

# ANNUAL REPORT

OF THE

# ATTORNEY GENERAL

TO THE

GOVERNOR OF THE STATE OF OHIO

FOR THE

PERIOD FROM JANUARY 1, 1906, TO JANUARY 1, 1907



COLUMBUS, OHIO:  
F. J. HEER, STATE PRINTER,  
1907.

## ATTORNEYS GENERAL OF OHIO.

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HENRY STANBERRY .....	1846-1851
JOSEPH McCORMICK.....	1851-1852
GEORGE E. PUGH.....	1852-1854
GEORGE W. McCOOK .....	1854-1856
FRANCIS D. KIMBALL.....	1856-1857
C. P. WOLCOTT.....	1857-1861
JAMES MURRAY .....	1861-1863
LYMAN R. CRITCHFIELD.....	1863-1865
WILLIAM P. RICHARDSON.....	1865-
CHAUNCEY N. OLDS.....	1865-1866
WILLIAM H. WEST.....	1866-1870
FRANCIS B. POND.....	1870-1874
JOHN LITTLE .....	1874-1878
ISAIAH PILLARS .....	1878-1880
GEORGE K. NASH.....	1880-1883
D. A. HOLLINGSWORTH.....	1883-1884
JAMES LAWRENCE .....	1884-1886
JACOB KOHLER .....	1886-1888
DAVID K. WATSON.....	1888-1892
JOHN K. RICHARDS.....	1892-1896
F. S. MONNETT.....	1896-1900
J. M. SHEETS.....	1900-1904
WADE H. ELLIS.....	1904-

ATTORNEY GENERAL'S DEPARTMENT.

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WADE H. ELLIS..... *Attorney General.*  
W. H. MILLER..... *First Assistant Attorney General.*  
CHARLES P. HINE..... *Second Assistant Attorney General.*  
SMITH W. BENNETT..... *Special Counsel.*  
ROSCOE J. MAUCK..... *Special Counsel.*  
O. E. HARRISON..... *Special Counsel.*  
WM. R. MEDARIS..... *Special Counsel.*  
CLARENCE D. LAYLIN..... *Chief Clerk.*  
WM. SHEEHAN ..... *Clerk to Special Counsel.*  
C. K. CAREY..... *Stenographer.*  
M. G. CULTON..... *Stenographer.*  
RALPH McCANN ..... *Messenger.*

# ATTORNEY GENERAL'S REPORT.

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COLUMBUS, OHIO, January 1st, 1907.

HON. ANDREW L. HARRIS, *Governor of Ohio*.

SIR:— In accordance with the policy adopted by this department I submit herewith the annual report of the Attorney General for the calendar year 1906.

This report will contain:

- First:* A review of the work of the department for the past year, including the more important litigation conducted on behalf of the state;
- Second:* A table of all actions and prosecutions brought, pending or disposed of during the past year;
- Third:* A statement of all collections and disbursements for the year; and
- Fourth:* All official opinions rendered during the year.

This report will not contain any specific recommendations for legislative action, either in the amendment of existing laws or the enactment of new ones suggested by the experience of the last year's work. It is thought best to postpone such recommendations to a later date, or to include them in the next annual report, which will be issued about the time of meeting of the general assembly in January, 1908.

## I.

### IMPORTANT WORK OF THE YEAR.

A number of causes combined to greatly increase the work of this office during the year 1906.

**Biennial Elections; Amendment of the Constitution.**

The first and most important of these causes was the adoption by the people on November 7th, 1905, of an amendment to the constitution of Ohio, separating state and municipal elections, and providing that thereafter all state and county officers should be elected in the even numbered years and all other officers, such as municipal, township and school district, should be elected in the odd numbered years. Numerous questions at once arose as to the construction of this amendment, and later of the acts of the legislature passed in conformity therewith. One of the questions involved the effect of such amendment upon officers chosen on the same day that

the change in the constitution was adopted. The Governor was advised in issuing a commission to the probate judge-elect of Summit county, that such officer was entitled to a commission for three years only, that being the term provided by law at the time of his election, although the constitutional amendment adopted the same day made the probate judge's term four years. In an action in mandamus brought by the judge-elect against the Governor, in the supreme court, to compel the issuance of a commission for a four year term, this view was sustained. The case of *State ex rel. Pardee v. Pattison, Governor*, (73 O. S. 305) became authority not only for the proposition that terms of office existing at and before the adoption of the amendment were not changed thereby, but for the further proposition that the general assembly in exercising the powers conferred by the new constitutional amendment can extend existing terms only so far as is necessary to effect the purpose of said amendment; and the phrase "existing terms of office", as therein used, was construed to mean the terms of office as defined in the constitution and acts of the general assembly as the same existed at the time of the proposal of the amendment and its adoption.

**Statutes passed in Conformity with New Amendment.**

Upon the assembling of the legislature in January, 1906, the work of adapting existing terms of office to the new policy of the state as expressed in the constitutional amendment, was undertaken. The general assembly had been given power to extend existing terms insofar as such extension was necessary to effect the purpose of such amendment, and in obedience to this requirement the terms of many state and local officers were so extended. One of the results was to make the terms of the governor and other state officers elected in 1905, three years instead of two, in order to bring about the expiration of their terms in January, 1909, and to install at that time all state officers to be elected in November, 1908. It was necessary also to extend the terms of many county officers so as to bring about the expiration of the same at a time agreeable to the new constitutional amendment.

**Construction of such Statutes.**

Members of the general assembly, or committees having charge of these bills, were advised by this department that only such extensions could be made as were actually necessary to adapt the terms of office to the new amendment. In the preparation and passage of such bills, however, some confusion prevailed, and it became necessary in one instance to secure the construction by the supreme court of an act passed for this purpose.

In the case of *State ex rel. Attorney General v. Mulhern*, 74 O. S. 363, the supreme court construed the act of April 2d, 1906, entitled "An act to conform the terms of various state and county officers to the constitutional provisions for biennial elections," and held that the provision in such act requiring that the terms of office of county sommis-

sioners shall commence on the first day of December next after their election is in irreconcilable conflict with another provision which extends the terms of certain county commissioners to the third Monday in September of the odd numbered years next succeeding the time when they would otherwise expire, and as the last provision more nearly conforms to the policy and intent of the general assembly the first becomes inoperative. In this case the court repeated the statement that the general assembly in exercising its power to extend existing terms was restrained by the new amendment itself to what should be necessary to effect the purpose of such amendment.

Some other questions arising from this amendment remain unsettled, particularly those affecting the terms of county sheriffs and treasurers, and these must be answered either by new legislation or perhaps at last by a further judicial construction of the effect of the constitutional amendment.

**State and  
County Salary  
Laws.**

In obedience to a popular demand, and one grounded in the best ideals of good government, the last general assembly effected a further reform in the conduct of public offices by abolishing the fee system and substituting salaries for all state and county officers. This legislation also provoked many new questions. The compensation of nearly all officers, both state and county, was involved. In some instances the legislature in substituting salaries for fees had overlooked the necessity of making the required appropriations, and the emergency board was obliged to provide for the situation which arose. With respect to county officers, it further developed that no provision was made for the proper and legitimate expenses of the officers, and it appeared that the legislature intended that such officers, in some instances at least, should pay such expenses out of their salaries. This was especially true of the sheriffs, and the real intent of the general assembly should be made clear at the next session.

**Death of Gov-  
ernor Pattison**

The long illness of Governor John M. Pattison, beginning with his inauguration in January and ending with his death in June, not only drew the sympathy of all the people of the state, who had great faith in the high purposes of his administration, but was made the occasion of casting some doubt upon the validity of acts of the general assembly which the constitutional amendment of 1903 required to be submitted to the chief executive for approval or veto.

**Aikin Law  
Case.**

Among the more important measures passed by the last legislature was the so-called "Aikin law" increasing the annual saloon tax to one thousand dollars. A suit entitled *Bernard Wrede v. Charles C. Richardson*, Auditor of Hamilton county, was brought in the superior court at Cincinnati to test the validity of the Aikin law, and in this case counsel for the plaintiff con-

tended that the bill after its passage by the general assembly had never been presented to the Governor for his approval or rejection. There were other questions involved, but since this challenge affected not only the one measure but many other acts of the general assembly, the Attorney General participated in the case in support of the law. Much testimony by way of depositions had been taken. The attempt was made to prove that the Governor was too ill to receive the bill and that in fact it was never personally presented. The solicitors of Hamilton county conducted the case in the superior court and this department acted merely in assistance to them. Those defending the law contended that the one essential to a valid presentment to the Governor was an opportunity to examine the bill; that the burden was upon the plaintiff to show the want of such opportunity, and that the testimony did not support any such claim. It was further contended that parol evidence is not admissible in any case to show that a bill printed as a law by the Secretary of State was not, in fact, presented to the Governor; that the records in the Governor's office in this instance showed due presentment and that such records import absolute verity. The superior court in general term upheld the Aikin law and the plaintiffs prosecuted error to the supreme court where the case is now pending.

**Recess Appointments.**

A number of questions arose during the session of the general assembly, and some have been presented since, as to the status of appointments made by the Governor during the recess preceding the last session and not confirmed by the senate. A discussion of these will be found in the several opinions upon the subject printed elsewhere in this report. Of course the officers who failed of confirmation or whose names were rejected continue to serve until their successors are appointed and confirmed. But as to the power of the present Governor to renominate such officers and again send their names to the senate, that is a question that may hereafter arise, and is not considered in the opinions referred to.

**Various New Statutes Passed and Construed.**

In addition to the new legislation made necessary by the constitutional amendment inaugurating the policy of biennial elections, the state and county salary acts and the Aikin liquor tax, all of which produced more or less litigation, there were many important changes effected by the last legislature in the laws touching the conduct of public officers or concerning directly matters of state or local government. The laws relating to elections, taxation, schools, public buildings, fish and game, pure food, health, pharmacy, insurance and others were changed in many important respects.

The Longworth bond act, applying to all cities and villages was modified in an important particular, and the municipal code was amended by numerous acts. A great deal of legislation was passed affecting the departments of highway commissioner, mine inspector, and the board of

public works. The attorney general and the prosecuting attorneys of the state were given additional powers. The Brannock residence district local option law was radically amended by the so-called Jones law, abolishing the election feature and substituting a petition in its stead. The public depository laws were strengthened. A two cent fare bill was passed. Prison labor at the penitentiary was abolished, and many questions have resulted as to the status of existing contracts and the right to extend or renew the same. The department for the inspection of oils was completely re-organized. The juvenile court law was amended, and the statutes affecting the state educational institutions were changed in many respects. Acts were passed to establish a commission for the regulation of railroads, another to codify the statutes, another to represent the state at the Jamestown exposition, another to build an institution for the care of crippled children, and another for the erection of the Lima State Hospital for the Insane. This is a brief summary only of the more important work of the 77th general assembly.

**The New Railroad Commission.**

Of all the work of the last legislature perhaps the most important was the passage of an act establishing the railroad commission of Ohio. Certainly no other act indicated a more significant departure in public policy and certainly no other has given more general satisfaction. Of necessity it has added very greatly to the work of the attorney general. He is made counsel for the commission and represents them in all appeals to the courts from their orders, in all proceedings to enforce the same, and in all complaints made by them before the interstate commerce commission. The powers granted to this commission are very broad. Their full extent has not yet been realized or defined, and their judicious exercise cannot fail to result in incalculable benefit to all the people of the state.

**Actions for the Bureau of Uniform Accounting.**

On behalf of the bureau of inspection and supervision of public offices, popularly known as the bureau of uniform accounting, the attorney general has participated in a number of actions in which the rulings of that department were sought to be sustained. The cases of the City of Tiffin v. Griffith, et al., (74 O. S. 219) in which the contention was successfully made that the Longworth bond act does not apply to indebtedness created or assumed prior to the enactment thereof; City of Portsmouth v. Milstead, and same v. Baucus, submitted and under advisement in the supreme court, involving the right of mayors and chiefs of police to fees in state cases; City of Newark v. Bigbee, et al., pending in the circuit court of Licking county, in which it is claimed that under the municipal depository act city funds of which no award has been made because of an excess of such funds over the amount which is permitted to be deposited in the bank offering the highest rate of interest, must be awarded to other banks only after re-advertisement; and State ex rel. Auditor v.



Hynicka, Treas., (74 O. S. 504) in which was upheld the contention of the department that, under Section 1069, before the same was amended by the last general assembly, the graded percentage due county auditors upon the entire grand duplicate and the one per cent. of school fund moneys, must have been paid at the semi-annual settlements,—these are among the more important cases of this description.

**Actions for the  
State Board  
of Health.**

The state board of health has been energetic, as usual, in the performance of its important functions. It has been especially diligent in exercising the power given to it by the law (Sec. 409-25 R. S.) to prevent municipalities from introducing new sources of water supply until the same shall have received the approval of the board. This power has been vigorously contested in some instances, notably in the case of the City of Newark v. The American Light and Water Company, where it was upheld by the court upon a cross-petition filed by this department.

**Canal Damage  
Claims.**

Claims for damages alleged to have been caused by the negligence of the state's agents in the management of the Lewiston reservoir in July, 1904, were filed by Tobias Walters, and others, in 1905. The general assembly provided for the appointment of a special commission to hear these claims. It was believed that the claims were not well founded, or, at least, were grossly exaggerated, and at the hearing held in July, 1906, they were contested by this office. The aggregate amount claimed reached, approximately, \$20,000. The amount allowed was \$2,534. Attention is called to this proceeding here not because of the amount involved but because, since it could not be had in any of the regularly constituted courts of the state, it is omitted from the complete list of cases hereinafter set forth.

**Repeal of the  
Inheritance  
Tax.**

On April 2d, 1906, the general assembly passed an act designed to repeal the direct inheritance tax law of 1904. Section 1 of the repealing statute declared that the act entitled "An Act to impose a tax upon the right to succeed to or inherit property," etc., "be and the same is hereby repealed, except as to estates in which the inventory has already been filed at the date of the passage of this act." Two questions immediately presented themselves because of the peculiar language of the repealing statute. (1) Was the state, by virtue of Sec. 79 R. S., entitled to collect taxes from all the estates where the ancestor had died prior to the repeal of the act, and, if not, (2) was the state entitled to all taxes against such estates where an inventory had been filed prior to that day when the repealing act went into force? To determine these questions two actions were brought; *pro forma* judgments in favor of the state were rendered in the lower courts, and the questions are now pending upon error in the supreme court. Whatever the result, the public discussion of this subject since the adjournment of the general assembly seems to have demonstrated

the fact that if the revenues of the state demand it another direct inheritance tax law, so modified as to avoid the special hardships upon the small estates which characterized the last one, would meet public approval.

**A Case of Interest to The National Guard.**

The *habeas corpus* case entitled "In re. Welsh" in the common pleas court of Franklin county, tried during the year, involved a question of considerable interest to members of the Ohio National Guard. The decision of the court sustained the right of a police officer to arrest a member of the Guard failing to report for duty when his company was called into active service, upon a written order from the captain of the company, although at the time no charges against the member so arrested had been filed.

**Suit to Oust the Canal Transportation Company.**

In the report of this department for the year 1905, mention was made of the pendency of an action of the State on relation of the Attorney General against The Miami and Erie Canal Transportation Company, to oust that corporation from its alleged unlawful occupancy of certain lands along the Miami and Erie canal and from its corporate franchise. It claimed the right to be there under an act of the general assembly passed April 25th, 1895, pursuant to which the board of public works on March 28th, 1900, entered into a contract with Thomas N. Fordyce, authorizing him, or his assigns, to experiment with electricity as a motive power for the propulsion of boats on the state water way, between certain points. The contract contained a clause that if the lessee was prevented by litigation from completing the work, the time occupied by such litigation should not run against him as a part of the period within which the necessary plant and road were to be constructed and equipped. Subsequent to the making of the contract an attempt was made by the board of public works to extend the same, but the then Governor, Mr. Herrick, and the Attorney General refused to approve the extension contract, and subsequently a suit was brought by this office to oust the company from state property. A great deal of delay has been experienced in bringing this case to trial, as will more particularly appear from the pleadings and the proceedings now in progress. During the past year, however, the issues have been made up and it is hoped that the case will be disposed of before the next meeting of the general assembly.

**The Hocking Valley Ouster Case.**

The issues in the case of the State ex rel. Attorney General v. The Hocking Valley Ry. Co., have been fully outlined in previous reports. The proceeding is in the circuit court of Franklin county to oust the railway company from its corporate franchise upon charges of unlawful purchase and ownership of shares of stock in other companies, and of unlawful discrimination between shippers. It is expected that this case will be disposed of within the coming year.

In line with the ouster suit against the Hocking Valley Railway steps were taken by this department to prevent the consolidation of the Hocking Valley Company with the Kanawha and Michigan Railway Company, which in August, 1906, had been advertised to take place upon the necessary approval of the stockholders of the companies. The ground of the State's objection was the same as that interposed to the ownership by the Hocking Valley Company of the stock of the Kanawha and Michigan Company — that is to say, that they were parallel and competing lines and their merger was forbidden by the statutes and public policy of Ohio. Promoters of the plan were notified of the objection by the State and the Secretary of State was requested to decline to receive, file or issue any certificate or other instrument that might be offered evidencing such proposed consolidation. No further action was taken for the reason that the consolidation was thereafter postponed and has not as yet been consummated.

**The Bridge  
Trust Dis-  
solved.**

During the latter part of the year 1905 the attention of this department was called to the existence of a combination among the various foreign and domestic corporations engaged in the construction of public bridges in Ohio, the purpose of which was to prevent competition, increase the price of such structures and divide among the parties to the conspiracy the enormous profits procured by methods unlawful and unconscionable. Sufficient facts were learned to justify an action in *quo warranto* to forfeit the charters of all the corporations believed to be participants in the combine and, on January 19th, 1906, this office filed a suit on behalf of the State in the circuit court of Logan county against the following named corporations:

The King Bridge Company,  
The Canton Bridge Company,  
The Massillon Bridge Company,  
The Bracket Bridge Company,  
The Champion Bridge Company,  
The Columbus Bridge Company,  
The Bellefontaine Bridge and Iron Company,  
The Variety Iron Works Company,  
The Adams Brothers Company,  
The Mount Vernon Bridge Company,  
The Iron Substructure Company,  
The Penn Bridge Company,  
The American Bridge Company.

Practically all the dilatory pleas known to the practice of the law were encountered in the prosecution of the State's case, the most important of which was the then untried question whether or not, under the Valentine-Stewart anti-trust act, several defendant corporations could

be joined in one action in *quo warranto*. The circuit court sustained the petition on March 23d in an exhaustive opinion reported at the time in the law periodicals of the state. While no question existed of the guilt of practically all the above mentioned defendants it appeared to be almost impossible to secure any evidence of that fact for the reason that all those having direct knowledge of the existence of the trust relied upon their constitutional right to refuse to give testimony against themselves.

**Enactment  
of the  
Dever Law.**

This remarkable situation, protecting the guilty parties to one of the boldest and most far-reaching conspiracies against honest competition in business that was ever organized in any state, led to the preparation and passage of the so-called Dever law introduced into the general assembly by Judge Dever, of Scioto county, and enacted April 2d, 1906, by which it was designed to require the giving of testimony by those violating the anti-trust act even though such testimony tended to incriminate the witness, provided the witness was given immunity from prosecution. The immunity clause of the inter-state commerce commission act was taken as a model, but the rights of the public were safe-guarded by preventing indiscriminate immunity by prosecuting officers, and the act can be employed by the attorney general and prosecuting attorneys only after the court in which the anti-trust suit is pending, has determined the propriety of such immunity and entered upon its journal a finding to that effect. In the bridge cases the State promptly availed itself of the increased powers afforded by the Dever law and secured from the circuit court an order requiring two employes of the Adams Bros. Co., one of the defendants, to testify and to produce books and papers relative to the issues joined. The testimony thus secured showed the origin and operation of a pool upon various bridges participated in by all the defendants mentioned, excepting the American Bridge Company. There were produced endorsed drafts and receipts evidencing the distribution of the moneys unlawfully extorted by reason of such pools. Upon the presentation of this testimony to the court a judgment of ouster was rendered against each of the companies above named, excepting the American Bridge Co., and trustees were appointed to take charge of and dispose of all the properties of such corporations and to account therefor to the court. This judgment put an end to the combination, and there is at present no evidence of any attempted re-organization, either among those involved in the conspiracy or others engaged in the same business.

**The Grocers'  
Trust Dis-  
solved.**

Early in the year complaints reached this office of the operation of a combination in restraint of trade by a number of wholesale grocers and jobbers of the state. A corporation had been formed styled "The Ohio Wholesale Grocers' Association Company" for the professed purpose of buying and selling or exchanging merchandise on commission and for profit, and for

the advancement of the interests of the grocery and jobbing trade. It was charged, however, that the company had never bought, sold or exchanged any merchandise whatever, but that the real object of the organization was to prevent competition in the purchase and sale of merchandise, and especially to fix at certain standard figures the prices of staple articles or produce usually dealt in by the grocery trade. A full investigation was made of the charges, and as a result an action was brought in March to forfeit the charter of the company upon the ground that it was violating the anti-trust law of the state. Issue was joined and in June the circuit court of Franklin county rendered a judgment of ouster, finding that the organization ever since its incorporation had been guilty of a wilful non-user of its corporate franchises and powers, dissolving the corporation and appointing trustees to wind up its business and settle its affairs. The trustees so appointed have concluded their work, made their report to the court and the corporation is dissolved.

**Standard Oil  
Litigation.**

The policy of this office with respect to the violation of our anti-trust statute by the various corporations operating in Ohio and owned and controlled by the Standard Oil Company of New Jersey, is well known. There is no desire to drive this industry from the state or to destroy investments in the oil fields. The purpose is to keep such companies in the state and see to it that they obey the laws of the state. It is believed that such corporations as the Standard Oil Company of Ohio, the Solar Refining Company, the Buckeye Pipe Line Company, and the Ohio Oil Company, all Ohio corporations, and all owned by the parent trust in New Jersey, are without power to permit their stock to be owned and voted and their corporate franchises controlled by a foreign corporation in the interest of a combination to monopolize the business of producing, transporting, refining and selling oil. So it is believed further that the Standard Oil Company of New Jersey cannot, in Ohio, monopolize and control this business by operating under the assumed names of other corporations. All the litigation now pending, or which hereafter may be brought, against any of these corporations is designed merely to break up this illegal method of doing business and to produce a condition of affairs by which all the Ohio companies engaged in any and all branches of the oil industry shall be separated from the trust, to the end either that such corporations professing in name to be independent, shall be independent in fact, or that the Standard Oil Company of New Jersey, if it desires to do business in Ohio, shall do such business in its own name and not through the use of concealed weapons intended to destroy legitimate competitors.

**Withdrawal  
from the State  
of Certain Oil  
Companies.**

Almost as soon as the recent investigations of the oil business were begun by the State, and very early after the litigation was started, certain oil companies generally known to be mere decoys in the trade and owned by the

New Jersey trust, voluntarily withdrew from Ohio. Among these were the Vacuum Oil Company, the Republic Oil Company and the Standard Oil Company of Kentucky. These companies all appeared to be used merely to stifle competition in the various branches of the trade, although as to two of them, at least, their managers, as well as the officials of the parent trust, continuously denied their ownership or control by the New Jersey corporation. The Republic Oil Company was used in the northern part of the state as a professed independent concern, to destroy competition in the marketing of refined oil, the Standard Oil Company of Kentucky was used for the same purpose in the southern part of the state, while the Vacuum Oil Company, pretending to be independent of the trust, operated as a gathering line for crude petroleum in the eastern Ohio fields, just as the Manhattan Oil Company, also alleged to be independent, but in fact controlled by the trust, still operates in the western fields of Ohio. The withdrawal of these companies, while not sought by the state, was the result of the state's action, either begun or announced, and served not only to clarify the general situation but established beyond question the methods and practices of the trust.

**Character of  
Pending Suits  
Against Oil  
Companies.**

The chief of the companies, subsidiary to the oil trust, still operating in Ohio, are The Standard Oil Company of Ohio, the Solar Refining Company, the Buckeye Pipe Line Company, the Ohio Oil Company, and the Manhattan Oil Company, all Ohio corporations, as well as the Union Tank Line Company, a foreign corporation. There are a number of others less known, but these mentioned do the bulk of the business. It is with these companies chiefly that any litigation by the State, pending or proposed, has to do. Among the actions already brought, and tried or pending, in which this office has been or is engaged, the most important are the suits in *quo warranto* in the circuit court at Lima against the Solar Refining Company, the Buckeye Pipe Line Company and the Ohio Oil Company to oust them from allowing the Standard Oil Company of New Jersey to own and vote their stock and thereby control them; the criminal action at Findlay, begun by the vigilant prosecuting attorney of Hancock county, in which the Standard Oil Company of Ohio was convicted by a jury of violating the anti-trust act of the state, and the mandamus suit in the circuit court at Findlay to require the Buckeye Pipe Line Company to perform its duties as a common carrier by furnishing equal transportation facilities to independent operators and establishing a reasonable rate for the indiscriminate use of its lines by all who offer the oil for such transportation.

The Lima suits, if successful, will effectually separate the Ohio companies from the trust. The criminal action at Findlay is now pending in the upper courts, and it may be remarked that while proceedings of this character are effective in a punitive sense, the results to be attained

in general benefit to the independent trade and in securing open, fair and honest competition by the dissolution of the trust, are more certain of achievement through the civil actions. A fine assessed against a corporation, which is always ultimately paid by the consumers of the product, or the imprisonment of individual managers who are acting under the orders of superiors and are seldom guilty of instigating the oppressive methods which corrupt and dishonor the business, may sometimes be the readiest and most available, if not the only, remedy to invoke; but it can never be as effective as the final edict of the state, speaking through its highest judicial authority, forbidding the doing of any business whatever by the offending corporation unless it respects and obeys the law. Perhaps the contrary would be true if it were always practicable to secure jurisdiction of and actually imprison the individuals morally as well as legally guilty by oppressive conspiracies against trade.

**Pipe Lines as  
Common  
Carriers.**

Aside from the *quo warranto* actions at Lima, already referred to, the most important Standard Oil case pending is that against the Buckeye Pipe Line Company to require it to perform its obligations as a common carrier. This last action was begun in November, 1906, in the circuit court of Hancock county. It charges that the Buckeye Pipe Line Company, organized under the laws of Ohio with a capital stock of \$10,000,000, is empowered to transport and store petroleum by means of pipes laid underground, and otherwise, and tanks erected upon the surface; that the defendant is a common carrier of oil with authority to exercise all the rights and owing all the public duties incident to this public franchise, but that it has neglected and refused to give to the independent refining interests of the state the same transportation facilities which it has afforded to the refining interests belonging to the Standard Oil Trust, and that it has never fixed or published a schedule of pipeage or transportation rates for the benefit indiscriminately of all who offer oil for transportation. If this suit results in a judgment favorable to the State, it is believed that one of the greatest evils in the oil monopoly, as well as one of the strongest instruments in the hands of the trust, will be destroyed. The present growth and power of the Standard Oil conspiracy rests primarily on favoritism in transportation, in one form or another, and the great pipe line system furnishing such transportation to the trust interests only is an advantage equal to, if not superior to, all others. If these pipe lines which are common carriers under the laws of Ohio, and ought to be everywhere, can be required to perform their duties as such, a long step will have been taken in the direction of equal opportunity for all in the business of producing, refining and marketing oil.

**Delinquent  
Tax Collec-  
tions.**

Attention was called in the last annual report to the fact that the organization of this department had enabled the Attorney General to collect fees from corporations

delinquent under the Willis law, in an amount exceeding the total appropriation for the maintenance of the office. Such collections have, in fact, so grown that they now constitute about one-tenth of the total revenues of the state derived from the Willis law. These collections are to be found in the detailed report. For the year 1905, the total was \$48,295.57, while for 1906, it was \$70,325.05 and the claims already certified promise to increase such collections in practically the same ratio for the year 1907. If some central authority were provided for the collection of all delinquent taxes under the various laws, through the operation of which the state secures the bulk of its revenues, and a method devised of investigating all such sources of revenue and pursuing the state's claims through the law department, it is confidently believed that the increase now derived from the special excise and privilege taxes would be enormously increased.

In concluding this report it is a pleasure to acknowledge the fidelity of the assistants, special counsel and office force in this department, as well as the cordial co-operation of other state officers, and prosecuting attorneys, in facilitating the law work of the state.

Respectfully submitted,

WADE H. ELLIS,

*Attorney General.*





Cases Pending or Disposed of, Detailed  
Report of the Attorney General and  
Opinions of the Attorney General from  
January 1, 1906, to December 31, 1906.



II.

**CASES PENDING OR DISPOSED OF FROM JANUARY 1, 1906, TO  
JANUARY 1, 1907.**

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**I. Cases Pending in the Supreme Court January 1, 1907.**

No. 6782.

State of Ohio ex rel. Attorney General v. The Crescent Savings & Loan Company, of Toledo, O.

August 16, 1899, petition filed.

No. 7682.

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

August 8, 1901, petition filed.

No. 7708.

State of Ohio ex rel. Attorney General v. The Northern Ohio Building & Loan Company.

August 29, 1901, petition filed.

No. 7822.

State of Ohio ex rel. Attorney General v. The Imperial Savings Company, of Toledo, O.

January 6, 1902, petition filed.

No. 10006.

State of Ohio v. Roswell P. Shafer.

March 22, 1906, petition in error to circuit court of Putnam County filed.

No. 10021.

Edward W. Bryant v. The American Bonding Company, of Baltimore.

March 27, 1906, petition in error to circuit court of Wood County filed.

No. 10126.

**Alice Levy Friend v. Julie Levy et al.**

May 19, 1906, petition in error to circuit court of Hamilton County filed.

No. 10127.

**Ida May Bing v. Samuel Bing et al.**

May 19, 1906, petition in error to circuit court of Hamilton County filed.

No. 10152.

**The City of Portsmouth v. Creed Milstead.**

June 6, 1906, petition in error to circuit court of Scioto County filed.

No. 10153.

**The City of Portsmouth v. James A. Baucus.**

June 6, 1906, petition in error to circuit court of Scioto County filed.

No. 10429.

**State of Ohio ex rel. Attorney General v. James P. Madigan.**

December 17, 1906, petition in quo warranto filed.

**II. Cases Disposed of in the Supreme Court from January 1, 1906, to  
January 1, 1907.**

No. 9749.

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

October 16, 1905, petition in error to circuit court of Hamilton  
County filed.

May 8, 1906, judgment affirmed.

No. 9845.

**State of Ohio ex rel. Eugene L. Lewis v. Rudolph K. Hynicka, Treas-  
urer, et al.**

January 2, 1906, petition in mandamus filed.

May 15, 1906, demurrer sustained and petition dismissed.

No. 9868.

**State of Ohio ex rel. William E. Pardee v. John M. Pattison, Gover-  
nor et al.**

January 10, 1906, petition in mandamus filed.

February 2, 1906, demurrer sustained and petition dismissed.

No. 9836.

**State of Ohio ex rel. John Moeller v. Fred H. Tynes, Auditor.**

December 25, 1905, petition in error to circuit court of Scioto  
County filed.

May 8, 1906, judgment affirmed.

No. 9743.

**The City of Tiffin et al. v. Wellington J. Griffith et al.**

October 11, 1905, petition in error to circuit court of Seneca  
County filed.

May 1, 1906, judgment of circuit court reversed and that of com-  
mon pleas court affirmed.

No. 9812.

**State of Ohio v. George Osmond.**

December 6, 1905, petition in error to circuit court of Mahoning  
County filed.

October 9, 1906, judgment affirmed.

**No. 9977.****Ira Bailus v. Orin B. Gould, Warden.**

March 2, 1906, petition in error to circuit court of Franklin County filed.

March 13, 1906, judgment affirmed.

**No. 10086.****State of Ohio ex rel. Attorney General v. George C. Mulhern, Sheriff, etc.**

April 25, 1906, petition in mandamus filed.

June 26, 1906, demurrer to answer sustained and peremptory writ allowed.

**No. 10092.****State of Ohio ex rel. The Robertson Realty Company, a corporation, etc. v. Walter D. Guilbert, Auditor, etc.**

April 27, 1906, petition in mandamus filed.

October 16, 1906, demurrer sustained, petition dismissed.

**No. 10140.****State of Ohio v. W. P. Bowers.**

May 29, 1906, petition in error to circuit court of Ross County filed.

October 2, 1906, motion for leave to extend time for filing printed record overruled.

**No. 10382.****State of Ohio ex rel. Isaac M. Jordan v. John Rolsen et al.**

October 24, 1906, petition in mandamus filed.

October 30, 1906, petition dismissed.

**Cases Pending or Disposed of in Circuit Courts from January 1, 1906, to  
January 1, 1907.**

*Allen County.*

**No. 520.**

**State of Ohio ex rel. Attorney General v. The Solar Refining Com-  
pany.**

Quo warranto. Answer filed December 26, 1906. Pending.

**No. 521.**

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

Quo warranto. Answer filed December 26, 1906. Pending.

**No. 522.**

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

Quo warranto. Answer filed December 26, 1906. Pending.

*Ashland County.*

**No. 375.**

**J. R. Hissem, as Executor, etc. v. David C. Stacher.**

Appeal of The Ohio Soldiers and Sailors Orphans' Home from  
decree of common pleas court in proceeding to construe will. Answer  
filed March 3, 1906. Pending.

*Delaware County.*

**No. 360.**

**W. Z. Evans v. State of Ohio.**

Petition in error filed. Pending.

*Cuyahoga County.*

**No. 3847.**

**State of Ohio ex rel. Attorney General, v. The Indemnity Savings  
and Loan Co.**

October 13, 1905, quo warranto, W. E. Guerin and J. R. Krauss,  
trustees.

May 7, 1906, order of sale.



No. 3603.

State of Ohio ex rel. Attorney General, v. The Van Dorn Iron Works Company.

Quo warranto. Answer filed June 6, 1906. Pending.

*Fayette County*

No. 531.

H. D. Chaffin, Auditor, etc., v. State of Ohio ex rel. James A. McLain.

Petition in error filed. Pending.

*Franklin County.*

No. 2059.

State of Ohio ex rel. Attorney General, v. The Harrison Mutual Burial Association.

Dismissed.

No. 2087.

State of Ohio ex rel. Attorney General, v. The Hocking Valley Railway Company.

Quo warranto. Issues made up and case submitted September term, 1906. Pending.

No. 2136.

State of Ohio v. S. L. Douglass.

Petition in error dismissed. Mandate issued October 8, 1906.

No. 2140.

State of Ohio ex rel. Attorney General, v. The A. Booth & Company.

September 24, 1906, reply filed. Pending.

No. 2363.

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

September 18, 1906, replies filed to all answers. Pending.

No. 2400.

John R. Cuppy v. Orin B. Gould, Warden, etc.

Error to common pleas court.

Dismissed.

No. 2937.

**Ira Bailus v. Orin B. Gould, Warden, etc.**

March 1, 1906, judgment of common pleas court affirmed.  
See list of cases disposed of in supreme court.

No. 2398.

**State of Ohio ex rel. The Bankers' Identification Company v. Lewis C. Laylin, Secretary of State, etc.**

Mandamus. February 22, 1906, petition filed. March 26, 1906, judgment on demurrer for plaintiff.

No. 2257.

**State of Ohio v. The Toledo & Ohio Central Railway Company.**

Appeal from decree of injunction issued by common pleas court. April 26, 1906, final entry agreed upon. Dismissed at costs of defendant

No. 2406.

**State of Ohio ex rel. Attorney General v. The Ohio Wholesale Grocers' Association Company.**

Quo warranto. April 11, 1906, judgment of ouster. Trustees appointed.

Disposed of.

*Hamilton County.*

No. 4221.

**George Diersing v. State of Ohio.**

Error to common pleas court. Pending.

No. 4351.

**State of Ohio v. Effie Root.**

Error to common pleas court. Pending.

No. 4352.

**State of Ohio v. Frederick W. Steuver.**

Error to common pleas court. Pending.

No. 4353.

**State of Ohio v. Frederick Schlicht.**

Error to common pleas court. Pending.

No. 4354.

State of Ohio v. George Gaiser.

Error to common pleas court. Pending.

No. 4355.

State of Ohio v. Hy Hippe.

Error to common pleas court. Pending.

No. 4367.

State of Ohio v. Katherine C. Markus.

Error to common pleas court. Pending.

No. 4368.

State of Ohio v. Joseph Schoellmoeller.

Error to common pleas court. Pending.

*Hancock County.*

No. 1173.

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

Mandamus. November 22, 1906, petition filed and alternative writ allowed. Motion to strike out, December 11, 1906.

No.

State of Ohio v. The Standard Oil Company.

Error to common pleas court. December 28, 1906, notice of filing of petition in error given.

*Lake County.*

No. 290.

Thomas B. Walker v. State of Ohio.

Error to common pleas court. February 16, 1906, judgment reversed.

*Licking County.*

No. 864.

City of Newark, Etc., v. Royal A. Bigbee, as Treasurer, Etc., et al.

May 21, 1906, notice of appeal from decree of common pleas court dismissing petition of relator and appeal bond filed. Pending.

*Logan County.*

No. 405.

**State of Ohio ex rel. Attorney General v. The King Bridge Company et al.**

Quo warranto. January 19, 1906, petition filed. October 9 to 27, trustees for several defendants appointed and qualified.

*Lucas County.*

No. 1974.

**State of Ohio ex rel. Attorney General v. The Colonial Insurance Union.**

Quo warranto. December 23, 1905, petition filed. Pending.

*Ottawa County.*

No. 262.

**State of Ohio v. Louisa Hanlon.**

Error to common pleas court. Petition in error filed October 25, 1906. Pending.

*Ross County.*

No. 357.

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

Error to common pleas court. Judgment of common pleas court affirmed in part and reversed in part May 14, 1906.

*Summit County.*

No. 686.

**State of Ohio ex rel. Attorney General v. The Chevaliers.**

Quo warranto. March 24, 1905, petition and waiver of summons filed. Pending.

**Cases Pending or Disposed of in Courts of Common Pleas from January 1, 1906, to January 1, 1907.**

*Adams County.*

**No. 1166.**

**State of Ohio v. William E. Gregory.**

Prosecution for arson. January 19, 1906, transcript from criminal docket of Mayor of Manchester filed. Tried twice; jury disagreed on first trial; verdict guilty May 26, 1906.

*Athens County.*

**No. 2689.**

**State of Ohio v. Winfield Scott, Sr.**

Prosecution for larceny. April 25, 1906, indictment filed. August 4, 1906, verdict guilty. August 11, 1906, motion for a new trial overruled, defendant sentenced.

**No.**

**State of Ohio ex rel. George Harrison, Etc. v. The Luhrig Coal Company, Etc., et al.**

Injunction.

July 13, 1906. Petition filed.

Disposed of.

*Clinton County.*

**No. 9502.**

**The Wilmington Business Men's Company, Etc., v. S. A. Mitchell, Treasurer, Etc.**

Injunction to restrain collection of Dow tax. Petition filed March 17, 1905. Pending.

**No. 89999.**

*Cuyahoga County.*

**The Phillips Building Company v. The Glenville Publishing Company.**

July 7, 1906, motion for order requiring payment of Willis tax.

**No. 96233.**

**State of Ohio v. The Pennsylvania Company, Etc., et al.**

Injunction. February 23, 1906, petition filed. Disposed of.

*Delaware County.*

No. 5840.

**W. Z. Evans v. State of Ohio.**

Error to Mayor's court of City of Delaware. Prosecution for violation of pure food laws. See circuit court list.

*Erie County.*

No. 9478.

**The Sandusky Fish Company v. State of Ohio.**

Action for money. Pending.

No. 9512.

**H. C. Payson v. State of Ohio.**

Action for money. Pending.

*Fayette County.*

No. 13224.

**State of Ohio ex rel. James A. McLain v. H. D. Chaffin, Auditor, Etc.**

Mandamus to test question as to Deputy Sheriff acting as court bailiff. Petition filed January 29, 1906. Judgment for defendant. Carried to circuit court. See circuit court list.

*Franklin County.*

No. 42736.

**State of Ohio v. The Columbus Construction Company et al.**

Action on contractor's bond. Settled and dismissed at defendant's costs.

No. 44762.

**State of Ohio v. The Sunlight Gas Company.**

Dismissed at defendant's costs January 3, 1906.

No. 45356.

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

Action respecting title to canal lands. Pending.

No. 45357.

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

Action respecting title to canal lands. Pending.

No. 47080.

**State of Ohio v. The Ohio River & Western Railway Company.**

Dismissed at defendant's cost May 9, 1906.

No. 47841.

**State of Ohio v. The Columbus Transfer Company et al.**

Injunction. Pending.

No. 48953.

**State of Ohio v. The Keppler Bros. Company.**

Action for recovery of Willis tax. Filed in 1905. Pending.

No. 48967.

**State of Ohio v. The O'Dell Company.**

Action for recovery of Willis tax. Filed in 1905. Pending.

No. 48968.

**State of Ohio v. The Consumers' Sampling & Distilling Company.**

Action for recovery of Willis tax. Filed in 1905. Pending.

No. 48970.

**State of Ohio v. The Normandy Real Estate Improvement & Building Company.**

Action for recovery of Willis tax. Filed in 1905. Pending.

No. 48972.

**State of Ohio v. The Ohio Machinery Company.**

Action for recovery of Willis tax. Filed in 1905. Pending.

No. 48973.

**State of Ohio v. The United States Paint & Glass Company.**

Action for recovery of Willis tax. Filed in 1905. Pending.

No. 49297.

**State of Ohio v. The Washington Building Company.**

Action for recovery of Willis tax. Filed in 1905. Pending.

No. 49301.

**State of Ohio v. The William J. F. Reynolds Company.**

Action for recovery of Willis tax. Filed in 1905. Pending.

No. 49303.

**State of Ohio v. The Wyldwood Heights Improvement Company.**

Action for recovery of Willis tax. Filed in 1905. Pending.

No. 49305.

**State of Ohio v. The Fredericksburg Brick and Coal Company.**

Action for recovery of Willis tax. Filed in 1905. Pending.

No. 49652.

**William E. Iler v. Charles W. Heyl et al.**

Action against game warden for false imprisonment. Pending.

No. 49834.

**State of Ohio v. The Irondale Company.**

Action for recovery of Willis tax. Filed in 1905. Pending.

No. 49836.

**State of Ohio v. The Highland Building Company.**

Action for recovery of Willis tax. Filed in 1905. Pending.

No. 49837.

**State of Ohio v. The Erie Realty Company.**

Action for recovery of Willis tax. Filed in 1905. Pending.

No. 49877.

**Anna E. K. Patterson et al. v. Isabella Hamilton et al.**

May 2, 1906, sale confirmed and judgment for balance due.

No. 50219.

**In the matter of the application of John R. Cuppy for a writ of Habeas Corpus.**

Petition filed November 17, 1905.

February 15, 1906, petition dismissed.

See circuit court list.



No. 50578.

**In the matter of the application of Ira Bailus for a writ of Habeas Corpus.**

See circuit and supreme court lists.

No. 50866.

**In the matter of the application of J. Williams for a writ of Habeas Corpus.**

Dismissed.

No. 51106.

**State of Ohio v. The Manhattan Oil Company.**

Action for recovery of Willis tax. October 29, 1906, finding for defendant.

No. 51107.

**State of Ohio v. The Vacuum Oil Company.**

Action for recovery of Willis tax. Filed in 1905. Pending.

No. 51134.

**State of Ohio v. Samuel T. Dobson.**

Action respecting title to canal lands. Pending.

No. 51194.

**In the matter of the application of E. Alfred Welsh for a writ of Habeas Corpus.**

Dismissed.

No. 51257.

**State of Ohio v. William Shepard et al.**

July 9, 1906, petition filed. Pending.

No. 51310.

**In the matter of the application of Bessie King for a writ of Habeas Corpus.**

June 28, 1906, dismissed.

No. 51408.

**State of Ohio v. The Cleveland Color Company.**

Action for recovery of Willis tax. July 16, 1906, petition filed. October 22, 1906, default judgment taken, execution issued.

No. 51478.

**State of Ohio v. The American Arch and Culvert Company.**

Action for recovery of Willis tax. August 1, 1906, petition filed September 8, 1906, settled and dismissed at defendant's costs.

No. 51681.

**W. H. English, Receiver, Ttc., v. The McLeish Coal Mining Company.**

September 19, 1906, motion for order requiring payment of Willis tax.

No. 51695.

**State of Ohio v. The J. A. McAuley Tent and Awning Company.**

Action for recovery of Willis tax. September 19, 1906, petition filed. October 22, 1906, settled and dismissed at defendant's costs.

No. 51696.

**State of Ohio v. The McAuley-Peters Tent and Awning Company.**

Action for recovery of Willis tax. September 19, 1906, petition filed. Pending.

No. 51697.

**State of Ohio v. The Walker Mining & Manufacturing Company.**

Action for recovery of Willis tax. September 19, 1906, petition filed. Pending for service.

No. 51987.

**State of Ohio v. The Jewett Car Company.**

Action for recovery of Willis tax. November 10, 1906, petition filed. Settled and dismissed at defendant's costs.

No. 52028.

**State of Ohio v. The Covington & Cincinnati Bridge Company.**

Action for recovery of Willis tax. November 19, 1906, petition filed. Pending.

No. 52130.

**State of Ohio v. Rudolph F. Balke.**

Action for money. December 7, 1906, petition filed. Pending.

No. 52143.

**State of Ohio v. The Cleveland Linseed Oil Company.**

Action for recovery of Willis tax. December 10, 1906, petition filed. Settled and dismissed at defendant's costs.

No. 52144.

**State of Ohio v. The Cleveland Linseed & Oil Company.**

Action for recovery of Willis tax. December 10, 1906, petition filed. Settled and dismissed at defendant's costs.

No. 52158.

**State of Ohio v. Robert E. McClure et al.**

Action on bond. December 12, 1906, petition filed. Pending.

No. 52159.

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

Action respecting title to canal lands. December 12, 1906, petition filed. Pending.

*Hamilton County.*

No. 116644.

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

Action respecting title to canal lands. Pending.

No. 121479.

**John Crippel v. State of Ohio.**

Error to Justice of the Peace in conviction under pure food law. Pending.

No. 121705.

**Brocker v. State of Ohio.**

Error to Justice of the Peace in conviction under pure food law. Pending.

No. 126180.

**George E. Klemm v. The Ohio Farmers' Insurance Company, etc., et al.**

Action for damages. Disposed of.

No. 129698.

**State of Ohio v. The Edwards Railroad Electric Light Company.**

Action for recovery of Willis tax. Petition filed August 25, 1904. Pending.

No. 130080.

**Charles V. Rebert v. State of Ohio.**

Error to Justice of the Peace in conviction under pure food law. Disposed of.

No. 130186.

**Henry Behrens v. State of Ohio.**

Error to Justice of the Peace in conviction under pure food law.  
Pending.

No. 130337.

**Louis Stein v. State of Ohio.**

Error to Justice of the Peace in conviction under pure food law.  
Disposed of.

No. 131604.

**Hattie E. Edman v. The O'Dell Commission Company.**

Answer and cross petition filed for recovery of Willis tax. Dis-  
posed of.

No. 132503.

**Katherine Markus v. State of Ohio.**

Error to Justice of the Peace in conviction under pure food law.  
Judgment reversed. Error taken to circuit court. See circuit  
court list.

No. 132504.

**Joseph Schoellmoeller v. State of Ohio.**

Error to Justice of the Peace in conviction under pure food law.  
Judgment reversed. Error taken to circuit court. See circuit  
court list.

No. 132548.

**Effie Root v. State of Ohio.**

Error to Justice of the Peace in conviction under pure food law.  
Judgment reversed. Error taken to circuit court. See circuit  
court list.

No. 132549.

**Frederick W. Steuver v. State of Ohio.**

Error to Justice of the Peace in conviction under pure food law.  
Judgment reversed. Error taken to circuit court. See circuit  
court list.

No. 132550.

**Frederick Schlicht v. State of Ohio.**

Error to Justice of the Peace in conviction under pure food law.  
Judgment reversed. Error taken to circuit court. See circuit  
court list.

No. 132551.

**George Gaiser v. State of Ohio.**

Error to Justice of the Peace in conviction under pure food law.

Judgment reversed. Error taken to circuit court. See circuit court list.

No. 131787.

**Walter D. Guilbert, Auditor, etc., v. The Franklin Bank.**

June 24, 1905, petition filed. Pending.

No. 133348.

**Walter D. Guilbert, Auditor, etc., v. S. Kuhn & Son.**

January 25, 1906, petition filed. Pending.

No. 134803.

**State of Ohio v. International Text Book Company.**

Action under section 148c R. S. Pending.

No. 135687.

**State of Ohio. v. The Thacker Company.**

Action for recovery of Willis tax. November 16, 1906, petition filed. Settled and dismissed at defendant's costs.

*Superior Court of Cincinnati.*

No. 52443.

**State of Ohio v. Rufus B. Smith, Receiver of The Wellman Stone Company.**

Action for recovery of Willis tax. Pending.

No. 3566.

**Bernard Wrede v. Charles C. Richardson.**

Action to test validity of "Aikin" law. Brief in support of validity of act filed December 29, 1906.

*Hancock County.*

No.

**The Standard Oil Company v. State of Ohio.**

Error to probate court. December 24, 1906, judgment reversed.

*Probate Court.***State of Ohio v. The Standard Oil Company.**

Criminal prosecution under anti-trust act. July 7, 1906, information filed. October 19, 1906, verdict of guilty. Defendant fined \$5,000.

*Licking County.*

No. 13893.

**The City of Newark, Etc., v. The American Light & Water Company, et al.**

Injunction. June 15, 1906, petition filed. June 22, 1906, injunction issued.

*Lucas County.*

No. 54535.

**Edwin W. Newton v. Arthur I. Vorys, Superintendent, etc.**

December 29, 1905, petition filed. January 16, 1906, answer filed. Pending.

*Montgomery County.*

No. 24990.

**Stephen W. Long v. A. F. Shepherd.**

Appeal from judgment of the Justice of the Peace.

No. 25253.

**C. W. Brinkle v. The Brinkle & Reading Company.**

June 21, 1906, motion for order requiring payment of Willis tax.

No. 27097.

**James C. Martin v. Alfred P. Sandles, et al.**

Injunction. July 26, 1906, petition filed. August 23, 1906, answer filed. Pending awaiting decision of court in Horsemen's Protective Association v. Sandles.

No. 27122.

**Marcellus S. Benn v. Alfred P. Sandles, et al.**

Injunction. Petition filed August 3, 1906. Pending awaiting decision of court in Horsemen's Protective Association v. Sandles.

No. 27124.

**William F. Neff v. Alfred P. Sandles, et al.**

Injunction. August 3, 1906, petition filed. Pending awaiting decision of court in Horsemen's Protective Association v. Sandles.

**No. 27131.****William B. Earnshaw v. Alfred P. Sandles, et al.**

Injunction. Petition filed August 8, 1906. Pending awaiting decision of court in Horsemen's Protective Association v. Sandles.

**No. 27140.****Oliver P. Sifrit v. Alfred P. Sandles, et al.**

Injunction. August 8, 1906, petition filed. Pending awaiting decision of court in Horsemen's Protective Association v. Sandles.

**No. 27144.****Edward W. Hanley v. Alfred P. Sandles, et al.**

Injunction. August 13, 1906, petition filed. Pending awaiting decision of court in Horsemen's Protective Association v. Sandles.

**No. 27161.****Harry Gross v. Alfred P. Sandles, et al.**

Injunction. Pending awaiting decision of court in Horsemen's Protective Association v. Sandles.

**No. 27162.****John J. White v. Alfred P. Sandles, et al.**

Injunction. Pending awaiting decision of court in Horsemen's Protective Association v. Sandles.

**No. 27167.****The Horsemen's Protective Association, Etc. v. Alfred P. Sandles, et al.**

Injunction. Petition filed August 21, 1906. Answer filed September 10, 1906. Trial October 18, 1906. Decision reserved.

*Ottawa County.***No. 5386.****Louisa Hanlon v. State of Ohio.**

Petition filed January 31, 1906. September 4, 1906, demurrer overruled. Taken to circuit court. See circuit court list.

*Perry County.*

No. 3997.

**Elizabeth M. Hamilton v. Harvey Walker.**

Pending.

*Putnam County.*

No. 9605.

**Walter D. Guilbert, Auditor, Etc., v. The Continental Bank.**

January 25, 1906, petition filed. February 8, 1906, dismissed at the request of the Auditor of State.

*Richland County.*

No. 10250.

**State of Ohio ex rel. The Drake Coal Company v. H. H. McFadden et al.**

Mandamus. December 10, 1906, petition filed. December 22, 1906, answer filed. Pending.

*Tuscarawas County.*

No. 9045.

**Lewis R. Hilton v. Greenbury W. Hilton, et al.**

February 13, 1905, petition filed. March 16, 1905, answer of Board of Public Works filed. Pending.

No. 9522.

**State of Ohio v. Frederick Graff.**

July 30, 1906, petition filed. September 1, 1906, answer and cross-petition filed.

*Warren County.*

No. 10351.

**Walter D. Guilbert, Auditor, etc., v. The Mason Bank.**

January 25, 1906, petition filed. May 23, 1906, dismissed at defendant's costs.



**Cases Pending or Disposed of in the Courts of the United States from  
January 1, 1906, to January 1, 1907.**

**District Court of the United States for the Southern District of Ohio.  
In re The Single Bulletin Company.**

In bankruptcy. Petition in review of finding by referee making allowance for Willis tax filed. Pending.

**Criminal Proceedings Were Instituted under the Direction of the Attorney General as Follows ;**

For violation of pure food laws.....	120
For violation of employment agency laws.....	9
For violation of medical registration laws.....	28
For violation of pharmacal laws .....	16
For violation of stationary engineer laws.....	18
For violation of child labor laws.....	374
For violation of fish and game laws.....	49
For violation of orders of state board of health.....	1

## III.

## DETAILED REPORT OF THE ATTORNEY GENERAL.

MONEY COLLECTED AND COVERED INTO THE STATE TREASURY BY  
THE ATTORNEY GENERAL FROM DECEMBER 31, 1905,  
TO JANUARY 1, 1907.

Date. 1906.	From whom received.	Amount collected.	Amount covered into State Treas.
Jan. 13.	The George B. Sprague Cigar Company.....	\$1,879 15	\$1,879 15
16.	" Columbus Bolt Works.....	4,745 25	4,845 25
17.	" E. B. Lanman Company.....	2,140 50	2,140 50
30.	" Baldwin Forging and Tool Company...	1,273 60	1,273 60
31.	" P. Hayden Saddlery Hardware Co.....	3,332 02	3,332 02
Feb. 14.	" George B. Sprague Cigar Company.....	1,711 33	1,711 33
15.	" Lattimer-Williams Company .....	1,182 66	1,182 66
16.	" E. B. Lanman Company.....	2,112 47	2,112 47
16.	" Columbus Bolt Works.....	4,659 82	4,659 82
28.	" P. Hayden Saddlery Hardware Co.....	3,404 55	3,404 55
Mch. 14.	" Baldwin Forging and Tool Company....	1,705 85	1,705 85
15.	" Lattimer-Williams Company .....	1,259 85	1,259 85
15.	" George B. Sprague Cigar Company.....	1,740 38	1,740 38
16.	" Columbus Bolt Works.....	4,570 46	4,570 46
20.	" E. B. Lanman Company.....	2,241 48	2,241 48
31.	" P. Hayden Saddlery Hardware Co.....	3,566 70	3,566 70
April 2.	" George B. Sprague Cigar Company.....	1,854 83	1,854 83
9.	" Columbus Bolt Works .....	4,954 52	4,954 52
9.	" Baldwin Forging and Tool Company....	1,962 40	1,962 40
16.	" E. B. Lanman Company.....	2,550 60	2,550 60
23.	" Lattimer-Williams Company.....	1,201 69	1,201 69
30.	" P. Hayden Saddlery Hardware Co.....	3,765 22	3,765 22
May 10.	" George B. Sprague Cigar Company.....	1,673 53	1,673 53
16.	" Columbus Bolt Works.....	4,475 86	4,475 86
17.	" E. B. Lanman Company.....	2,319 90	2,319 90
21.	" Baldwin Forging and Tool Company....	2,979 45	2,979 45
June 4.	" Lattimer-Williams Company .....	1,215 55	1,215 55
4.	" P. Hayden Saddlery Hardware Co.....	4,370 75	4,370 75
6.	" Kinney & Newton, per J. W. Weil, Clerk	14 26	14 26
14.	" George B. Sprague Cigar Company.....	2,017 58	2,017 58
16.	" Columbus Bolt Works.....	5,634 20	5,634 20
19.	" E. B. Lanman Company.....	2,607 50	2,607 50
28.	" Baldwin Forging and Tool Company....	2,205 05	2,205 05
30.	" P. Hayden Saddlery Hardware Co.....	4,009 35	4,009 35
July 10.	" Lattimer-Williams Company .....	1,184 98	1,184 98
13.	" George B. Sprague Cigar Company.....	1,985 90	1,985 90
17.	" E. B. Lanman Company.....	2,408 73	2,408 73
17.	" Columbus Bolt Works.....	5,224 55	5,224 55
31.	" P. Hayden Saddlery Hardware Co.....	4,222 45	4,222 45
29.	" P. Hayden Saddlery Hardware Co.....	3,978 58	3,978 58

**Money Collected and Covered into the State Treasury by the Attorney  
General from December 31, 1905, to January 1, 1907 — Concluded.**

Date. 1906.	From whom received	Amount collected.	Amount covered into State Treas.
Aug. 6.	" Lattimer-Williams Company.....	1,175 83	1,175 83
9.	" George B. Sprague Cigar Company.....	2,110 15	2,110 15
15.	" Baldwin Forging and Tool Company....	2,325 32	2,325 32
15.	" E. B. Lanman Company.....	2,612 38	2,612 38
16.	" Columbus Bolt Works.....	5,607 75	5,607 75
17.	" Baldwin Forging and Tool Company....	11 63	11 63
31.	" P. Hayden Saddlery Hardware Co.....	3,894 60	3,894 60
Sept. 12.	" George B. Sprague Cigar Company.....	1,969 63	1,969 63
15.	" E. B. Lanman Company.....	2,432 83	2,432 83
17.	" Columbus Bolt Works.....	5,323 50	5,323 50
18.	" Baldwin Forging and Tool Company....	2,511 00	2,511 00
20.	" Baldwin Forging and Tool Company....	13 53	13 53
Oct. 6.	" Lattimer-Williams Company .....	1,249 31	1,249 31
11.	" George B. Sprague Cigar Company.....	2,055 20	2,055 20
16.	" Columbus Bolt Works.....	5,348 40	5,348 40
16.	" E. B. Lanman Company.....	2,421 78	2,421 78
16.	" Baldwin Forging and Tool Company....	2,349 61	2,349 61
31.	" P. Hayden Saddlery Hardware Co.....	4,243 18	4,243 18
Nov. 8.	" Lattimer-Williams Company .....	1,109 10	1,109 10
12.	" Lattimer-Williams Company .....	1,318 36	1,318 36
14.	" George B. Sprague Cigar Company.....	2,262 05	2,262 05
16.	" Baldwin Forging and Tool Company....	2,311 35	2,311 35
16.	" Columbus Bolt Works.....	5,584 20	5,584 20
16.	" E. B. Lanman Company.....	2,591 70	2,591 70
17.	" Baldwin Forging and Tool Company....	11.56	11.56
30.	" P. Hayden Saddlery Hardware Co.....	3,910 70	3,910 70
Dec. 11.	" Lattimer-Williams Company .....	1,273 85	1,273 85
12.	" George B. Sprague Cigar Company.....	2,046 10	2,046 10
15.	" E. B. Lanman Company.....	2,379 70	2,379 70
17.	" Columbus Bolt Works.....	4,988 50	4,988 50
24.	" Baldwin Forging and Tool Company....	2,468 60	2,468 60
31.	" P. Hayden Saddlery Hardware Co.....	4,190 97	4,190 97
Total .....		\$194,445 87	\$194,445 87

RECAPITULATION.

Columbus Bolt Works.....	\$61,117 01
The E. B. Lanman Company.....	28,819 57
The Geo. B. Sprague Cigar Company.....	23,305 83
The Lattimer-Williams Company.....	12,171 18
The Baldwin Forging and Tool Company.....	22,128 95
The P. Hayden Saddlery Hardware Company.....	46,889 07
Kinney & Newton.....	14 26
Total .....	\$194,445 87

**MONEY COLLECTED AND PAID TO VARIOUS STATE DEPARTMENTS  
BY THE ATTORNEY GENERAL FROM JANUARY 1, 1905, TO  
JANUARY 1, 1907.**

Date. 1906.		Amount collected.	Amount paid over.
	662 Corporations delinquent under Willis law; to Secretary of State.....	\$70,325 05	\$70,325 05
May 18.	Firemen's Insurance Co. of Baltimore— To Superintendent of Insurance.....	660 06	660 06
June 4.	Firemen's Insurance Co. of Baltimore.....	73 43	73 43
Dec. 15.	American Fire Insurance Co.....	3,923 44	3,923 44
	24. American Fire Insurance Co.....	8 00	8 00

**DISBURSEMENTS OF THE ATTORNEY GENERAL.**

Special counsel .....	\$25,340 27
Books and furniture.....	457 62
Stenographic work .....	544 65
Costs in cases brought by State.....	1,095 39
Contingent expense .....	2,616 86
All salaries fixed by law.....	11,500 00
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Total .....	\$41,555 79