

Annual Report

OF THE

ATTORNEY GENERAL

TO THE

Governor of the State of Ohio

FOR THE

YEAR ENDING DECEMBER 31, 1901.



FRED. J. HEER, STATE PRINTER,
COLUMBUS, OHIO.
1902

OFFICERS.

J. M. SHEETS..... Attorney-General.
J. E. TODD..... Assistant Attorney-General.
SMITH W. BENJETT..... Assistant Counsel.

ATTORNEYS GENERAL OF OHIO.

HENRY STANBERRY	1846-1851
JOSEPH MCCOBMICK	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
WILLAM 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-

Annual Report.

OFFICE OF THE ATTORNEY GENERAL, STATE OF OHIO.

COLUMBUS, OHIO, December 31, 1901.

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

SIR:— I have the honor to submit herewith my annual report for the year ending December 31, 1901.

This report includes:

First: A detailed statement of the moneys collected and paid into the State Treasury, amounting to \$161,606.43.

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

It has been my policy to take care of all the litigation and other business that comes to the office, as nearly as possible, with the corps of assistants in the office. In this manner we have been enabled to get through with the work of the office without employing outside counsel, except in rare instances, and, by this means, have been enabled to reduce very materially the expenses of this Department in the way of counsel fees, which the State heretofore has been required to pay.

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

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

Respectfully submitted,

JOHN M. SHEETS,
Attorney General.

MONEY COLLECTED AND DRAFTED INTO THE STATE TREASURY,
BY THE ATTORNEY GENERAL FOR THE YEAR 1901.

Date.	From whom received.	Amount Collected.	Amount Drafted into Treasury.
Jan. 2	The E. B. Lanman Co.....	\$1,591 25	\$1,591 25
17	The National Broom Co.....	688 31	688 31
22	The Geo. B. Sprague Cigar Co.....	1,105 05	1,105 05
23	Columbus Bolt Works.....	3,120 33	3,120 33
31	P. Hayden Saddlery Hardware Co.....	1,909 05	1,909 05
31	C. S. Reynolds & Co.....	947 38	947 38
Feb. 1	Columbus Chair Co.....	2,239 45	2,239 45
13	National Broom Co.....	722 98	722 98
15	E. B. Lanman Co.....	1,689 70	1,689 70
21	Geo. B. Sprague Cigar Co.....	1,188 30	1,188 30
28	P. Hayden Saddlery Hardware Co.....	1,908 65	1,908 65
March 2	Columbus Bolt Works.....	3,235 02	3,235 02
5	C. S. Reynolds & Co.....	834 25	834 25
27	National Broom Co.....	750 32	750 32
28	Geo. B. Sprague Cigar Co.....	1,292 40	1,292 40
29	Columbus Bolt Works.....	3,003 66	3,003 66
30	P. Hayden Saddlery Hardware Co.....	2,059 00	2,059 00
April 15	C. S. Reynolds & Co.....	888 85	888 85
17	Manhattan Oil Co.....	9,487 83	9,487 83
23	E. B. Lanman Co.....	1,808 90	1,808 90
24	National Broom Co.....	700 54	700 54
30	P. Hayden Saddlery Hardware Co.....	1,870 80	1,870 80
May 2	Columbus Bolt Works.....	3,252 34	3,252 34
2	Brown, Hinman & Huntington Co.....	3,950 25	3,950 25
3	Ohio Glove Co.....	1,354 63	1,354 63
4	Geo. B. Sprague Cigar Co.....	1,177 50	1,177 50
6	E. B. Lanman Co.....	860 50	860 50
7	Brown, Hinman & Huntington Co.....	6,306 60	6,306 60
10	Ohio Glove Co.....	774 98	774 98
14	Columbus Chair Co.....	798 55	798 55
20	Columbus Chair Co.....	1,031 33	1,031 33
21	C. S. Reynolds & Co.....	929 85	929 85
25	Brown, Hinman & Huntington Co.....	2,357 75	2,357 75
27	E. B. Lanman Co.....	1,917 00	1,917 00
28	National Broom Co.....	888 56	888 56
31	P. Hayden Saddlery Hardware Co.....	2,133 20	2,133 20
June 1	Columbus Bolt Works.....	3,481 51	3,481 51
1	Columbus Chair Co.....	896 83	896 83
10	Geo. B. Sprague Cigar Co.....	1,454 10	1,454 10
17	E. B. Lanman Co.....	952 05	952 05
27	Columbus Chair Co.....	1,989 98	1,989 98
28	P. Hayden Saddlery Hardware Co.....	2,117 60	2,117 60
July 2	Columbus Bolt Works.....	3,318 47	3,318 47
9	Geo. B. Sprague Cigar Co.....	1,538 70	1,538 70
22	Brown, Hinman & Huntington Co.....	2,306 90	2,306 90
31	Columbus Bolt Works.....	3,691 92	3,691 92
31	P. Hayden Saddlery Hardware Co.....	2,098 90	2,098 90
31	C. S. Reynolds & Co.....	4,381 50	4,381 50
Aug. 13	Geo. B. Sprague Cigar Co.....	1,581 45	1,581 45
30	P. Hayden Saddlery Hardware Co.....	2,048 80	2,048 80
Sept. 2	Pioneer Stove Co.....	825 90	825 90
2	National Broom Co.....	1,034 34	1,034 34
9	Columbus Bolt Works.....	4,024 21	4,024 21
16	Geo. B. Sprague Cigar Co.....	1,402 65	1,402 65
20	Brown, Hinman & Huntington Co.....	4,531 45	4,531 45
21	Ohio Glove Co.....	1,363 60	1,363 60
26	Columbus Bolt Works.....	4,068 41	4,068 41
30	National Broom Co.....	1,019 93	1,019 93
30	P. Hayden Saddlery Hardware Co.....	2,089 07	2,089 07

MONEY COLLECTED AND DRAFTED INTO THE STATE
TREASURY, ETC. — Concluded.

Date.	From whom received.	Amount Collected.	Amount Drafted into Treasury.
Oct. 3	Pioneer Stove Co.....	831 40	831 40
15	Columbus Chair Co.....	4,435 45	4,435 45
17	Geo. B. Sprague Cigar Co.....	3,177 75	3,177 75
19	Ohio Glove Co.....	1,475 95	1,475 95
29	National Broom Co.....	941 69	941 69
31	P. Hayden Saddlery Hardware Co.....	2,173 82	2,173 82
Nov. 4	Pioneer Stove Co.....	697 05	697 05
6	Brown, Hinman & Huntington Co.....	4,621 90	4,621 90
11	E. B. Lanman Co.....	1,792 45	1,792 45
12	Columbus Bolt Works.....	3,909 36	3,909 36
15	Columbus Chair Co.....	3,694 15	3,694 15
18	Ohio Glove Co.....	2,073 75	2,073 75
26	National Broom Co.....	1,037 64	1,037 64
30	P. Hayden Saddlery Hardware Co.....	1,838 82	1,838 82
Dec. 4	Pioneer Stove Co.....	844 15	844 15
9	Geo. B. Sprague Cigar Co.....	1,462 65	1,462 65
10	E. B. Lanman Co.....	1,539 05	1,539 05
31	P. Hayden Saddlery Hardware Co.....	2,066 07	2,066 07
	Total	\$161,606 43	\$161,606 43

SUMMARY.

Brown, Hinman & Huntington Co.....	\$24 074 85
Columbus Bolt Works.....	35,105 23
Columbus Chair Co.....	15,085 74
P. Hayden Saddlery Hardware Co.....	24,313 78
E. B. Lanman Co.....	12,150 90
National Broom Co.....	7,784 31
Ohio Glove Co.....	7,042 91
C. S. Reynolds & Co.....	7,981 83
Geo. B. Sprague Cigar Co.....	15,380 55
Pioneer Stove Co.....	3,198 50
Manhattan Oil Co.....	9,487 83
Total	\$161,606 43

DISPOSED OF LITIGATION.

No. 6421.

Ernest C. Crater v. Philip Neighbor, et al

May 21, 1897. Petition in partition filed in the Court of Common Pleas of Tuscarawas County. In this action is questioned the validity of a conveyance made by the Canal Commission of the State of Ohio to one Adam M. Beers, a defendant, the plaintiff claiming an abandonment of the canal basin described in the petition. Demurer for the defendant, Adam M. Beers, filed by the Attorney General, June 16th, 1897. Demurrer sustained December 13, 1897. Exceptions by plaintiff. Proceedings in error taken to the Circuit Court at May term, 1898. Judgment of the Court of Common Pleas affirmed, and cause remanded.

No. 36,718.

State of Ohio ex rel. Watson A France v. Asa S. Bushnell, Governor of Ohio and F. S. Monnett, Attorney General.

Petition in mandamus filed in the Franklin County Common Pleas Court August 18, 1897, to compel the defendant to sign a pretended bill of exceptions to their action in sustaining the action of the State Board of Medical Registration and Examination, in refusing to grant the relator a certificate to practice medicine in Ohio.

May 1, 1901. Dismissed at costs of relator.

No. 37,316.

Streets Western Stable Car Line v. W. D. Guilbert, Auditor of State

Petition filed in Franklin County Common Pleas Court November 27, 1897, to restrain the defendant from adding a penalty to the taxes assessed against the plaintiff for property owned and used by plaintiff in Ohio during the year 1897, under the act of March 30, 1896 (92 O. L., 89). March 12, 1900, judgment for defendant in common pleas court. Judgment affirmed by Circuit Court. Prosecuted on error to Supreme Court. Affirmed.

No. 5912.

The State of Ohio, ex rel. Attorney General v. The Mutual Home & Savings Association of Franklin, Ohio.

February 15th, 1898, petition in quo warranto filed in the Supreme Court to oust the defendant from being a corporation.

April 25th, 1901, dismissed at Relator's request, the association having been wound up pursuant to the building and loan chapter, and report filed with the Inspector.

No. 6346.

The State of Ohio, ex rel W. D. Guilbert, Auditor of State v. Albert E. Aiken, Auditor of Cuyahoga County.

November 17th, 1898, petition in mandamus filed in the Supreme Court to compel the auditor of Cuyahoga county to increase the returns of certain national banks of Cleveland, Ohio, for the years 1894, 1895 and 1896; June 26, 1900, writ of mandamus refused, petition of relator dismissed. June 29, 1900, rehearing allowed by the court; January 16, 1901, oral argument; January 22, 1901, decision of court adhering to former decision dismissing petition, writ refused, and holding that Section 2781a, 94 O. L., page 62, does not apply to shares of incorporated banks.

No. 151.

Edmond S. Dye v. John Foran et al.

Petition in escheat of lands filed in the Circuit Court of Preble County. In the above action the State of Ohio was made party defendant and filed its answer and cross petition therein, claiming that the lands in controversy had escheated to the State. April, 1901, judgment was rendered against the State on the question of escheat, and further litigation was discontinued.

The State of Ohio ex rel. v. The Dayton Traction Company, and The Cincinnati and Miami Valley Traction Company.

1899. Petition filed in the Circuit Court of Montgomery County to oust the defendant company for exercising rights and franchises not conferred by law. December term, 1900, heard in the Circuit Court; judgment for defendant; exceptions by plaintiff; cause filed in the Supreme Court, being No. 6869; March 26, 1901, judgment of Circuit Court of Montgomery county affirmed by the Supreme Court. Reported 45 W. L. B., page 295.

No. 6511.

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

February 25th, 1899, petition in quo warranto was filed in the Supreme Court, alleging that the defendant had mis-used its franchises, privileges, and rights conferred upon it, by becoming a member of the Central Passenger Association; and praying that it be ousted from being a corporation within the state of Ohio.

January 3rd, 1901, dismissed by Plaintiff.

No. 6510.

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

February 25th, 1899, petition in quo warranto was filed in the Supreme Court alleging that the defendant had mis-used its franchises, privileges and rights conferred upon it by becoming a member of the Central Passenger Association; and praying that it be ousted from being a corporation within the state of Ohio.

Januaird 3rd, 1901, dismissed by Plaintiff.

No. 40,129.

The State of Ohio v. The Manhattan Oil Company.

June 16, 1899. Petition filed in the Court of Common Pleas of Franklin county to recover damages for oil wrongfully taken from state lands. April 17, 1901, cause settled, judgment for plaintiff against defendant in the sum of \$9, 487.83 and costs.

No. 6885.

The State of Ohio ex rel. Attorney General v. The Rapid Transit Company.

July 12, 1899. Petition filed in the Circuit Court of Greene county praying for a judgment of ouster against the defendant company because exercising franchises not conferred by law. January term, 1900, of the Circuit Court of Greene county, trial had; judgment in favor of defendant company; exceptions by relator. February 12, 1900, pleadings in error filed in the Supreme Court. April 30, 1901, judgment of Circuit Court affirmed.

No. 6781.

The State of Ohio ex rel. Attorney General v. The Franklin Savings & Loan Association, of Franklin Ohio.

August 16th, 1899, petition in quo warranto filed in the Supreme Court of Ohio to oust the defendant from being a corporation.

March 4th, 1901, this action was dismissed by the Relator because since the beginning of this action the association went into voluntary liquidation, pursuant to statute, elected trustees and proceeded to wind up the affairs of the association.

Mercantile National Bank of Cleveland, Ohio v. Marcellus A. Lander, as Treasurer of Cuyahoga county.

In Circuit Court U. S., Northern District of Ohio, Eastern Division. The above action is one of twelve of a similar nature instituted by the

national banks of Cleveland, Ohio, against the Treasurer of Cuyahoga county, to enjoin him from the collection of taxes which were placed upon the duplicate by the Auditor of Cuyahoga county, levied on certain amounts which had been deducted by some of the banks from the valuation of its shares; the banks claiming the right to deduct their debts from the value of their bank shares for the stockholders in fixing the amount upon which taxes should be levied. Under the direction of the State Auditor the County Auditor charged the taxes at the usual rate upon these various amounts so deducted, for the years 1894, 1895 and 1896. The banks began actions in equity and secured injunctions against the treasurer collecting the various amounts; the answers of the treasurer have been filed in each of the several cases, and are still pending in the above Court.

In this class of cases, as in the others involving taxation of bank shares, this office was called into the cases by the County Solicitor of Cuyahoga county to assist in the preparation and trial of the cases, because of the amounts involved in which the State is interested. June term, 1901, cause heard before Wing, Judge, deciding that no power existed in the county auditor to place the taxes on the duplicate for 1894, 1895 and 1896 against plaintiff bank and that Sections 2781 and 2781a, Revised Statutes, did not include banks. Reported in Ohio Legal News, November 11, 1901.

No. 6951.

The State of Ohio ex rel. Attorney General v. Mt. Hope College Company.

Petition in quo warranto filed in the Supreme Court February 2nd, 1900, to oust defendant from charter for selling diplomas; April 24, 1900, answer filed; May 1, 1900, Robert H. Day appointed Master Commissioner to take testimony and report his conclusions of law and fact; report of Master Commissioner filed; September 25, 1900, motion to confirm report; November 20, 1900, judgment of ouster; W. G. Wells and J. A. Martin appointed trustees. March 11, 1901, report of trustees filed; report confirmed.

No. 6971.

The State of Ohio ex rel. Attorney General v. Home Co-operative Union, a corporation.

Petition in quo warranto filed in the Supreme Court February 14, 1900. Action to oust defendant company from its charter as a corporation because exercising franchises not conferred by law. June 19, 1900, answer filed; June 29, S. S. Wheeler appointed Special Master to take testimony and report his conclusions of law and fact by September 25, 1900; report filed; September 21, 1900, judgment of ouster; same date C. D. Crites and S. S. Wheeler appointed trustees for the

creditors of defendant company; October 1, 1901, report of trustees filed as to sale of real estate; sale confirmed and deed ordered.

No. 7124.

Ernest Austin v. The State of Ohio.

Error to the Circuit Court of Logan county.

May 3, 1900. Motion filed for leave to file petition in error.

May 15, 1900. Motion allowed.

May 31, 1900. Petition in error filed.

March 19, 1901. Judgment affirmed.

No. 7111.

State of Ohio ex rel. Union Savings Bank & Trust Company v. W. S. Matthews, as Superintendent of Insurance.

Petition in mandamus filed in the Supreme Court May 29, 1900. This was an action in mandamus to compel the Superintendent of Insurance to deliver to the Union Savings Bank and Trust Company, as assignee of the Cincinnati Life Association, certain securities deposited with the Superintendent of Insurance by said life association. Writ refused April 16, 1901; case reported 64 O. S., 419.

The State of Ohio ex rel. Attorney General v. The Ewing Coal and Salt Company.

August 10th, 1900, petition in quo warranto was filed in the Circuit Court of Franklin county to oust the defendant corporation. October 13, 1900, judgment of ouster; carried to the Supreme Court by the defendant, where the judgment of the Circuit Court was affirmed December 17th, 1901.

No. 7256.

The State of Ohio ex rel. Attorney General v. The Interstate Savings Investment Company.

Petition in quo warranto filed in the Supreme Court September 12, 1900. This was a test case to determine the right of certain corporations to do what was known as the "debenture business." Judgment of ouster March 26, 1901; reported 64 O. S., 283.

No. 7341.

John W. Mitchell v. The State of Ohio.

Error to the Circuit Court of Muskingum county.

December 14, 1900. Motion filed for leave to file petition in error in the Supreme Court.

December 21, 1900. Motion allowed.
December 27, 1900. Petition in error filed.
October 8, 1901. Judgment affirmed.

No. 7366.

The State of Ohio ex rel. Attorney General v. The Cincinnati Edison Electric Light Company.

Petition in quo warranto filed in Supreme Court January 11, 1901, to oust the defendant company from the use of the streets of the city of Cincinnati. Settled and dismissed.

The State of Ohio ex rel. Attorney General v. The Workingmen's Realty Company.

Petition in quo warranto filed in the Circuit Court of Franklin county January 17, 1901, to oust the defendant corporation from conducting the business of selling certain certificates of investment called by it "contracts for the sale of real estate." Judgment of ouster March 14, 1901.

No. 7379.

State of Ohio ex rel. Attorney General v. Joseph C. Bloch.

Petition in quo warranto filed in the Supreme Court January 19, 1901. This was an inquiry in the nature of quo warranto to determine the right of the defendant to occupy the office of Judge of the Court of Insolvency for the City of Cleveland, it being contended on behalf of the State that the law creating said court of insolvency was unconstitutional. Demurrer to petition sustained and petition dismissed. Application for rehearing filed with the Chief Justice. Application denied December 3, 1901.

State of Ohio ex rel. Attorney General v. James J. Jeffries, et al.

Petition filed in the Court of Common Pleas, Hamilton county, January 29, 1901. Action for an injunction enjoining the defendants James J. Jeffries and Gust Ruhlin from holding a prize fight within the State of Ohio. Answer filed; heard upon the merits and argued before Hon. Howard C. Hollister, Judge of the Court of Common Pleas of Hamilton county, Ohio. Decree of court perpetually enjoining defendants as prayed for in the petition.

State of Ohio, ex rel. A. Wendell v. Joshua Barnett, et al.

Petition filed in the Court of Common Pleas, Franklin county, February 7, 1901. This was a suit to enjoin the State Board of Equalization from acting upon the returns made to the Auditor of State by the Auditor

of Hamilton county, Ohio; a temporary restraining order was issued in the case, but upon the termination of the suit in mandamus in the Supreme Court to compel the Auditor of Hamilton county to make a new abstract of the real estate valuations of that county, the temporary restraining order was dissolved and the petition dismissed.

In the Matter of J. M. Longnecker assignee of Matilda Parker, widow of Ira Parker, deceased.

Department of Interior. Action to confirm the title of the State of Ohio to certain lands included in the Mercer Reservoir. Oral argument March 20, 1901.

The Secretary of the Interior affirming the decision of the Commissioner of the Land Department, sustained the title of the State of Ohio to the premises in question, and found against the claim of J. M. Longnecker.

No. 42,692.

State of Ohio v. The Eastman Automobile Company.

Petition filed in the Court of Common Pleas of Franklin county, March 28, 1901, for penalty for failing to qualify as a foreign corporation doing business in Ohio, under 148d Revised Statutes. Settled and dismissed.

No. 42,693.

State of Ohio v. The LaBelle Iron Works.

Petition filed in the Common Pleas Court of Franklin county, March 28, 1901, for penalty for failing to qualify as a foreign corporation doing business in Ohio, under 148d, Revised Statutes. Settled and dismissed.

No. 7530.

The State of Ohio, ex rel. Attorney General v. George W. Hogan, et al.

Petition in quo warranto filed in the Supreme Court April 22, 1901. Defendants were appointed by John N. Hinkle, Mayor of Columbus, as members of the Civil Service Commission of the City of Columbus to succeed the former Commission removed by said Mayor on the ground of incompetency. Judgment of ouster May 14, 1901, against defendants and ordered that the former Board be inducted again into office.

Alphonso O. Scholter v. The State of Ohio.

Error to the Circuit Court of Brown county. May 4, 1901, notice filed of application for leave to file petition in error; May 21, 1901, motion overruled.

No. 7555.**State of Ohio ex rel. Attorney General v. Henry Ketter and E. W. Risley.**

Petition filed in the Supreme Court May 10, 1901, to test the constitutionality of the act of April 14, 1900, 94 O. L., 611; June 25, 1901, heard on demurrer to the petition; demurrer overruled, above act held unconstitutional, ousting the defendants from the office of Board of Stationary Engineers for the City of Cincinnati.

State of Ohio ex rel. Attorney General v. Clay M. Runyan.

Information in contempt filed in the Supreme Court June 3, 1901, charging that the defendant surreptitiously and clandestinely procured a copy of the questions which were to be submitted to applicants for admission to the bar of the State of Ohio as attorneys and counsellors-at-law, at the examination to be held in June, 1901, and approached a large number of persons who were contemplating taking such examination, and offered to sell a list of said questions to be used by them in such examination, and was thereby guilty of contempt of court. The defendant was arrested, plead guilty to the charge, and was sentenced to pay a fine of \$250 and costs, and be imprisoned in the county jail for ten days.

State of Ohio ex rel. Attorney General v. Bert J. Steele.

Information was filed in the Supreme Court June 3, 1901, charging that the defendant surreptitiously and clandestinely procured a copy of the questions which were to be submitted to applicants for admission to the bar of the State of Ohio as attorneys and counsellors at law, and furnished the same to Clay M. Runyan for use by him in supplying all persons who were contemplating taking the examination to be held in June, 1901, who would buy and pay for such list of questions, and was thereby guilty of contempt of court. The defendant was arrested and hearing had, which resulted in the discharge of the defendant.

No. 43,143.**William A. Taylor v. Walter D. Guilbert, Auditor of State, et al.**

Petition filed in the Court of Common Pleas, Franklin county, July, 1901. Action to enjoin defendant from publishing book known as Taylor's Hundred Year Book. July 31, 1901, demurrer to petition filed by the defendants Guilbert, auditor of state, and Mark Slater, supervisor of public printing. September term, 1901, demurrer argued; the Court holding that the above cause involved the question of the ownership of a copyright, and that the Federal courts had exclusive jurisdiction thereof.

PENDING LITIGATION.

No. 2541.

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

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

No. 2573.

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

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

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

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

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

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

No. 3011.

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

Supreme Court of Ohio. Action in quo warranto to oust the defendant from the exercise of franchises not conferred upon it by law.

Judgment of ouster March 7, 1893. George T. Whitmore, of Akron, appointed trustee March 21, 1893. First report of trustee filed August 25, 1896; report confirmed October 20, 1896. May 4, 1901, second report and supplemental report filed. June 21, 1901, report and supplemental report confirmed. Trustee ordered to prosecute pending actions; authority given to compromise the same. Pending.

No. 3012.

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

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

No. 1446.

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

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

No. 5583.

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

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

June 29th, 1900, George O. Warrington was appointed special master commissioner to take testimony in the case, and report the same by September 25th, 1900. Awaiting report of special master.

No. 38,018.

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

Petition filed in the Common Pleas Court of Franklin County March, 1898. March 10, 1898, M. R. Patterson appointed receiver. April 24,

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

No. 6000.

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

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

No. 113,862.

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

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

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

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

No. 38,667.

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

Petition filed in the Common Pleas Court of Franklin county August, 1898. Action for the conversion of certain building material claimed by the plaintiff, by virtue of a chattel mortgage executed by the Columbus

Construction Company seeking to hold the defendants for converting such material to their own use in buildings constructed as part of the Ohio State University. January term, 1901, trial; March 30, 1901, finding for the plaintiff for the amount claimed; motion for new trial overruled; exceptions by defendant; bill of exceptions taken, petition in error filed in Circuit Court of Franklin county, being cause No. 1803; September term, 1901, heard and argued in the Circuit Court. Pending.

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

September 13, 1898, petition filed in the Court of Common Pleas of Ross county. Action to recover possession of real estate claimed by the State of Ohio as belonging to the canal system of the State. Pending.

No. 64,478.

The State of Ohio v. Frank Schlund.

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

No. 817.

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

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

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

No. 20,224.

The State of Ohio v. Cyrus H. Baldwin.

Petition filed in the Court of Common Pleas of Montgomery county, March 28, 1899. Action to recover possession of real estate claimed by the State of Ohio as belonging to the canal system of the State. Pending.

No. 116,011.

The State of Ohio v. Jacob Mandery.

Petition filed in the Court of Common Pleas, Hamilton county, March 28, 1899. Action in ejectment against the defendant to recover possession of certain canal lands located in Cincinnati, Ohio. Pending.

The State of Ohio v. The Bellevue Brewing Company.

June 30, 1899, petition was filed in the Court of Common Pleas of Hamilton county to recover possession of certain canal lands claimed by the state. Pending.

No. 40,216.

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

July 10, 1899, Transcript filed in the Court of Common Pleas of Franklin county. October 6, 1899, Petition filed. Action against E. G. Coffin as warden of the Ohio Penitentiary, to recover a money judgment claimed by plaintiff. Pending.

No. 20,519.

The State of Ohio v. Frank Saup.

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

No. 1620.

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

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

No. 3609.

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

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

No. 38,917.

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

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

No. 1643.

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

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

September 17, 1900, judgment of ouster was rendered and F. L. Taft and Edmund Hitchens were appointed trustees to wind up the affairs of the institution. Report of trustees filed —, 1901. Pending awaiting confirmation of report.

No. 3745.

The State of Ohio v. John Shell.

October 21, 1899, Petition filed in the Court of Common Pleas of Perry county. Action to recover possession of real estate claimed by

the State of Ohio as part of its canal system. Tried in the Court of Common Pleas. Judgment for defendant. August 4, 1900, proceedings in error perfected in the Circuit Court of Perry county. Pending.

No. 3746.

State of Ohio v. Jonathan Bope.

October 21, 1899, Petition filed in the Court of Common Pleas of Perry county. Action for the recovery of real estate claimed by the State of Ohio as a part of its canal system. Pending.

No. 3745.

State of Ohio v. John Shell.

This action was originally commenced in the Court of Common Pleas of Perry county, October 21, 1899, to recover certain canal lands alleged to be in the possession of the defendant. Answer filed November 16, 1899. May term, 1900, trial had, which resulted in a verdict in favor of the defendant; motion for new trial filed and overruled; taken on error to the Circuit Court of Perry county when the judgment of Common Pleas Court was affirmed. October 31, 1901, carried on error to the Supreme Court, where it is now pending.

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

November 10, 1899, petition in quo warranto filed in the Circuit Court of Meigs county to oust the defendant corporation for exercising franchises not conferred by law. Pending.

The State of Ohio v. Crist G. Kellner.

December 5, 1899, petition filed in the Court of Common Pleas of Montgomery county, Ohio. Action to recover possession of real estate claimed by the State of Ohio as belonging to the canal system of the state. Pending.

No. 1665.

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

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

No. 6563.**The State of Ohio v. John T. Montgomery and William Stitt.**

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

No. 41,199.**James Kennedy v. E. G. Coffin, et al.**

Petition filed in the Common Pleas Court of Franklin County March 24, 1900. Action against E. G. Coffin, Warden of the Penitentiary for \$10,000 damage for false imprisonment. Answer, general denial. Pending.

No. 961.**Maria F. Thomas v. George Folsom, The Ohio State University, and The State of Ohio.**

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

John Shell v. Westbrook Still.

Complaint filed before E. M. Braddock, J. P., Pike township, Perry county, Ohio, July 27, 1900; action in forcible entry and detainer, defendant claiming certain lands by virtue of a lease from the state of Ohio, said lands being highlands situated in Licking reservoir. The case was tried before E. M. Braddock, justice of the peace; judgment in favor of plaintiff; petition in error filed in Court of Common Pleas of Perry county August 13, 1900, where cause is now pending.

No. 41,833.**The State of Ohio v. William A. Proctor, et al.**

Petition filed in the Common Pleas Court of Franklin county September 7, 1900. Action on the part of the State of Ohio against the defendants to recover possession of certain real estate claimed as part of the canal system of the State of Ohio, lying in Hamilton county, Ohio. December 24, 1900, heard on demurrer of the defendants to the jurisdiction of the Court; demurrer sustained, petition dismissed. Jan-

uary 4, 1901, petition in error filed in the Circuit Court of Franklin county, being No. 1768. October 8, 1901, finding by the Circuit Court in favor of defendants in error, William A Procter et al. Exceptions.

No. 1776.

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

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

No. 1777.

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

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

No. 1785.

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

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

No. 985.

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

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

No. 42,606.

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

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

No. 21,903.

The State of Ohio v. The Southern Ohio Traction Company.

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

No. 42,736.

The State of Ohio v. The Columbus Construction Company, John J. Dun, Herbert K. Knopf, John Dun and Rebecca Knopf.

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

The State of Ohio v. The Brewster Coal Company.

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

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

Petition filed in the Court of Common Pleas, Auglaize county, April 24, 1901, to quiet title to certain canal lands. Pending.

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

August 29th, 1901, petition in quo warranto filed in the Supreme Court to oust the defendant company from its charter, as provided by Section 3836-18 Revised Statutes, August 31, Paul Howland and E. S. Griffis, Cleveland, Ohio, appointed temporary receivers. October 14, final report filed as receivers; and confirmed; same parties appointed trustees of the defendant company, pursuant to Section 6781, Revised Statutes. Pending.

No. 577.**Ohio ex rel. Warren Gard, Prosecuting Attorney of Butler County, Ohio v. E. H. Harmon, District Examiner of Stationary Engineers.**

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

No. 7682.**The State of Ohio ex rel. Attorney General v. The Guarantee Savings and Loan Company of Cleveland, Ohio.**

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

No. 43,359.**The State of Ohio v. Chris McKee.**

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

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

October 11th, 1901, petition in quo warranto filed in the Circuit Court of Lucas county to oust the defendant from doing business in Ohio. Joseph R. W. Cooper appointed receiver. Pending.

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

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

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

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

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

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

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

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

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

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

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

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

December 2, 1901, petition filed in the Court of Common Pleas of Butler county. This is an action for \$16,500 penalty for failure to comply with the order of the Commissioner of Railroads and Telegraphs under Sections 247f to h. Pending.

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

Petition filed in the Court of Common Pleas of Franklin county, December 6, 1901, for \$30,500 penalty for failing to qualify as a foreign corporation doing business in Ohio under 148d, Revised Statutes. Pending.

State of Ohio v. The American Sheet Steel Company.

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

State of Ohio v. The American Tin Plate Company.

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

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

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

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

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

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

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

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