaches, but no action taken thereon.	1324
Receiver—Assignee—Trustees in Bankruptcy—Listing of property for taxation.	673
Right of the Tax Commission to require foreign corporations to report to the commission a list of their Ohio stockholders, as a part of their annual report.	1409
Taxes on money belonging to the Wood, Wire and Metal Lathers' International Union.	1119
Taxes charged against real estate condemned by the State for penitentiary purposes after the date of the attachment of the tax lien and before making up of the duplicate.	1428
Taxes and taxation—Non-taxable bonds—Maturity—Listing bonds for taxation.	124
The Coney Island Transportation Company—The Coney Island Amusement Company—Receipts from this business intra-state in character.	916
The effect of the change in the language of Article XII, Section 2, of the Constitution from "institutions of purely public charity" to "institutions used exclusively for charitable purposes". . .	1051
Vandalia Railroad Company not liable for the payment of excise or franchise tax—Rolling stock used by this railroad company in Ohio on the tracks of another railroad taxable as property—Such railroad company to report as a railroad company and a public utility to the Tax Commission of Ohio.	1358
Warnes Tax Law—District Assessors—Board of Complaint—Traveling expenses—Contingent expenses—Automobile hire.	591
When a corporation going out of business is not liable for excise tax. . .	1674

TAX COMMISSION—Concluded—

	Page
Opinion to— Concluded—	
When taxable bonds deposited by foreign insurance company with Superintendent of Insurance are taxable in Franklin county, Ohio.....	1714
Taxation and revaluation of Sections 16 and 29 when such sections are leased for more than fifteen years—Power of Tax Commission to remit taxes.....	1162

TAXES AND TAXATION—

A resident of the State of Ohio, who is appointed trustee under a will of a decedent of Illinois, must list shares of stock for taxation in the Ohio county in which he resides, though certificates thereof are kept in Michigan.....	1277
Banks and banking—Trust funds—Assets and liabilities—Tax—Fee bill..	195
Bond—Not to be classed as county bonds under Section 977S, G. C.....	701
Bond issue—	
Attorney's fee—Transcript.....	338
Enlarging and improving a municipal water works plant—Sinking fund and interest levies—Ordinance—Longworth Act.....	932
City water works plant—Bond issue—Bonds—Procedure.....	423
Collateral inheritance tax—	
Jane M. Case Hospital—Bequest—Aged Ladies' Home.....	210
Valuing estate—Collateral relative—Massachusetts ruling—Rule for determining value of estate.....	815
Construction of—	
A bridge to replace a bridge that has been condemned—County Commissioners—Bond issue.....	111
"Heretofore" and "hereafter" as used in Section 5649-2, General Code. Sections 2746 and 2749, General Code, in reference to the time when taxes shall be collected by the County Treasurer.....	577
Erection of a new school building—Bond issue—Emergency.....	1477
Exemption of property of foreign corporations in Ohio under Section 192, General Code.....	548
Finnish Working People's Society—Building exempt from taxation.....	1561
Foreign corporations—Circumstances under which credits arising from business done by foreign corporations may be taxed in Ohio—Goods held in stock by such corporations.....	398
Inheritance tax—Construction of phrase "in which said tax originates"—Real estate—Personal property.....	1578
Lake View Cemetery Association of Cleveland, Ohio, exempt from taxation upon lands which it holds and which are being used with a view to profit—Residence of Cemetery Superintendent exempt from taxation.....	333
Listing property for taxation—Live stock—Tax penalty.....	1435
Municipal road district—Taxes levied for special road improvement purposes—Township Trustees—Bond issue under Longworth Act—Council—Budget ordinance should be published.....	280
Non-taxable bonds—Maturity—Listing bonds for taxation.....	839
Ordinance for the purpose of a bond issue is ineffective where it is submitted for an initiative petition and fails to receive a two-thirds vote in its favor.....	124
Penalty for failure to pay taxes.....	1503
Penalty for failure to pay taxes.....	703

TAXES AND TAXATION—Concluded—	Page
Poor relief—Power of County Commissioners to raise funds—Issuing of notes—Bond issue—Emergency.....	146
Powers and duties of District Assessors in increasing or reducing tax valuations—Board of Complaints—Power and duties of Board of Complaints in increasing or decreasing tax valuations—Power of State Tax Commission.....	1539
Receiver—Assignee—Trustees in bankruptcy—Listing of property for taxation.....	673
Roads—Bond issue—Smith Law—10 Mill Limitation—Longworth Act—Main market road—Hite Road Law.....	781
Serial bond may be issued under authority of Article XII, Section 11, of the Constitution—Compliance with Article XII, Section 11, of the Constitution in reference to serial bonds.....	1224
State Armory Board not liable for street assessments.....	46
State Fire Marshall tax—Franchise tax—Method of calculation of such tax.....	643
Smith Law—10 Mill Limitation—15 Mill Limitation—Sinking fund—Interest levy.....	708
Taxation of Ohio municipal bonds deposited with the State Treasurer by foreign trust companies as security.....	1197
The Three Arts Club—Property of such club exempt from taxation—Institution of Public Charity.....	905
Vandalia Railroad Company not liable for the payment of excise or franchise tax—Rolling stock used by this railroad company in Ohio on the tracks of another railroad taxable as property—Such railroad company to report as a railroad company and a public utility to the Tax Commission of Ohio.....	1358
When State Highway Commissioner may use annual half mill tax levied for road improvement.....	699
When taxable bonds deposited by foreign insurance company with Superintendent of Insurance are taxable in Franklin County, Ohio.....	1714
Wrong distribution of taxable property—No remedy in such cases.....	411
TAXING DISTRICT—	
Taxes and taxation—Wrong distribution of taxable property—No remedy in such cases.....	411
TAX DUPLICATE—	
Liquor license law—Saloon keeper—Saloon license—Failure to pay saloon license—Levy—Penalty.....	185
TAX LEVY—	
Bonds issued contrary to law in excess of the one per cent, limit—Bona fide holder—Duty to pay such bonds—Illegal to levy tax to pay such bonds where no obligation has been created.....	95
County Commissioners—	
Authority of County Commissioners to turn over to a municipality its share of the tax levy for road purposes—Authority to turn over its proportionate share of county bridge fund.....	864
Levy for Soldiers' Relief Commission.....	852
Disposition of tax levy made by Board of Education of a special school district where the proceedings for the formation of such district were declared void by the Court.....	1592

	Page
TAX LEVY—Concluded—	
Duty of County Auditor with reference to the distribution of school funds for the use of the County Board of Education—County Auditor must make settlement on the basis of certificate required to be made by the County Board of Education under Section 4744-2, General Code.....	1346
Improvement of roads of a township by graveling without a vote of the people—Increasing tax levy.....	1122
The statutes authorizing Township Trustees, under certain circumstances, to levy certain taxes for road purposes remain in force generally .	1222
 TAX LEVY (SPECIAL)—	
Transfer of unexpended light fund to water fund of a village—Circumstances under which such transfers may be made—Village water works.....	1340
 TAX LEVIES—	
A city, the greater limits of which are coextensive with the boundaries of a township, may make levies for township purposes under provision of Section 5649-3a, General Code—Such levies are governed by the two mill limitation—Levies for public health—Poor relief and correctional purposes not levies for township purposes—Status of Justice of the Peace under Section 1474, et seq., General Code.....	1228
Board of Education—Securing new site in order to replace school house condemned or destroyed—Fixing levies.....	1128
Budget Commission—Effect of decision, State ex rel. Pogue vs. Groom—Work completed by Budget Commission prior to September 15, 1914—Change of personnel of Budget Commission—Prosecuting Attorney member of Budget Commission.....	1241
Condemnation of a school building by the State Building Inspector—Levies for the necessary repairs are not entitled to exemptions...	1328
The right of the County Commissioners to transfer from the county fund or from the proceeds of any other county tax levies to supply deficiencies in County Board of Education fund, in case there is no money available in the sheep fund.....	1206
 TAX LIEN—	
Property purchased by church not exempt from taxes where a contract was entered into for the purchase, prior to the date on which a tax lien attaches, but no action taken thereon.....	1324
Taxes charged against real estate condemned by the State for Penitentiary purposes after the date of the attachment of the tax lien and before making up of the duplicate.....	1428
 TEACHER—	
Clerk acting as Treasurer Board of Education—The status of teachers of rural schools hired before Section 7705, General Code, amended, went into effect.....	1490
Clerk of the Board of Education may not be employed as teacher by such board.....	1478

	Page
TEACHER—Concluded—	
Distribution of school funds at the rate of thirty dollars for each teacher employed—Music teachers employed in more than one district are to be counted as teachers in each district in which they are employed—Average daily attendance of pupils in distribution of common school funds to be computed on basis of legal school year—Interest on common school fund money—Distribution of school funds under Section 7600, General Code.....	1071
Right of the Board of Education under Section 7730, General Code, to suspend school when the average daily attendance thereof is less than twelve—Powers of such board under Section 7730, General Code.....	1625
Teachers' pensions—Who entitled to such pensions.....	496
TEACHER'S AGENCIES—	
Y. M. C. A.—Y. W. C. A.—Teachers' Agency—Employment Agency—Charitable Institutions.....	325
TEACHER'S CERTIFICATE—	
Number of times a teacher's certificate covered by Sections 7845 and 7846, General Code, as amended, may be renewed.....	1295
School Examiners—School examination—Compensation.....	642
TEACHERS' INSTITUTE—	
City school district—Such teachers attending County Teachers' Institutes not entitled to compensation—A city school district teacher may act as Secretary of County Teachers' Institute and receive compensation therefor.....	1062
Compensation to Secretary—Teacher attending such institute may act as Secretary.....	434
TEACHER'S PENSION—	
Leave of absence cannot be counted as service for the amount of pension to which a teacher is entitled.....	617
TELEGRAPH AND TELEPHONE OFFICES—	
Juvenile Code—Employment of minors—Schooling certificate—Telephone operator.....	98
TELEPHONE COMPANY—	
Village—Telephone company franchise—Telephone company cannot be compelled to maintain the rate agreed upon in the ordinance granting the franchise—Right to use village streets—Public Utilities Commission may fix reasonable rates.....	775
TEMPORARY APPOINTMENT—	
Incumbents—Mayor—Temporary appointment—Street Commissioner—Marshall—Incumbency.....	688
TENANT—	
Duty of land owners or tenants to destroy noxious weeds growing on public roads abutting lands of such owners or tenants—Proceedings when such land owners or tenants fail to destroy such noxious weeds...	1215

	Page
TEN MILL LIMITATION—	
The statutes authorizing Township Trustees, under certain circumstances, to levy certain taxes for road purposes remain in force generally..	1222
Taxes and taxation—Smith Law—Ten Mill Limitation—Fifteen Mill Limitation—Sinking fund—Interest levy.....	708
TERM OF OFFICE—	
Appointment of Cemetery Trustees—Length of time such Trustees should serve—Duties of the Mayor making these appointments.....	90
Compensation to Deputy State Supervisors of Election—Beginning of the year—Registration city—Election precinct—Compensation of the Clerk of the Deputy State Supervisors of Election.....	130
Increase in salary—Village Treasurer.....	355
Right of Liquor License Commission to increase compensation of members of the County Liquor License Board.....	1513
TERRITORY—	
County Board of Education without authority to directly dissolve rural township school district and attach territory to village district.....	1687
Transfer of territory from one rural or village school district to another—Distribution of funds when such transfer is made—Apportionment of indebtedness when such transfer is made.....	1333
THE AUTO INSURANCE COMPANY—	
Articles of incorporation—The Auto Insurance Company, Norwalk, Ohio..	1679
THE CHAMPION REGISTER COMPANY—	
Contract of The Champion Register Company, covering financial loss sustained by fire amounts to insurance	1773
THOMAS ACT—	
Construction of Section 9716, General Code.....	550
Rights of trust company organized prior to passage of Thomas Act, which transacted no trust business prior to passage of Thomas Act.....	1650
THREE ARTS CLUB—	
Property of such club exempt from taxation—Institution of public chairty	905
TIE VOTE—	
Mayor—Village Council—Mayor may vote in case of a tie.....	307
TITLES—	
Articles of incorporation—Power of corporations organized for furnishing abstracts of title.....	868
TITLE GUARANTEE AND TRUST COMPANY—	
Amendment to articles of incorporation of abstracting companies in order to form title guarantee and trust companies—Such amendment not permissible—Rule	1695
Articles of incorporation—Power of corporations organized for furnishing abstracts of title.....	868
Right of title guarantee and trust companies to act as depositaries of County funds—Must receive deposits generally in the same manner as a bank—Not authorized to issue ordinary certificates of deposit—May issue certificates of shares in mortgage notes held by such company.....	1743

	Page
TOBACCO—	
The word "tobacco" as used in Section 12965, General Code, includes chewing tobacco.....	1678
TOLEDO STATE HOSPITAL—	
Change in plans and specifications of building.....	1144
TORRENS LAND ACT -	
Examiners not subject to civil service regulations.....	1298
TOWNSHIP—	
Right of the county to make a charge against the city for the care and treatment of a pauper in the county infirmary, when the corporate limits of the city are identical with those of the township.....	1270
TOWNSHIP BOARD OF EDUCATION—	
Clerk acting as Treasurer of Board of Education—The status of teachers of rural schools hired before Section 7705, General Code, amended, went into effect.....	1490
Under what statute the salaries of former Township Boards of Education are to be paid for the year 1914.....	1510
TOWNSHIP CLERK—	
Disposition of an inter-county balance standing to the credit of a township or District Board of Education— Compensation that may be allowed Township Clerk for time expended by him with State Examiner— How compensation of Treasurer is computed.....	1472
TOWNSHIP DEPOSITORY—	
Township warrants—To be endorsed by Township Treasurer before being paid.....	664
TOWNSHIP FUNDS—	
Township warrants— To be endorsed by Township Treasurer before being paid.....	664
TOWNSHIP ROADS—	
Roads—Powers of Dragging Superintendent.....	491
TOWNSHIP ROAD DISTRICT—	
Organizing township into a road district—Township trustees are not entitled to compensation for such service—Township Treasurer— Township road district funds—Inter-county highways—State Aid Highway Law.....	801
TOWNSHIP ROAD FUNDS—	
Right of Township Trustees under Sections 7033-7052, General Code, to pay part of the cost of a certain road improvement.....	1645
TOWNSHIP ROAD IMPROVEMENT BONDS—	
Village school district bonds not classed as municipal bonds.....	1098

	Page
TOWNSHIP SCHOOL—	
Right of the Board of Education under Section 7730, General Code, to suspend school when the average daily attendance thereof is less than twelve—Powers of such board under Section 7730, General Code.....	1625
Schools—Board of Education cannot be compelled to pay tuition of pupil attending school in another township when the pupil lives more than one and one-half mile from a school in his own township.....	862
TOWNSHIP SCHOOL DISTRICT—	
Incorporation of a township school district into a special district—Duty of Board of Education to transport pupils unprovided for to a school.....	803
TOWNSHIP TRUSTEES—	
Board of Education—Surplus fund.....	599
Municipal road districts—Taxes levied for special road improvement purposes—Township Trustees—Bond issue under Longworth Act—Council—Budget ordinance should be published.....	839
Organizing township into a road district—Township trustees are not entitled to compensation for such service—Township Treasurer—Township road district funds—Inter-county highway—State Aid Highway Law.....	801
Right of Township Trustees to borrow money to replenish the township poor fund.....	1386
Right of Township Trustees under Sections 7033-7052, General Code, to pay part of the cost of a certain road improvement.....	1645
Street improvement—Bond sale—Bond improvement—Township trustees.....	627
The statutes authorizing Township Trustees, under certain circumstances, to levy certain taxes for road purposes remain in force generally..	1222
Townships may not join in condemning, purchasing and operating stone quarry property.....	619
Union Cemetery—Trustees and Council acting as a joint board—Village Cemetery—Cemetery Trustees.....	164
TOWNSHIP TREASURER—	
Disposition of an inter-county balance standing to the credit of a Township or District Board of Education—Compensation that may be allowed Township Clerk for time expended by him with State Examiner—How compensation of Treasurer is computed.....	1472
Organizing township into a road district—Township Trustees are not entitled to compensation for such service—Township Treasurer—Township road district funds—Inter-county highway—State Aid Highway Law.....	801
Township warrants—To be endorsed by Township Treasurer before being paid.....	664
TRAIN—	
Under the provision of Section 12556, General Code, it is not necessary that the twenty-five miles that an engine may run without cars and without train crew be in one direction; it may be calculated as going to and returning from a given point.....	1368

TRAIN CREW—	Page
Under the provision of Section 12556, General Code, it is not necessary that the twenty-five miles that an engine may run without cars and without train crew be in one direction; it may be calculated as going to and returning from a given point.....	1368
TRANSCRIPT—	
Bond issue—Attorney's fee.....	338
Newspapers not required to make proof of publication in transcript for the issuance and sale of bonds.....	1623
Of proceedings of Council of the village of West Carrollton, Ohio, for bond issue for construction of storm sewers.....	1327
Of proceedings for the issuance of bonds of Columbiana County, issued in anticipation of the collection of taxes and assessments levied in Fairfield Township on account of improvement of inter-county highway.....	1370
Of proceedings for bond issue for village of Hudson, Ohio, for paving of streets in said village.....	1371
Of proceedings for the issuance of bonds for the County Commissioners of Montgomery County for road improvement purposes.....	1502
Of proceedings of the Council of the village of Grandview Heights in the matter of bonds issued for street improvements.....	1353
Of proceedings including ordinance and resolutions adopted by Village Council of Mason, Ohio, in reference to bond issue in the construction of an electric light plant.....	1354
Of the proceedings and copy of resolution in form of opinion for bond issue for rural school district, Springfield Township, Ross County, Ohio.....	1358
Of the proceedings of Council of the Village of Niles, Ohio, in the matter of the issuance of bonds for the improvement of street in said village.....	1419
Of the proceedings of the County Commissioners of Columbiana County in the matter of bond issue for the improvement of inter-county highways.....	1497
Of the proceedings of County Commissioners of Trumbull County relative to the issuance of bonds of said county in the sum of \$160,000.00...	1319
Of the proceedings of County Commissioners of Huron County, Ohio, in the matter of the issuance of certain bonds under the provisions of the State Highway Law.....	1321
Of the proceedings for the issuance by Council of the City of Niles, Ohio, of bonds in anticipation of the collection of special assessments for the improvement of streets in said city.....	1367
Of the proceedings of the Commissioners of Columbiana County in the matter of a bond issue.....	1365
Of the proceedings for the issuance of bonds of Sandusky County, Ohio, and a form of bond issue in pursuance thereof.....	1366
Road improvement bonds—Supplemented transcript of the proceedings for an issuance of bonds by the County Commissioners of Lorain County, Ohio, in the sum of \$17,000 and \$20,000.....	1297
The effect of the statute requiring the furnishing of a transcript by a municipality or other public body issuing bonds to the successful bidder of the bonds.....	1433
TRANSFEREE—	
Liquor License Law—Intoxicating liquor—Conviction of licensee does not follow a license into hands of the transferee.....	127

	Page
TRANSPORTATION—	
Of high school pupils—Laws regulating such transportation.....	362
Right of the Board of Education to borrow money under Section 5656, General Code, to pay obligations incurred for furnishing the transportation of pupils, which the law requires to be furnished.....	1394
The Coney Island Transportation Company—The Coney Island Amusement Company—Receipts from this business intra-state in character.....	916
TRANSPORTATION OF PUPILS—	
Incorporation of a township school district into a special district—Duty of Board of Education to transport pupils unprovided for to a school.....	803
Section 7748, General Code, providing for transportation of pupils who are required to go to a school more than four miles distant, does not apply to Village and City Boards of Education.....	1004
TRAVELING EXPENSES—	
Annual session of National Children's Home Society—Expenses of delegates from State Board of Charities may be legally paid.....	49
Circuit Court—Court of Appeals—Allowance for expenses to Judges of the Court of Appeals—Traveling expenses.....	241
Expense of a Common Pleas Judge—Maximum amount allowable—Definition of year as used in Section 2253, General Code.....	71
Warnes Tax Law—District Assessors—Board of Complaint—Contingent expenses—Automobile hire.....	514
TREASURER—	
Board of Education must dispense with office of treasurer of school moneys when a depository has been provided for.....	1133
Canal fund—Crediting back of funds—Sharp-Dollison lease.....	501
Clerk acting as Treasurer Board of Education—The status of teachers of rural schools hired before Section 7705, General Code, amended, went into effect.....	1490
Construction of Section 4782, General Code, in reference to the establishment of depositories for school funds of school districts and the dispensing of the treasurers of the school moneys.....	1475
Liquor License Law—Saloon keeper—Saloon license—Failure to pay saloon license—Levy—Penalty.....	185
Offices compatible—Village Treasurer and member of the Board of Education—Offices incompatible—Treasurer of the School Board and member of the Board of Education.....	462
Payment into the State Insurance Fund—How payment should be made.....	544
Taxes and taxation—When State Highway Commissioner may use annual half mill tax levied for road improvement.....	699
TREASURER, BOARD OF EDUCATION—	
Clerk of the Board of Education can receive extra compensation for performing the duties of treasurer of such board—The Board of Education has the legal right to fix the compensation of such clerk when he is required to perform the added duties of Treasurer of the Board of Education.....	1202

TREASURER OF STATE—

	Page
Opinion to—	
Bond—State does not require bond from Secretary of Agricultural Commission—Commission may require bond from secretary—Where such bond is to be filed.....	123
Bond—Not to be classed as county bonds under Section 9778, General Code.....	701
Bonds of the St. Francis Levee District of Arkansas and the bonds of the Harris County Houston Ship Channel Navigation District of Harris County, Texas, not county bonds.....	1002
Dishonored check—Procedure to be followed by State Auditor, State Treasurer, in handling dishonored checks—State department..	268
Payment of moneys into State Treasury by state departments—State universities not affected by provisions of Section 24, General Code	61
Payment into the State Insurance Fund—How payment should be made.....	544
Rights of trust company organized prior to passage of Thomas Act, which transacted no trust business prior to passage of Thomas Act	1650
State Depository Law—Insurance fund of Compensation Act of the State Liability Board of Awards—Amount that may be deposited in a private bank as an inactive deposit.....	594
State Insurance Fund—Right of the Treasurer of State to pay duplicate vouchers issued by the Industrial Commission.....	1485
Taxation of Ohio Municipal Bonds deposited with the State Treasurer by foreign trust companies as security.....	1197
Village School District Bonds not classed as Municipal Bonds nor County Bonds.....	1098
Warrants of Auditor of State—Law does not authorize issuance of duplicate warrants—Treasurer cashes such warrants at his own risk	47

TREASURER OF SCHOOL FUNDS—

Village and township treasurers who continue to act as treasurers of school funds until they are superseded by the county treasurer by virtue of Section 4763, General Code, may draw compensation for their services.....	1676
--	------

TRESSPASSING—

Powers of the Fort Meigs Memorial Commission to make reasonable rules prohibiting trespassing on the grounds under its control.....	988
---	-----

TRIAL—

Juror fees in Justice cases—Deposit of juror fees—Garnishee cases—Security for costs.....	126
Prisoner—Pleading guilty same as convicted.....	23
Right of a Justice of the Peace to receive one dollar for sitting in a trial in a criminal proceeding where no defense is interposed—Where a judicial examination is held.....	1403

TRIP—

Contract—Mine owner—Employees—Miners riding (trips).....	510
--	-----

TRUANT OFFICER—

Compulsory attendance at school—Powers of truant officer—Ages between which children must attend school.....	101
--	-----

	Page
TRUANT OFFICER—Concluded—	
Conveyance of pupils in a special district— Board of Education—Truant Officer—Compulsory attendance at school—Special district.....	152
Duty of the Board of Education in reference to providing relief for boys under fifteen years of age and girls under sixteen years of age, who are unable to support themselves and stay in school.....	1536
TRUST—	
Collateral inheritance tax—Application to be made under Section 5333, General Code.....	321
TRUST FUND—	
Banks and banking—Trust funds—Assets and liabilities—Taxes and taxation—Tax—Fee bill.....	195
Disposition of interest on the proceeds of a bond issue for the purpose of constructing a county memorial building.....	1450
TRUST COMPANY—	
Proper investment for an institution having commercial and savings bank, safe deposit and trust company powers.....	1656
Qualification of a foreign trust company to act as trustee in a foreign will.....	1636
Rights of trust company organized prior to passage of Thomas Act, which transacted no trust business prior to passage of Thomas Act.....	1650
Whose business in Ohio is confined merely to loaning money on real estate, should pay fees provided for in Section 736, General Code.....	1238
TRUSTEES—	
A resident of the State of Ohio, who is appointed trustee under a will of a decedent of Illinois, must list shares of stock for taxation in the Ohio county in which he resides, though certificates thereof are kept in Michigan ..	1277
Proper custodian of library funds—City Treasurer—How bills for maintenance of library must be paid—City Auditor.....	939
Receiver—Assignee—Trustees in Bankruptcy—Listing of property for taxation.....	673
Schools located at County Children's Home—Control of such schools placed with Board of Trustees of such Home—Meaning of the term "Orphans' Asylum", as used in Section 7676, General Code.....	1552
The right of Trustees and Superintendents of Children's Homes to place children under their care with private families.....	628
Qualification of a foreign trust company to act as trustee in a foreign will..	1636
TRUSTEES OF CHILDREN'S HOME—	
Children's home—May not refuse to receive a child committed by Juvenile Court, except in certain cases—Juvenile Court—Guardianship of children—Dependent children—Right of Board of Trustees to contract with families for the care of children.....	751
TRUSTEES COUNTY CHILDREN'S HOME—	
Manner in which State Board of Charities may assume charge of placing of inmates with the Trustees of County Children's Home.....	1759
TRUSTEE OF THE KENT NORMAL SCHOOL—	
Offices incompatible—Trustee of the Kent Normal School and Member of State Board of Administration.....	89

	Page
TRUSTEE OF SINKING FUND OF CITY—	
Offices compatible—Prosecuting Attorney may be Trustee of sinking fund of city.....	972
TUBERCULOSIS—	
Right of County Commissioners to contract with the Ohio Sanatorium for the care of tuberculosis patients.....	1096
TUBERCULOSIS HOSPITAL—	
Right of County Commissioners to borrow money to provide for the maintenance of County Tuberculosis Hospital, until March 1, 1915....	984
TUBERCULOSIS PATIENT—	
County Commissioners to pay cost of removal and maintenance of a tuberculosis patient from a city of the county to a hospital owned by another city of that county.....	1047
TUITION—	
Boxwell-Patterson Law—Pupil must comply with this law in order to receive free tuition in high school—What high school graduate to attend.....	418
Schools—	
Board of Education cannot be compelled to pay tuition of pupil attending school in another township when the pupil lives more than one and one-half mile from a school in his own township.....	862
Township Board of Education—Boxwell-Patterson graduate—Tuition.....	729
Of pupils attending district school—Apportionment of distance.....	1783
Parent or pupil residing outside of a school district where such pupil attends school—Right of a school district to credit such tuition with the amount of taxes assessed on school.....	216
TUITION FUND—	
State aid—Deficiency.....	540
TWO MILL LIMITATION—	
A city, the greater limits of which are coextensive with the boundaries of a township, may make levies for township purposes under provision of Section 5649-3a, General Code—Such levies are governed by the two mill limitation—Levies for public health—Poor relief and correctional purposes not levies for township purposes—Status of Justice of the Peace under Section 1747 et seq., General Code.....	1228
TWO DAYS' LABOR ON THE HIGHWAY—	
Compensation—Effect of abolition of two days' labor on the highway....	466
UNCLASSIFIED SERVICE—	
City Sealer of Weights and Measures—In the unclassified service—Assistants to the City Sealer of Weights and Measures in the classified service—County Auditor—County Sealer of Weights and Measures—Deputy County Sealer of Weights and Measures in the unclassified service.....	911

UNCLASSIFIED SERVICE—Concluded—	
Civil Service—	Page
Incumbents under Section 10 of the Civil Service Act.....	601
Liquor Licensing Board—Entitled to two secretaries or clerks in the unclassified service.....	765
UNEXPIRED TERM—	
A vacancy in the office of Probate Judge can only be filled by appointment until the next general election, when a successor must be qualified for the unexpired term.....	1622
UNION CEMETERY—	
Land title—Director of Public Service.....	311
Trustees and Council acting as a joint board—Village Cemetery—Cemetery Trustees.....	164
Village Cemetery—Cemetery Funds—Depository.....	346
UNION GAS & ELECTRIC LIGHT COMPANY—	
Board of Public Works not authorized to readjust the rental reserved in The Union Gas & Electric Light Company's leased property consisting of a part of the canal in Cincinnati.....	1739
UNION SCHOOL DISTRICT—	
Date for officially certifying to the clerk or clerks of the Board of Education that the village or rural school districts or union school districts will employ a Superintendent is mandatory—Employment of joint superintendent for supervision purposes by two townships.....	1168
UNIVERSITY—	
Regulation of discipline in colleges and universities—Such matters may be regulated by faculty—Power may be delegated to President..	421
UNIVERSITY FUND—	
Budget—Balances of 1913 appropriation—Receipts and balances—Appropriation covering contracts—School Fund—Sinking Fund—University Fund.....	3
VACANCIES—	
A vacancy in the office of Probate Judge can only be filled by appointment until the next general election, when a successor must be qualified for the unexpired term.....	1622
Banks and Banking—Boards of Directors—Constituting a quorum.....	31
Greenlund Liquor Licensing Act—State Liquor Licensing Board—Vacancy on the County Board—Such vacancy to be filled by appointment—Civil Service.....	263
Removal of Member of a City School Board from district—Effect of such removal.....	819
VESTED RIGHT—	
Workmen's Compensation Act—The right of administrator or personal representative to receive a balance where the award has not been fully paid to the injured employe.....	778

	Page
VESSEL COMPANIES—	
Liability Insurance—Interstate and intrastate commerce—Employees engaged in transporting cargoes on the Great Lakes and within the purview of the Ohio Workmen's Compensation Act.....	300
VETO POWER—	
City Ordinance—Pass ordinance over Mayor's veto—Vote necessary to pass ordinance over Mayor's veto.....	238
VIEWERS—	
Proceedings for the establishment of county road instituted by Commissioners	1643
Right of County Commissioners to reduce or increase amount of compensation and damages assessed by road viewers for the operating of a county road.....	1038
VILLAGES—	
A village Mayor is required to enforce an ordinance passed by Council of a village to prohibit the running of dogs at large, without permits, secured by the owners of the dogs, from the Mayor.....	1406
Annexation of a village to a city—Effect of plumbers' licenses issued by the village annexed.....	1274
Construction of water filtration plant—Board of Trustees of Public Affairs—Contract—Payment of attorney's fees by village—Contractor's surety.....	1255
Electric light plant—Right of a village to sell electric current to a township within the village for the purpose of being resold by the partnership to another village.....	937
Library funds may not be received and distributed by the trustees of a city or village, under provisions of Section 4300, General Code ...	1762
Necessity of ordinance for construction of sidewalks in cities and villages—Such ordinance need not be published—Notice to abutting property owners.....	1384
Notes may not be issued by a village in anticipation of the collection of the special tax authorized by Section 4362, General Code, to defray partially the expenses of operating a municipal water works plant.....	1390
Offices compatible—Member of Board of Elections arbitrator between the village and public service corporation.....	925
Right of village to issue bonds to pay for constructing pole line.....	1779
Road Commissioners may improve road through the village.....	610
Telephone company franchise—Telephone company cannot be compelled to maintain the rate agreed to in the ordinance granting the franchise—Right to use village streets—Public utilities commission may fix reasonable rates.....	775
The right of a city or village to enter into a contract whereby the city furnishes electric current to the village—Such contract should conform to the provisions of Section 6, Article XVIII, of the constitution.....	769
Where a village that is supplied with water by a municipality has a water works system.....	832

	Page
VILLAGE BOARDS OF HEALTH—	
City and Village Boards of Health not authorized to establish children's welfare department.....	1707
Health Officer—Right of Health Officer to carry provisions to quarantined persons.....	500
VILLAGE BOARDS OF PUBLIC AFFAIRS—	
Village Council—Power to fix salaries and approve bonds of employes of villages—Village Boards of Public Affairs have power to employ persons to do the work of the village.....	20
VILLAGE CEMETERY—	
Union Cemetery—	
Trustees and Council acting as a joint board—Cemetery Trustees ...	164
Cemetery funds—Depository.....	346
VILLAGE CLERK—	
Offices compatible—Fire Chief and Village Clerk.....	123
Village Council—Power to fix salaries and approve bonds of employes of villages—Village Boards of Public Affairs have power to employ persons to do the work of the village.....	20
VILLAGE CITY HALL—	
Board of Trustees of Public Affairs—Right to charge for water used in watering trough or public drinking fountain in village street.....	756
VILLAGE COUNCIL—	
Board of Trustees—	
Of Public Affairs—Right to charge for water used in watering trough or public drinking fountain in village street—City Hall.....	756
Of Public Affairs is the proper authority to enter into contracts for the village electric light plant—Subject to statutory provisions with reference to competitive bidding.....	1094
Cemetery Trustee—Member of Village Council—Abolition of office of Member of Cemetery Trustees.....	105
Compensation to Mayor—Marshal—Fees and costs.....	536
Contract—Right to hire an engineer—Pay roll—Referendum on pay roll..	261
Mayor—Mayor may vote in case of a tie.....	307
Ordinance—Franchise—Contract—Legal contract.....	468
Power to fix salaries and approve bonds of employes of villages—Village Boards of Public Affairs have the power to employ persons to do the work of the village.....	20
Term of office—Increase in salary—Village Treasurer.....	355
Transcript of proceedings of the council of the Village of West Carrollton, Ohio, in the matter of the issuance of bonds for the improvement of certain streets therein.....	1320
Union Cemetery—Trustees and council acting as a joint board—Village cemetery—Cemetery Trustees.....	164
VILLAGE HEALTH OFFICER—	
Offices incompatible—District Assessor.....	492
Offices compatible—Village Marshal.....	409

VILLAGE OF OAK HARBOR—

Abstract of title to State of Ohio..... 128

VILLAGE SCHOOL DISTRICT—

Construction of Section 4736, General Code, in reference to rural school districts which go to make up county school districts..... 1599

Schools—Definition of the term “Supervisor” as employed in Section 7811, General Code..... 1659

Village school—How village school district may become part of county school district—Right of such village school district to become part of the county school district..... 833

VILLAGE SOLICITOR.

Opinion to—

Amending bonds for sewerage system—Enacting ordinance on same—Bond issue..... 695

A municipality may not advertise for bids on a proposed improvement, after having offered bonds for sale, and receiving no bids therefor, and where the contractor would agree to take the bonds as a part of his contract..... 1393

A person appointed and acting as Health Officer in a village may be appointed Superintendent of Water Works of such village—Right of the Health Officer of a village to become Superintendent of Public Works on termination of his service as Health Officer..... 1257

Appointment of Cemetery Trustees—Length of time such trustees should serve—Duties of the mayor making these appointments.. 90

A village mayor is required to enforce an ordinance passed by council of a village to prohibit the running of dogs at large, without permits, secured by the owners of the dogs, from the mayor..... 1406

Board of Trustees of Public Affairs—Right to charge for water used in watering trough or public drinking fountain in village street—City Hall..... 756

Bond issue under Longworth Act for the purchase of automobile hose truck..... 1512

Cemetery Trustee—Member of the Village Council—Abolition of office of Member of Cemetery Trustees..... 105

Construction of water filtration plant—Board of trustees of public affairs—Contract—Payment of attorney’s fees by village—Contractor’s surety..... 1255

Correct wording of ordinance or resolution under Article XII, Section 11, of the Constitution of Ohio..... 460

Council—Power to compel the Mayor to enforce ordinances and resolutions..... 944

Declaring an office vacant—Failure to give bond—Notice of election 624

Incumbents—Mayor—Temporary appointment—Street Commissioner—Marshal—Incumbency 688

Judgments against municipal corporations should be paid out of sinking fund—Attorneys’ fees..... 1777

Mayor of the village—Liquor License Law—Fines—Judgment—Fees . 266

Mayor—Village Council—Mayor may vote in case of a tie..... 307

VILLAGE SOLICITOR—Continued.

Opinion to—Continued—

	Page
Municipal road districts—Taxes levied for special road improvement purposes—Township trustees—Bond issue under Longworth Act—Council—Budget ordinance should be published.....	839
Newspapers not required to make proof of publication in transcript for the issuance and sale of bonds.....	1623
Notes may not be issued by a village in anticipation of the collection of the special tax authorized by Section 4362, General Code, to defray partially the expenses of operating a municipal water works plant.....	1390
Offices compatible—Fire Chief and Village Clerk.....	123
Offices incompatible—District Assessor—Village Health Officer.....	492
Plumbing ordinance—Right of the village to regulate the plumbing connected with the extension of the water works system to a suburb of said village—Village has no right to prevent bill posting.....	894
Power of the Board of Health under Bense Act to authorize installation system of sanitary sewers as a pertinent to a sewage disposal plant.....	1337
Power of a Mayor to remove Members of Council outside of a provision of Section 4238, General Code—Removal for misconduct in office.....	1339
Power of municipality to sell bonds for the purpose of erecting poles, wires and other fixtures for transmitting and distributing electric current purchased by such municipality from others.....	989
Right of a township or village to incur indebtedness during an epidemic for the relief of destitute persons or for the prevention of the spread of disease.....	1615
Right of village to issue bonds to pay for constructing pole line.....	1779
Section 13 of the Private Bank Act does not apply to municipal funds.....	930
Speak-easies—Liquor traffic—Ordinance—Prosecutions must be made under the State Law.....	84
Special election—When a petition is signed by twenty per cent. of the electors such election may not be held if regular election occurs not later than ninety days after the petition is filed—Referendum petition.....	837
Taxes and taxation—Wrong distribution of taxable property—No remedy in such cases.....	411
Transfer of unexpended light fund to water fund of a village—Circumstances under which such transfer may be made—Village water works.....	1340
Under the provisions of Section 3585, General Code, a plat of ground subdivided for sale when recorded becomes a sufficient conveyance to vest in a municipal corporation the fee of the grounds designated for street or other public ways.....	1272
Union Cemetery—Village Cemetery—Cemetery funds—Depository.....	346
Village—Telephone company franchise—Telephone company cannot be compelled to maintain the rate agreed to in the ordinance granting the franchise—Right to use village streets—Public Utilities Commission may fix reasonable rates.....	775
Village Board of Health—Health Officer—Right of Health Officer to carry provisions to quarantined persons.....	500
Village council—Power to fix salaries and approve bonds of employes of villages—Village Boards of Public Affairs have the power to employ persons to do the work of the village.....	20

VILLAGE SOLICITOR—Concluded.	
Opinion to—Concluded—	Page
Village Council—Contract—Right to hire an engineer—Pay roll—	
Referendum on pay roll.....	261
Village Council—Ordinance—Franchise—Contract—Legal Contract	468
Where a village that is supplied with water by a municipality has a	
water works system.....	832
VILLAGE TREASURER—	
Term of office—Increase in salary	355
VISITING AGENT—	
Children's Home—Superintendent—Offices incompatible—Matron.....	272
VOLUNTEER FIREMEN—	
Village Council without right to provide pensions for volunteer firemen..	511
Volunteer firemen not prohibited from making certain contracts.....	458
VOUCHER—	
Auditor of State—Budget Appropriation Bill—Auditor's certificate—	
Assignment of voucher.....	743
Issuing warrants to assignee of a claim—Duty of the State Auditor in	
matters of this kind—Duties of the State Treasurer—How the	
certification of such claim should be made.....	136
Panama-Pacific International Exposition—Directing Commissioner—	
Compensation—Voucher—Reimbursement.....	763
WAGES—	
Ordinance of City of Toledo, providing that employes of the Departments	
of the city government shall be paid the prevailing wage rate ext-	
tant in the city, does not comply with Section 4214, General Code	1469
WALL—	
Contracts limited by 1913 appropriation cannot be continued under 1914	
appropriation.....	557
WARD—	
Member of Council—Removal from ward—Forfeiture of office.....	467
WARDEN—	
Opinion to—	
Day school at Ohio Penitentiary—Prisoner not required to remain in one	
grade for the full period of forty weeks before taking promotional	
examination.....	1755
Indeterminate Sentence Law—	
Effect as to prisoners sentenced, after its becoming effective, for	
crimes committed prior to that time—Habeas Corpus Pro-	
ceedings—Power of courts to impose indeterminate sentences	745
Maximum and minimum sentence—Powers of Parole Board—	
Concurrent sentences.....	160
Power of the Governor under indeterminate sentence law.....	1588
Mistake of Clerk of Court in certifying a prisoner—Effect of such	
mistake—Ohio State Reformatory—Ohio Penitentiary—Parole	
prisoner.....	170

WARDEN—Concluded—**Opinion to—Concluded—**

	Page
Power of the Board of Administration to parole a prisoner confined in the Ohio Penitentiary, who has been previously convicted of a felony.....	1102
Power of the Board of Administration to parole a prisoner who has been previously convicted in another state, or sentenced for an offense which is a felony in Ohio.....	1329
Prisoner—Pleading guilty as convicted.....	23
Right to sell articles manufactured by prisoners of the Ohio Penitentiary to other states, or political divisions thereof, or public institutions, owned by such states.....	1332

WARNES LAW—

Appointment of District Assessor under the Warnes Law—Salaries of such assessors.....	1595
District Assessors—Board of Complaint—Traveling Expenses—Contingent Expenses—Automobile Hire.....	514
District Board of Complaints in unclassified service.....	576
Effect of taxation on bank shares.....	597

WARRANT—**Auditor of State—**

Budget Appropriation Bill—Auditor's certificate—Assignment of voucher.....	743
May not issue warrant to disbursing officer of state department—How such warrant must be issued.....	948
Issuing warrants to assignee of a claim—Duty of the State Auditor in matters of this kind—Duties of the State Treasurer—How the certification of such claim should be made.....	136
Right of Auditor of State to issue warrants to paymasters of the respective state departments for employes therein.....	1303
State Case—Expenses of Police Department incurred in state cases to be paid by county Fees to be received by Chief of Police—Serving of warrant by patrolmen—Fees for same.....	449

WATER—

Parochial School—Right of Council to furnish water to such school free..	317
--	-----

WATER FILTRATION PLANT—

Construction of water filtration plant—Board of Trustees of Public Affairs—Contract payment of attorney's fees by village—Contractor's surety.....	1255
--	------

WATER FUND—

Transfer of unexpended light fund to water fund of a village—Circumstances under which such transfer may be made—Village Water Works.....	1340
---	------

WATER RATE—

Power of Director of Public Service to make rules and regulations to insure collection of water, gas or electric rates.....	1761
---	------

WATER RIGHTS—	Page
Lease granted by Board of Public Works for water rights—Renewal clause	1723
WATERING TROUGHS—	
Board of Trustees of Public Affairs—Right to charge for water used in watering trough or public drinking fountain in village street—City Hall.....	756
WATER WORKS—	
City Water Works Plant—Bond Issue—Bonds—Procedure.....	423
Municipal Corporation—Water Works Improvement—Manner in which Contract for such Improvement shall be entered into—Liability Insurance—Premiums not to be paid from bond issue.....	639
Ordinance providing for a bond issue for installation of Pure Water System ordered by State Board of Health, not subject to referendum when bond issue is to carry out an order of the State Board of Health.....	1679
Plumbing Ordinance—Right of the village to regulate the plumbing connected with the extension of the Water Works System to a suburb of said village. Village has no right to prevent bill posting.....	894
Where a village that is supplied with water by a municipality has a Water Works System.....	832
WATER WORKS FUND—	
Duty of Director of Public Service to lay pipes and furnish other incidental connections for the purpose of furnishing water to fire hydrants—Connections to be furnished—Cost of repaving street torn up by Water Works Department primarily chargeable to the Water Works Fund, Council may direct, however, that it be charged against the Street Repair Fund; such expense is not chargeable against the safety fund.....	993
WATER WORKS PLANT—	
Notes may not be issued by a village in anticipation of the collection of the special tax authorized by Section 4362, General Code, to defray partially the expenses of operating a Municipal Water Works Plant.....	1390
WATER WORKS SYSTEM—	
City Engineer—Right to act as consulting engineer.....	341
WEEDS—	
Duty of land owners or tenants to destroy noxious weeds growing on public roads abutting lands of such owners or tenants—Proceedings where such land owners or tenants fail to destroy such noxious weeds.....	1215
“WELL SECURED”—	
Meaning of the words “Well Secured” as used in Section 3735, General Code, in reference to security for a debt.....	1482
WEST VIRGINIA—	
Bond—Not to be classed as county bonds under Section 9778, General Code	701

	Page
WIDTH OF STREET—	
Street Improvements—Improvements may be divided into two or more sections or divisions in conformity to the varying width of the street—Assessments of the cost of a street improvement where no division has been made may be apportioned at a uniform rate for the entire length of the street.....	1136
WILFUL ACT—	
An analysis of the decision of Judge Day of the Federal District Court of the Northern District of Ohio, in construing Section 21-2 of the Workmen's Compensation Act.....	65
WILL—	
A resident of the State of Ohio, who is appointed trustee under a will of a decedent of Illinois, must list shares of stock for taxation in the Ohio county in which he resides, though certificates thereof are kept in Michigan.....	1277
Collateral Inheritance Tax—Application to be made under Section 5333, General Code.....	321
Fees received by Probate Judge for taking deposition in will case do not belong to fee fund.....	1641
Interpretation of the terms of a will for the purpose of determining inheritance tax.....	1342
Qualification of a foreign trust company to act as trustee in a foreign will.....	1636
WILLIS LAW TAX—	
Banks in process of liquidation liable for Willis Law Taxes and penalties until its dissolution—Duty of the Superintendent of Banks in reference to such taxes and penalties.....	1065
WITNESSES—	
Agricultural Commission—Power of such Commission to issue process for witnesses applies only to certain hearings—Informal hearings—Commission may prescribe rules for informal hearings.....	928
WITNESS FEES—	
An application by or on behalf of the Humane Society for appointing guardian under Section 10081, et seq., General Code, is a civil and not a criminal proceeding.....	1681
Costs of the proceeding on a fugitive from justice—Where such costs are chargeable.....	1015
Mileage for testifying to an officer authorized to take depositions—Mileage allowed a witness for testifying in a Court of Record—No conflict between sections 3016 to 3018 and 4555, General Code.....	812
Fees of expert witnesses—State not to reimburse the county for payment of such fees.....	58
WOMEN—	
Civil Service—Fees—Tax Assessor—District Assessors—Women not eligible to office—Elector.....	226
WOMEN ELECTORS—	
The expense of printing or mailing of copies of a proposed charter for the city of Cincinnati is not illegal, if authorized by Council.....	1455

	Page
WOMEN TO HOLD CERTAIN OFFICES IN OHIO—	
Eligibility of women to hold certain offices in Ohio—Women only to have control of institutions taking care of the physical and moral welfare of women and children— Women not eligible to appointment as examiners of trained nurses.....	22
WOOD, WIRE & METAL LATHERS' INTERNATIONAL UNION—	
Taxes on money belonging to the W. W. & M. L. I. U.....	1119
WOOD COUNTY DEMOCRAT—	
Newspaper—City Printing—Ex-Mayor of city may be owner of newspaper doing such printing.....	385
WORKMEN—	
Eight Hour Law—Distinction between workmen engaged in public work and workmen working for the public.....	385
Employers' Liability Act—Political subdivisions—Application of this law not regulated by the number of employes in political subdivisions.....	250
Five or more workmen employed by an independent contractor on federal building within the purview of the Workmen's Compensation Act.....	1189
WORKMAN'S AID ASSOCIATION OF TOLEDO—	
Articles of incorporation of the Workman's Aid Association of Toledo should be filed by the Secretary of State.....	51
WORKMEN'S COMPENSATION ACT—	
An analysis of the decision of Judge Day of the Federal District Court of the Northern District of Ohio, in construing Section 21-2 of the Workmen's Compensation Act.....	65
Construction of Section 51 of the Workmen's Compensation Act in reference to common carriers by rail engaged in interstate commerce coming under Workmen's Compensation Act.....	1611
Domestic servants.....	521
Eight hour day on public works—Liability Insurance -Educational institutions not included.....	283
Employer—Employee—Who within compensation act.....	542
Five or more workmen employed by an independent contractor on federal building within the purview of the Workmen's Compensation Act.....	1189
Hospitals, Country Clubs, etc., come within the purview of this act.....	292
In case of injury, employe of news company entitled to compensation out of State Insurance Fund, if his employer has complied with the Workmen's Compensation Act.....	1192
Liability Board of Awards—Liability Insurance—On whom Liability Insurance should be paid—Laborers employed in foreign states....	294
Liability Insurance—Interstate and intrastate commerce—Employers engaged in transporting cargoes on the Great Lakes are within the purview of the Ohio Workmen's Compensation Act.....	300
Power of the Industrial Commission in reference to employers carrying their own insurance under Section 22 of the Workmen's Compensation Act—Medical attendance, hospital and nursing service....	1556
The right of administrator or personal representative to receive a balance where the award has not been fully paid to the injured employe ..	778
Sanitary Police Pension Fund included within Workmen's Compensation Act.....	1092

	Page
WRITS—	
Service of writs—Constable may not serve writs upon himself—Sheriff may not serve writs upon himself—Sheriff may serve writs on a Deputy Sheriff—Coroner may serve writs on a Sheriff.....	48
YOUNG WOMEN'S CHRISTIAN ASSOCIATION—	
Y. M. C. A.—Y. W. C. A.—Teachers' Agency—Employment Agency— Charitable Institutions.....	325

**CONSTITUTION AND LAWS OF OHIO
CITED AND CONSTRUED.**

Citations from Constitution of Ohio—	Page
Article I, Section 4.....	1141
Article II, Section 1b.....	1454
Article II, Section 2.....	1646
Article II, Section 4.....	28
Article II, Section 4.....	817
Article II, Section 19.....	427
Article II, Section 19.....	817
Article II, Section 20.....	1057
Article II, Section 22.....	880
Article III, Section 10.....	1141
Article IV, Section 3.....	1057
Article IV, Sections 7 and 13.....	1622
Article IV, Sections 1 and 10.....	357
Article IV, Section 14.....	1457
Article IX, Section 4.....	1141
Article X, Section 6.....	821
Article XII, Section 2.....	1119
Article XII, Section 2.....	124
Article XII, Section 2.....	109
Article XII, Section 9.....	333
Article XII, Section 11.....	1224
Article XII, Section 11.....	1353
Article XII, Section 11.....	1073
Article XII, Section 11.....	444
Article XII, Section 11.....	936
Article XII, Section 11.....	682
Article XII, Section 11.....	781
Article XII, Section 11.....	460
Article XIII, Section 3.....	1606
Article XV, Section 2.....	72
Article XV, Section 4.....	1167
Article XV, Section 9.....	765
Article XVIII, Section 6.....	769
Article XVIII, Section 6.....	937
Article XVIII, Section 8.....	1222
Article XVIII, Section 13.....	258
Article XXIII, Section 8.....	1222
Article XVIII, Section 8.....	1455
 Citations from Ohio Laws—	
44 O. L., 98.....	821
102 O. L., 287.....	119
103 O. L., 29.....	745
103 O. L., 72.....	250
103 O. L., 77, Sections 13 and 14.....	283
103 O. L., 77.....	1189

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from Ohio Laws—Concluded—	Page
103 O. L., 77	1092
103 O. L., 79	1556
103 O. L., 79	294
103 O. L., 81	300
103 O. L., 83	1533
103 O. L., 90	1611
103 O. L., 141	113
103 O. L., 141	535
103 O. L., 179	1623
103 O. L., 206	535
103 O. L., 216	1672
103 O. L., 217	198
103 O. L., 218	263
103 O. L., 220	72
103 O. L., 220	198
103 O. L., 222	37
103 O. L., 226	121
103 O. L., 230	121
103 O. L., 236	438
103 O. L., 236	310
103 O. L., 236	909
103 O. L., 237	198
103 O. L., 273	1755
103 O. L., 304	928
103 O. L., 304, 117	1251
103 O. L., 306	1754
103 O. L., 310	1532
103 O. L., 379	192
103 O. L., 379	447
103 O. L., 379	1606
103 O. L., 399	1048
103 O. L., 400	1375
103 O. L., 526	1779
103 O. L., 555	1781
103 O. L., 561	866
103 O. L., 658	52
103 O. L., 698	712
103 O. L., 732	348
103 O. L., 786	738
103 O. L., 797, Section 41	520
103 O. L., 854	283
103 O. L., 854, Sections 1, 2, 3	595
103 O. L., 914, Section 3	1091
103 O. L., 914	1322
103 O. L., 917	1195
103 O. L., 953	1323
104 O. L., 4	763
104 O. L., 64	721
104 O. L., 64, 69	1031
104 O. L., 73	743

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED--Continued--

	Page
Citations from Revised Statutes--	
Section 860	864
Sections 1536-681	287
Sections 1536-1005	287
Section 1695	355
Section 1768	1762
Section 1781	1633
Citations from Civil Service Act--	
Section 7	74
Sections 8 and 10	376
Section 9	74
Section 10	365
Section 19	74
Section 19	524
Section 8, Subdivision 8a	1211
Section 25	1213
Citations from General Code--	
Section 7	624
Section 8	365
Section 15	1646
Section 23	276
Section 24	61
Section 24, amended	1597
Section 50	172
Section 50	214
Sections 83 and 84	1504
Sections 109 to 118	1015
Section 140	1457
Section 178, et seq	1172
Section 183, et seq	1172
Section 192	1561
Sections 237, 238 and 239	1379
Section 242	47
Section 243	47
Section 243	948
Sections 242 and 243	1303
Section 245	47
Section 260	1486
Section 273-2	1753
Section 274	1379
Section 274	734
Section 276	734
Section 276	1379
Section 284	734
Sections 284, 285 and 286	1605
Section 290, et seq	1610
Sections 290, 294 and 295	665
Section 301	47
Section 304	47
Section 333	1723

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code— Continued—	Page
Section 431	553
Section 433	501
Section 486-1	1619
Sections 486-2, 486-16 and 486-17	798
Sections 486-2 and 486-17	1664
Section 486-3	404
Sections 486-8 and 486-1	1507
Section 486-8	576
Section 486-8	911
Section 486-8	366
Section 486-8	734
Section 486-8	765
Section 486-10	601
Section 486-10	603
Section 486-10	380
Section 486-10	366
Section 486-12	366
Section 486-15	1300
Section 486-15	1653
Section 486-16	849
Section 486-19	404
Section 486-21	383
Section 486-21	404
Section 486-23	509
Section 486-31	380
Section 586-19	1123
Sections 614-2, 614-2a, 614-16, 614-18, 614-21, 614-23	775
Sections 614-36 and 614-37	657
Section 614-77	828
Section 649	648
Section 655	588
Section 665	1655
Section 665	584
Section 670	584
Section 678	335
Section 711	195
Section 720	975
Section 724	195
Sections 725, 726, 727 and 728	32
Sections 725 to 728, inclusive	195
Section 736, paragraph c	1636
Section 736	1238
Sections 742-1, 742-2, 742-11, 742-13 and 742-14	1065
Sections 742-1 to 742-16	1635
Sections 742, 742-2 and 742-4	1619
Section 744-6	29
Section 744-9	975
Section 749	698
Sections 786 to 790	1130
Section 789	117
Sections 798-1 to 798-8	660

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—

Citations from General Code—Continued—	Page
Section 841	643
Section 841	1516
Section 843	1486
Sections 862 and 863	696
Sections 871-47, 871-48 and 871-49	574
Section 886	95
Section 886	325
Section 886	629
Section 886	1084
Section 886-8	574
Section 893	1084
Section 893	325
Section 893	95
Section 914	877
Section 948	410
Section 961	510
Section 973	877
Section 976	877
Section 973	888
Section 1008	1113
Section 1008, amended	1781
Sections 1031, 1035, 1036 and 1037	1307
Sections 1032, 1033 and 1037	548
Section 1058-7	1187
Section 1058-20	807
Section 1058-21	807
Section 1094	3
Section 1170	507
Section 1172	507
Section 1183, amended	710
Section 1183, amended	59
Section 1185	1528
Section 1191, amended	59
Section 1197	781
Section 1203	44
Section 1222	699
Section 1222-1	781
Section 1223	781
Section 1223	1287
Section 1237	1165
Section 1237	1287
Sections 1237 and 1238	1307
Section 1240	341
Section 1247	1287
Section 1249	387
Sections 1250 and 1251	1337
Sections 1257 and 1258	309
Section 1259	1126
Section 1259	1337
Section 1261	1337
Sections 1261-22, 1261-27 and 1261-28	765

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued—	Page
Section 1277.....	3
Sections 1305 and 1306.....	408
Section 1307.....	397
Section 1309.....	1251
Section 1313.....	1218
Sections 1335 to 1339.....	880
Section 1348.....	52
Section 1352.....	49
Section 1352.....	221
Section 1352-3.....	751
Sections 1352-3 and 1352-4.....	1759
Section 1353.....	251
Section 1357.....	49
Section 1378.....	1597
Sections 1465-18 and 1465-19.....	1409
Section 1465-56.....	47
Section 1469.....	1057
Section 1529.....	241
Section 1547.....	265
Section 1580.....	1622
Section 1584.....	1117
Section 1584.....	1195
Section 1585.....	1690
Sections 1594 and 1595.....	1690
Section 1603.....	204
Section 1639.....	357
Section 1639.....	646
Section 1639.....	1009
Sections 1639 to 1683, inclusive.....	1430
Section 1643.....	1673
Sections 1643 and 1645.....	751
Section 1652.....	1757
Section 1653.....	751
Section 1653.....	1673
Section 1662.....	1117
Sections 1662 and 1663.....	345
Sections 1662, 1663 and 1664.....	357
Section 1672.....	751
Sections 1683-2, 1683-4, 1683-5 and 1683-9.....	845
Sections 1683-2 and 1683-3.....	885
Sections 1683-2 and 1683-3.....	921
Sections 1683-2, 1683-4 and 1683-8.....	1009
Sections 1683-2, 1683-3 and 1683-9.....	1042
Section 1683-9.....	1662
Section 1684.....	1211
Section 1690.....	1457
Sections 1692 and 1693.....	357
Section 1746.....	266
Section 1746.....	1403
Section 1747.....	1228
Section 1772.....	1015

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued—	Page
Sections 1774 and 1775.....	1633
Section 1815-9.....	187
Section 1836.....	89
Section 1839.....	276
Section 1841-1.....	1421
Section 2033.....	1419
Sections 2083 and 2084.....	1757
Section 2087.....	1421
Section 2093.....	1421
Sections 2108 and 2109.....	1275
Sections 2131 and 2132, amended.....	651
Sections 2141 and 2142, amended.....	651
Section 2160.....	156
Section 2160.....	694
Section 2163.....	745
Section 2163.....	1588
Section 2166.....	156
Section 2169.....	156
Section 2169.....	1102
Section 2169.....	1329
Section 2174.....	935
Section 2180.....	977
Sections 2183 and 2183-1.....	1085
Section 2192.....	1329
Section 2228.....	1332
Sections 2228, 2229 and 2230.....	1031
Section 2249.....	734
Section 2249.....	1379
Section 2249.....	1504
Sections 2251, 2252 and 2253.....	71
Sections 2251 and 2252.....	241
Section 2253.....	1057
Section 2294.....	146
Section 2296.....	667
Section 2296.....	1340
Section 2314.....	1031
Sections 2314, 2315 and 2320.....	1307
Section 2320.....	1305
Sections 2320, 2321, 2322, and 2323.....	1114
Section 2333.....	251
Section 2343.....	1305
Section 2349.....	251
Section 2350.....	1305
Section 2353.....	1305
Section 2362.....	639
Section 2408.....	1499
Section 2412.....	1262
Section 2414.....	808
Section 2414.....	1499
Section 2421.....	247
Section 2421.....	364

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued--	Page
Sections 2421 and 2422.....	950
Section 2434.....	146
Section 2434.....	984
Section 2434.....	1386
Section 2445.....	803
Section 2460.....	1617
Section 2478.....	1107
Section 2489.....	107
Section 2494.....	43
Section 2494.....	58
Sections 2507 and 2508.....	1432
Sections 2507, 2508 and 2509.....	1471
Section 2518.....	90
Section 2523.....	376
Section 2544.....	1270
Section 2563.....	182
Section 2570.....	1617
Sections 2588 and 2589.....	411
Sections 2588 and 2589.....	1592
Section 2593.....	411
Sections 2615 and 2616.....	911
Section 2622.....	911
Sections 2624, 2625 and 2626.....	204
Section 2639.....	852
Section 2655.....	1290
Section 2667.....	1415
Sections 2672 and 2673.....	1415
Section 2685.....	344
Section 2689.....	1071
Section 2692.....	1290
Section 2700.....	655
Section 2715.....	1743
Section 2715-1.....	1450
Sections 2715 and 2745.....	92
Section 2716.....	92
Sections 2734, 2735 and 2736.....	839
Section 2736.....	92
Section 2737.....	200
Section 2745.....	1516
Sections 2746 and 2749.....	1477
Section 2751.....	1450
Section 2824.....	864
Section 2829.....	28
Section 2830.....	653
Section 2845.....	1444
Section 2845.....	1642
Section 2846.....	119
Sections 2856 and 2857.....	1529
Section 2866.....	28
Section 2871.....	653
Sections 2900 and 2901.....	1444

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued—	Page
Section 2901.....	965
Section 2901.....	204
Section 2903.....	1009
Section 2912.....	1415
Sections 2914 and 2915.....	1160
Section 2915-1.....	188
Section 2915-1.....	270
Section 2915-1.....	399
Section 2917.....	1415
Section 2930.....	852
Section 2942.....	852
Sections 2962, 2963, 2964, 2965, 2966, 2967, 2967-1, 2968, 2969 and 2970.....	278
Section 2967.....	1303
Section 2974.....	832
Section 2977.....	119
Section 2977.....	1641
Sections 2980, 2980-1 and 2981.....	313
Section 2980-1.....	1117
Section 2997.....	774
Section 3003.....	1415
Section 3004.....	188
Section 3004.....	270
Section 3004.....	399
Section 3004.....	1160
Section 3012.....	812
Section 3014.....	58
Section 3016.....	449
Sections 3016, 3017 and 3018.....	812
Sections 3025 and 3026.....	1444
Section 3046.....	1479
Section 3056.....	631
Section 3056.....	1630
Section 3059.....	200
Sections 3059 to 3069, inclusive.....	1603
Sections 3061, 3062, 3063 and 3063-1.....	200
Sections 3063, 3063-1 and 3063-3.....	1450
Section 3068.....	200
Section 3068.....	1450
Section 3081.....	650
Sections 3084, 3085 and 3086.....	272
Section 3085.....	1552
Section 3088.....	1552
Sections 3089 and 3090.....	751
Section 3093.....	628
Section 3093.....	648
Section 3093.....	751
Section 3093.....	1673
Sections 3095 and 3096.....	628
Section 3096.....	648
Section 3097.....	650
Section 3099.....	272

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued—	Page
Section 3098.....	1673
Section 3099.....	1759
Section 3100.....	1673
Sections 3139, 3141, 3142 and 3145.....	984
Sections 3139, 3140, 3143 and 3144.....	1096
Section 3143.....	1047
Section 3197.....	1290
Section 3220.....	664
Section 3253.....	430
Section 3263.....	305
Sections 3282, 3283, 3282-1 and 3282-3.....	619
Section 3295.....	781
Section 3295.....	839
Sections 3308 and 3309.....	1472
Section 3318.....	1472
Section 3326.....	664
Section 3336.....	55
Sections 3346 and 3347.....	1403
Section 3347.....	48
Section 3347.....	55
Section 3347.....	266
Sections 3375-3384.....	466
Section 3441.....	1139
Section 3480.....	1386
Section 3454.....	775
Section 3455.....	1139
Section 3461.....	775
Section 3471.....	775
Section 3476.....	1270
Sections 3480 and 3481.....	1270
Sections 3497 to 4678.....	423
Section 3512.....	1228
Section 3512.....	1270
Sections 3566 to 3574.....	1274
Section 3584 and 3585.....	1272
Section 3615.....	190
Section 3615.....	611
Section 3615.....	989
Section 3618.....	769
Section 3618.....	937
Section 3618.....	1045
Section 3618.....	1094
Section 3619.....	756
Section 3620.....	611
Sections 3626 and 3627.....	1372
Section 3628.....	766
Section 3632.....	57
Section 3637.....	1750
Section 3647.....	387
Section 3647.....	1392
Section 3649.....	387

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUCTED—Continued—

Citations from General Code—Continued—

	Page
Section 3658.....	766
Section 3661.....	84
Section 3674.....	894
Section 3677.....	1750
Sections 3681 to 3697, inclusive.....	1428
Section 3723.....	1272
Sections 3734 and 3735.....	864
Section 3795.....	939
Section 3795.....	1290
Section 3795.....	1447
Section 3797.....	430
Section 3799.....	667
Section 3804.....	1255
Section 3804.....	682
Section 3806.....	622
Sections 3806 to 3810.....	695
Section 3806.....	1392
Sections 3806, 3807 and 3810.....	1126
Section 3808.....	257
Section 3808.....	1250
Section 3808.....	892
Section 3809, amended.....	769
Section 3809.....	937
Section 3809.....	989
Section 3809.....	1045
Section 3809, amended, 103 O. L., 526.....	1779
Section 3810.....	423
Section 3812.....	1351
Section 3812.....	1737
Sections 3814, 3815 and 3816.....	261
Section 3817.....	897
Section 3817.....	1703
Section 3819.....	1043
Section 3820.....	1737
Section 3821.....	1693
Section 3822.....	530
Section 3851.....	1703
Section 3871.....	1392
Section 3892.....	1703
Section 3895.....	1136
Sections 3896, 3897 and 3898.....	247
Section 3905.....	897
Section 3905.....	1262
Section 3906.....	423
Section 3910.....	423
Section 3913.....	558
Section 3913.....	1390
Section 3914.....	682
Sections 3914, 3916, and 3917.....	897
Sections 3914, 3915 and 3916.....	1174
Section 3915.....	558

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued—

	Page
Sections 3916, et seq	1775
Section 3918	957
Section 3924	338
Section 3932	682
Section 3939	839
Section 3939	989
Section 3939	1255
Section 3939	1479
Section 3939, et seq	1503
Section 3939	1512
Section 3939	1693
Sections 3940 and 3940-2	781
Section 3940	957
Section 3942	932
Section 3942	1479
Section 3949	932
Section 3949	957
Section 3959	932
Section 3961	423
Sections 3961, 3963 and 3964	993
Section 3966	894
Sections 3971 and 3972	894
Section 3973	832
Section 3974	1479
Sections 3982 and 3983	468
Section 3990	937
Section 3990	989
Section 3990	1045
Section 3992	897
Section 3994	769
Section 4004	848
Section 4004	939
Sections 4022 and 4023	364
Section 4029-3	1004
Section 4089	1270
Section 4099, et seq	1228
Section 4154	866
Section 4167	1515
Sections 4171 and 4172	1515
Section 4175	90
Section 4175	1447
Sections 4184 and 4185	105
Sections 4184 and 4185	346
Section 4189	105
Section 4189, amended	164
Section 4193	164
Section 4196	346
Section 4206	82
Section 4207	129
Section 4207	467
Section 4210	574

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued—	Page
Section 4211	387
Section 4211	622
Section 4213	1246
Section 4213	1764
Section 4214	456
Section 4214	1772
Section 4214	1469
Section 4216	1406
Section 4218	105
Section 4218	819
Section 4219	536
Section 4219	1406
Section 4220	1255
Section 4221	468
Section 4224	307
Section 4227	82
Sections 4227 and 4228	633
Section 4227	1161
Sections 4227, 4228 and 4229	1178
Section 4227-1	942
Section 4227-1	1479
Sections 4227-2 and 4227-5	837
Sections 4230 and 4232	633
Section 4232	1178
Section 4234	238
Section 4238	1339
Section 4240	1447
Section 4241	468
Section 4242	624
Section 4246	387
Sections 4246 and 4247	603
Section 4250	603
Section 4250	837
Section 4255	307
Section 4257	536
Sections 4262 and 4263	944
Sections 4263 and 4264	378
Sections 4263 and 4264	688
Section 4268	944
Section 4270	266
Sections 4273 and 4274	705
Section 4276	939
Section 4278	1372
Section 4279	123
Section 4285	939
Section 4285	1447
Section 4294	462
Section 4294, et seq	930
Sections 4295 and 4296	1639
Sections 4297, 4298, 4300 and 4301	939
Section 4300	1762

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued—

	Page
Section 4308.....	133
Section 4308.....	1262
Section 4308.....	1633
Section 4309.....	133
Section 4318.....	911
Section 4322.....	911
Section 4323.....	1500
Section 4383.....	1461
Sections 4323, 4324, 4325, 4326 and 4328.....	387
Section 4327.....	456
Section 4328.....	567
Sections 4331 and 4332.....	222
Section 4334.....	1372
Section 4357.....	832
Section 4357.....	866
Section 4357.....	1045
Section 4357.....	1094
Section 4358.....	624
Section 4361.....	1094
Section 4361.....	1045
Sections 4361, 4362 and 4363.....	756
Section 4362.....	1390
Section 4371.....	993
Section 4372.....	856
Section 4379.....	856
Section 4390.....	856
Section 4381.....	380
Section 4383.....	511
Section 4384.....	409
Sections 4384, 4385, 4386 and 4387.....	1406
Section 4385.....	944
Section 4387.....	536
Section 4389.....	123
Section 4402.....	387
Sections 4402 and 4403.....	1372
Section 4404.....	409
Section 4404.....	339
Section 4404.....	492
Section 4408.....	1707
Section 4408.....	1735
Section 4410.....	1735
Sections 4410, 4411 and 4411-1.....	1707
Section 4411.....	1092
Sections 4413 and 4414.....	1397
Section 4413.....	1707
Sections 4413, 4414 and 4415.....	339
Section 4414.....	1287
Section 4420.....	339
Section 4421.....	1397
Sections 4425 to 4436, inclusive.....	1022
Section 4436.....	500

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued—	Page
Section 4436	1735
Section 4451	731
Sections 4463 and 4469	387
Section 4479	380
Section 4484	380
Section 4486	74
Section 4489	74
Section 4505	74
Section 4505	692
Section 4506	682
Section 4506	957
Section 4506	1777
Section 4507	848
Section 4509	1772
Section 4512	682
Section 4513	1777
Section 4515	930
Sections 4515 and 4516	1639
Section 4517	682
Section 4520	1777
Section 4534	266
Section 4535	449
Section 4736	1599
Section 4549	1563
Section 4555	812
Section 4556	536
Section 4559	766
Section 4563	766
Section 4581	449
Section 4600	511
Section 4600	667
Section 4600	919
Section 4603	919
Section 4605	919
Section 4608	919
Section 4609	919
Section 4612	511
Section 4612	919
Section 4615	667
Section 4632	946
Section 4669	688
Section 4670	944
Section 4676	633
Section 4676	1178
Section 4676	1511
Sections 4680, 4681 and 4682	980
Section 4684	1206
Section 4684	1301
Section 4688	883
Sections 4688 and 4688-1	1659
Sections 4692 to 4695, inclusive	1333

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued—	Page
Section 4704.....	819
Sections 4706-3 and 4706-4.....	427
Sections 4715 and 4716.....	1510
Sections 4728 to 4732.....	803
Sections 4728, 4728-1, 4729 and 4730.....	817
Section 4734.....	817
Section 4734.....	1209
Sections 4735-1, 4735-2 and 4736.....	1687
Section 4736.....	1333
Section 4736.....	1492
Section 4740.....	980
Section 4740.....	1168
Sections 4744-2 and 4744-3.....	1346
Sections 4744, 4744-1 and 4744-2.....	427
Sections 4744-1, 4744-2 and 4744-3.....	1206
Sections 4744-1 and 4744-3.....	1209
Sections 4744-1, 4744-2 and 4744-3.....	1265
Section 4747.....	1478
Section 4748.....	819
Section 4763.....	1676
Section 4763.....	1765
Sections 4763 to 4784.....	1202
Sections 4764 and 4765.....	462
Sections 4781 and 4782.....	1202
Section 4782.....	1133
Section 4782.....	1475
Section 4782.....	1676
Section 4782.....	1765
Section 4789.....	130
Section 4804.....	130
Section 4819.....	926
Section 4822.....	691
Section 4822.....	723
Section 4892.....	980
Section 4942.....	130
Section 4967.....	923
Section 4967.....	926
Section 4990.....	723
Sections 4990 and 4991.....	402
Section 4991.....	926
Section 5092.....	925
Section 5190.....	727
Section 5212.....	1141
Section 5240.....	1141
Section 5255.....	87
Section 5261.....	87
Section 5292.....	1504
Section 5316.....	1141
Sections 5322, 5325 and 5328.....	1180
Section 5323.....	124
Section 5328.....	1277

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued—	Page
Section 5330	1162
Section 5331	333
Section 5331	395
Section 5331	836
Sections 5331, 5333 and 5335	204
Section 5331	1420
Section 5331	1426
Section 5332	210
Sections 5333 and 5334	321
Section 5333	815
Section 5333	1426
Section 5334	1342
Section 5340	204
Section 5340	395
Sections 5343 and 5344	395
Section 5343	1426
Section 5346	204
Section 5346	344
Section 5348	317
Section 5348	1324
Section 5350	1435
Section 5351	46
Section 5353	905
Section 5362	1435
Sections 5364, 5365 and 5365-1	1051
Sections 5370, 5371 and 5376	1180
Section 5370	1277
Section 5376	124
Section 5398	411
Sections 5400 and 5401	411
Section 5401	1539
Section 5403-1	411
Sections 5404, 5405, 5406, 5407, 5409, 5411 and 5412	216
Sections 5404, 5407 and 5408	1197
Section 5415	558
Sections 5415, 5416, 5420, 5422, 5423, 5424, 5429, 5430 and 5445	1358
Section 5416	916
Section 5433	643
Section 5437	1197
Section 5437	1714
Section 5461	411
Sections 5499, 5500 and 5501	1409
Sections 5509, 5510 and 5511	570
Sections 5520 and 5521	1065
Section 5554	1324
Section 5560	1180
Section 5570	1324
Section 5574	411
Sections 5581 and 5582	182
Section 5582	1539
Section 5591	576

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED - Continued-

Citations from General Code—Continued—

	Page
Section 5594	182
Section 5615	182
Section 5615	226
Section 5617	182
Section 5617	492
Sections 5617-1, 5617-2 and 5617-6	411
Sections 5617-1 and 5617-2	1409
Section 5618	226
Section 5619	182
Section 5621	226
Section 5638	181
Section 5638, amended, et seq	251
Section 5638	1171
Section 5644	111
Section 5643	111
Sections 5643 and 5644	113
Section 5646	1426
Sections 5649-2, 5649-3 and 5649-3a	577
Section 5649-2	932
Sections 5649-2, 5649-3a and 5649-5b	1222
Section 5649-3	852
Section 5649-3a	1228
Section 5649-3d	705
Section 5649-3d	1290
Section 5649-3d, et seq	273
Section 5649-4	548
Section 5649-4	1328
Section 5649-5	1122
Sections 5649-5b and 5649-2	708
Section 5653	1209
Section 5653	1206
Sections 5654 and 5655	1382
Section 5656	936
Section 5656	1386
Section 5656	1394
Sections 5657, 5658 and 5659	936
Section 5660	808
Section 5660	1386
Section 5661	599
Section 5661	1394
Section 5669	1777
Sections 5672 and 5673	216
Sections 5672 and 5673	597
Section 5692	1396
Section 5700	1262
Section 5809	1406
Section 5912	1406
Section 5978	18
Section 5979	137
Sections 6115 and 6116	1468
Section 6127	1468

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued—	Page
Section 6252	1496
Section 6255	1178
Section 6257	1710
Section 6290	773
Section 6290	1060
Section 6291	1018
Sections 6294 and 6295	1149
Section 6301	1129
Section 6311	377
Sections 6346-1, 6346-2, 6346-3, 6346-4, 6346-5 and 6346-6	324
Section 6346-6	1749
Section 6373-1	352
Sections 6373-1, 6373-2, 6373-14 and 6373-16	759
Sections 6373-1, 6373-2, 6373-3, 6373-4 and 6373-11	1151
Sections 6447, 6448, 6449 and 6450	477
Sections 6499 and 6500	477
Section 6512	477
Section 6540	477
Section 6558	477
Sections 6563-1, 6563-10, 6563-14, 6563-35 and 6563-38	1732
Section 6678	703
Section 6764	964
Section 6859	699
Section 6867	1038
Sections 6883 and 6882	1038
Sections 6903, 6904, 6905, 6906, 6912, 6912-1, 6912-2 and 6913	839
Section 6926	240
Section 6926	425
Section 6929, amended	240
Section 6956	425
Section 6956b	610
Sections 6976 to 7018	627
Section 7019	1222
Section 7033, et seq	1122
Sections 7033 to 7052	801
Sections 7033 to 7052	1645
Section 7052	801
Section 7060-2	491
Section 7095	610
Section 7108	610
Section 7136	610
Sections 7148 and 7148-1	1215
Section 7163	247
Sections 7181 to 7231	781
Section 7203	781
Sections 7217 to 7231	781
Section 7232, et seq	330
Section 7257	330
Section 7260	330
Section 7284	330
Section 7407	348

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued—	Page
Section 7407.....	1351
Section 7432.....	348
Section 7444.....	950
Section 7458.....	348
Section 7463.....	1351
Sections 7480 and 7481.....	348
Section 7557.....	247
Sections 7579, 7580, 7582 and 7583.....	1071
Sections 7591 and 7592.....	936
Section 7596.....	540
Section 7600.....	1071
Section 7600.....	1346
Sections 7604 and 7605.....	1765
Section 7620.....	247
Section 7623.....	1077
Section 7626.....	607
Section 7629.....	1078
Sections 7629 and 7630.....	607
Section 7630.....	936
Section 7630-1.....	548
Sections 7630-1 and 7630-2.....	1128
Section 7630-1.....	1328
Section 7646.....	803
Section 7649.....	1259
Sections 7656 and 7657.....	1259
Section 7669.....	1495
Section 7676.....	966
Sections 7676 and 7677.....	1552
Section 7681.....	729
Section 7681.....	966
Section 7683.....	216
Section 7684.....	1599
Section 7684.....	1625
Section 7684.....	1742
Section 7705.....	980
Section 7705.....	1478
Section 7705, amended.....	1490
Sections 7709 and 7710.....	1055
Section 7730.....	803
Section 7730.....	1101
Section 7730.....	1742
Sections 7730, 7731, 7732 and 7733.....	152
Sections 7730 and 7731.....	1394
Sections 7730 and 7730, amended.....	1625
Sections 7730 and 7731.....	1691
Sections 7734 and 7735.....	1783
Section 7735.....	152
Section 7735.....	862
Sections 7740, 7741, 7742, 7743, 7744, 7747 and 7748.....	418
Section 7747.....	729
Sections 7747 and 7748.....	1004

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued—	Page
Section 7748	152
Section 7748	362
Section 7762	101
Section 7763	101
Section 7763	152
Section 7764	101
Sections 7765 and 7766	1536
Section 7767	101
Section 7770	101
Section 7771	101
Section 7777	1536
Section 7811	642
Section 7811	1301
Section 7811	1659
Section 7817	642
Section 7820	1209
Section 7821	1301
Section 7834	642
Sections 7845 and 7846	1295
Sections 7865 and 7866	434
Sections 7865, 7866, 7870 and 7871	1062
Section 7870	434
Section 7880	496
Sections 7881, 7882, 7883 and 7884	617
Section 7882	496
Section 7936	61
Section 7939	1684
Section 7949	507
Section 7965	911
Sections 7965 and 7965-1	657
Section 7997	187
Section 8190	18
Section 8324, et seq	1235
Sections 8572-1 and 8572-91	1134
Section 8572-3	1298
Section 8598	836
Section 8623	996
Section 8627	147
Section 8627	1125
Section 8630	147
Section 8633	147
Section 8633	229
Section 8636	445
Section 8664	31
Section 8667	352
Section 8673-15	243
Sections 8674, 8675 and 8676	430
Section 8683	162
Section 8683	608
Section 8698	253
Sections 8698 and 8699	305

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued—	Page
Section 8700.....	253
Sections 8701 and 8702.....	243
Section 8719.....	868
Section 8737.....	445
Section 8773.....	174
Sections 8863 to 8873.....	740
Section 8869.....	174
Section 8914.....	174
Section 9150.....	1
Section 9150.....	107
Section 9151.....	107
Section 9195.....	468
Section 9195.....	1750
Sections 9326, 9327, 9328, 9329 and 9330.....	657
Section 9338.....	657
Sections 9351, 9352, 9353, 9354, 9355 and 9356.....	1104
Sections 9352, 9353, 9354 and 9355.....	588
Section 9504.....	965
Section 9510.....	229
Section 9512.....	147
Sections 9512 to 9520.....	229
Sections 9518 and 9519.....	1743
Section 9593.....	835
Section 9593.....	965
Sections 9593 and 9594.....	1679
Sections 9648, 9649 and 9650.....	1483
Section 9684.....	162
Section 9702.....	874
Section 9703.....	26
Section 9703.....	727
Sections 9708 and 9709.....	243
Sections 9712, 9714 and 9730.....	445
Section 9714.....	31
Section 9714.....	243
Section 9716.....	580
Sections 9716 and 9717.....	430
Section 9717.....	86
Section 9724.....	243
Section 9735.....	1482
Section 9757.....	874
Section 9759.....	874
Section 9761.....	162
Section 9764.....	874
Section 9765.....	608
Section 9765.....	975
Section 9765.....	1656
Sections 9774, 9775, 9778, 9779 and 9780.....	1197
Section 9777.....	195
Section 9778.....	701
Section 9778.....	1002
Section 9778.....	1098

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Continued—

Citations from General Code—Continued—	Page
Section 9778	1636
Sections 9778, 9779 and 9780	1650
Section 9779	195
Section 9781	195
Section 9781	608
Section 9796	1197
Sections 9850 to 9856	868
Sections 9885 to 9899	952
Section 9908	952
Section 9925	421
Sections 10062 to 10084	503
Section 10070	345
Sections 10071 and 10072	1730
Sections 10076	1679
Sections 10081 to 10084	1679
Sections 10128	276
Section 10212	1107
Sections 10253 to 10289	126
Sections 10271 to 10253-89, inclusive	126
Section 10271	1035
Section 10357	1035
Section 10417	1621
Section 10518	1641
Section 10573	1641
Section 11138	1015
Section 11204	449
Section 11377	1403
Section 11426	653
Section 11504	48
Section 11605	1559
Section 11725	1035
Section 11922	1735
Sections 12286 and 12287	1475
Section 12368	988
Section 12374	745
Section 12433	651
Sections 12500 and 12522	988
Section 12556	1368
Section 12600, p. 176 G. C.	139
Sections 12600-1, 12600-274, 12600-277 and 12600-281	1525
Section 12600-176	442
Section 12600-233, 12600-234 and 12600-235	139
Sections 12600-274, 12600-275, 12600-279 and 12600-280	1307
Section 12604	57
Section 12608	57
Section 12613	1129
Section 12664	1061
Sections 12672, 12672-1, 12673 and 12674	1218
Sections 12798-1, 12798-2 and 12798-3	814
Section 12819	1
Section 12819	1039

CONSTITUTION AND LAWS OF OHIO CITED AND CON-
STRUED—Concluded—

Citations from General Code—Concluded—	Page
Sections 12898 and 12899.....	1649
Section 12910.....	257
Sections 12910 and 12911.....	458
Section 12910.....	704
Sections 12910 and 12912.....	848
Section 12910.....	1250
Sections 12910, 12911 and 12912.....	1496
Section 12911.....	1201
Section 12912.....	335
Section 12912.....	704
Section 12912.....	892
Section 12912.....	1257
Section 12924-1.....	1409
Section 12965.....	1140
Section 12965.....	1678
Sections 12993 and 12994.....	98
Section 12993.....	831
Section 13009.....	1730
Section 13012.....	1730
Section 13128.....	943
Section 13195.....	118
Section 13197.....	923
Section 13229.....	266
Section 13239.....	118
Section 13492.....	1246
Section 13492.....	1563
Section 13496.....	1563
Section 13500.....	1246
Sections 13521 and 13522.....	1015
Section 13693.....	1039
Section 13706.....	23
Sections 13706, 13709 and 13710.....	170
Section 13708.....	23
Sections 13726 and 13727.....	1085
Section 14009.....	1723
Section 14995.....	1507
Section 15060.....	1507
Section 15500.....	449