

# ANNUAL REPORT

OF THE

# Attorney General

TO THE

Governor of the State of Ohio

FOR THE

Period from January 1, 1908, to January 1, 1909



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1909.

## ATTORNEY GENERAL'S DEPARTMENT.

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WADE H. ELLIS.....Attorney General (Resigned)  
U. G. DENMAN.....Attorney General  
W. H. MILLER.....First Assistant Attorney General  
JOHN A. ALBURN.....Second Assistant Attorney General  
SMITH W. BENNETT.....Special Counsel  
O. E. HARRISON.....Special Counsel  
WM. R. MEDARIS.....Special Counsel  
CLARENCE D. LAYLIN.....Chief Clerk  
WM. A. SHEEHAN.....Clerk to Special Counsel  
C. K. CAREY.....Stenographer  
M. G. CULTON.....Stenographer  
RALPH A. McCANN.....Messenger

## 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.....	1904-1908
W. G. DENMAN.....	1908-

## ATTORNEY GENERAL'S REPORT.

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COLUMBUS, OHIO, January 1, 1909.

*Hon. Andrew L. Harris, Governor of Ohio:*

SIR:—I submit herewith the annual report of the Attorney General for the calendar year 1908.

On November 6, 1908, my predecessor, Hon. Wade H. Ellis, resigned the office of Attorney General of Ohio to take effect at once, and you thereupon, on the same day, commissioned me to fill the vacancy thereby created for his unexpired term. That term will expire on January 11, 1909. My services in the office having covered thus far only the short period from November 6, 1908, the contents of this report are almost wholly made up from the record of the work of the department for the year under Attorney General Ellis, and, with the exception of this introductory note, the matter set out in this report was compiled under his direction.

This report will contain:

- First:* A review of the more important work of the department for the past year, with recommendations suggested by experience in the conduct of such work.
- Second:* A list of all actions and prosecutions brought, pending or disposed of during the year.
- Third:* A statement of all collections and disbursements for the year; and
- Fourth:* All official opinions rendered during the year.

### I.

#### IMPORTANT WORK OF THE YEAR.

The volume of litigation pending and disposed of during the year was considerably greater than that of the preceding year or any other like period of time. The increase is accounted for by the inability of the common pleas courts of Cuyahoga and Hamilton counties to reach and dispose of the large number of proceedings in error, from convictions under the dairy and food law, which have been pending in these courts during the entire year; and by the intervention of the Attorney

General, at the request of the Railroad Commission, in a large number of actions originally brought by prosecuting attorneys in various counties of the state under the safety appliance laws.

Another class of cases, the number of which augmented the total for the year quite materially, and the importance of which makes special mention of them appropriate, was that growing out of the controversy between the Smith Agricultural Chemical Company and the State Board of Agriculture. A number of issues bearing upon the powers of the board, both before and after its reorganization by the General Assembly at its last session, were raised in the various actions. With a view to ending the entire controversy as quickly as possible, the Attorney General instituted proceedings in *quo warranto* in the supreme court. Every effort has been made, and will be made, to bring this suit to an early conclusion so that this Board may no longer be embarrassed in the discharge of their duties by the pendency of this litigation.

Other important cases now pending in the supreme court are the cases of Thorniley v. State ex rel. Dickey, involving the constitutionality of the laws under which county commissioners in certain counties act as turnpike directors; that of W. S. Judd v. The State, which involves the constitutionality of the act requiring the licensing of stationary engineers; and that of State ex rel. Karlinger v. Board of Deputy State Supervisors and Inspectors of Elections, which involves the constitutionality of the act authorizing the use of voting machines.

During the year the Attorney General participated in two actions: State ex rel. Sartain v. Harris, and State ex rel. Wilson v. Pontius, for the purpose of determining the very important questions relating to the effect of the constitutional limitation as to the tenure of office of sheriffs and treasurers, upon the statutory extension of terms of office made necessary by the adoption of the amendment to the constitution relating to elections. In State ex rel. v. Fitzgerald, the constitutionality of the primary election law was established.

The actions in *quo warranto* against certain subsidiary corporations of the Standard Oil Company, to which reference has been made in former reports of this department, were argued orally by my predecessor as his last official act in connection with this department. The cases are now submitted to the circuit court of Allen County, the decision of which is awaited.

There are a number of actions pending both in the common pleas and circuit courts of Franklin County, involving the validity of orders made by the Railroad Commission of Ohio. These cases are of varying importance as affecting the powers and jurisdiction of the Railroad Commission.

In the case of the State on the relation of the Attorney General v. The Marion County Telephone Company, and The Central Union

Telephone Company, the right of the telephone companies competing in the same territory to enter into a contract whereby the business of such territory is divided between or among the contracting companies, and competition is eliminated, is involved. It will be readily understood that this issue strikes at the very root of the problem of telephone service, and the ultimate decision thereof will be of far-reaching importance.

In the case of *Rose v. Baxter*, the constitutionality of the statute which authorizes the State Medical Board to revoke, for certain causes, certificates issued by it is involved. Similar provisions exist in the statutes relating to other state examining boards, and the experience of the department justifies the statement that the disposition of this case will establish a precedent of great importance in the administration of the state departments interested.

The case of the State of Ohio ex rel. Attorney General v. The Cleveland Terminal & Valley Railroad Company is a proceeding brought in the circuit court of Franklin County, Ohio, in *quo warranto* to oust the defendant railroad company from certain canal lands about two and a half miles in length within the corporate limits of the city of Cleveland. Under an act of the General Assembly passed a number of years since the Governor was authorized to make and execute a deed of this property to the city of Cleveland for highway purposes and for constructing therein sewers and other improvements incident to a public way for the city. Upon the delivery of the deed by the state to the city, the city council and other public officials of the city of Cleveland attempted to lease this property to the predecessors in interest of the defendant railroad company. This lease is for a term of 99 years, and in consideration thereof the railroad company issued to the city of Cleveland its bonds payable twenty years after the date thereof in the sum of \$260,000, took possession of the property, and the whole of it is now occupied by the tracks and other structures of the defendant railroad company. The state is claiming in the proceeding that the act of the General Assembly gave no authority to make this lease and that the city of Cleveland has forfeited its rights in the property, and that this being true the defendant railroad company must be ousted therefrom and that the property should come back to the state. The property is of very great value, running into the principal business section of the city of Cleveland, and from our construction of the act of the General Assembly and of the circumstances surrounding the case, we are firmly of the opinion that it was not the intent of the General Assembly to convey this property to the city of Cleveland for the purpose of allowing that city to turn the same over to other interests. An early hearing of this cause in the Franklin County Circuit Court is expected.

There are a number of actions pending in which the Attorney

General appears on behalf of the department of insurance, some of them challenging the authority of the Superintendent of Insurance to exercise certain powers claimed by him, and the others in the nature of punitive or winding up proceedings against insurance companies for failure to comply with the laws of the state. One of the most important of these cases is that of the State of Ohio ex rel. Attorney General v. The Union Central Life Insurance Company of Cincinnati. This action was brought by my predecessor and is a proceeding in *quo warranto* against the defendant company in the Circuit Court of Hamilton County, Ohio, and seeks to oust that company from issuing to its stockholders a stock dividend aggregating the sum of \$400,000, and paying for the same out of an alleged surplus which the company claims has been accumulated from non-participating business. This proceeding is now under preparation for trial, the state disputing the right of the company to take this action, and it is expected that the cause will be tried some time during the present year.

Immediately upon my succession to this office I was called upon to investigate the affairs of the Ohio German Fire Insurance Company at Toledo, Ohio, and upon completing such examination a proceeding in *quo warranto* was instituted in the Circuit Court of Lucas County, Ohio, praying for an ouster of this company from its charter because of what seemed to the Department of Insurance and to this department flagrant violations of the laws of the state demanding the forfeiture of the company's charter. The proceeding terminated as we anticipated it would terminate when the same was begun, and within the month of December, 1908, and only a few days after the proceeding was instituted a decree was entered ousting the company from its charter, and wholly excluded it therefrom, and trustees were appointed by the court under the statute to wind up the affairs of the company and these trustees are now proceeding pursuant to that order.

The records of the Department of the Secretary of State disclose the fact that there are a number of corporations formed for the purpose of constructing and operating railroads in Ohio, which corporations have never filed annual reports under either the Cole excise law or the Willis franchise tax law. Investigation in the Department of the Auditor of State showed that reports covering the railways which these companies had been authorized to construct and operate had been made under the Cole law by certain larger railway corporations of which the first mentioned companies had become constituents or to which they had become subsidiary. These smaller companies were not reported as operating railroads, nor, as stated above, had they made any reports or paid any taxes under the Willis law. The question was thus brought to the Auditor of State and the Secretary of State as to whether a domestic corporation incorporated and organized for the purpose of operating a railroad and having constructed a rail-

road which is subsequently taken over and operated by another railroad corporation, the constructing company no longer operating the same, and not dissolving it, should pay the fee provided for by the Willis law which exempts corporations "operating" railroads. Some of these constructing companies involved are specifically mentioned in the report made by the reporting corporations under the Cole law, while others are not mentioned in the returns made under either law. The question seemed to be of enough importance to warrant the Attorney General in suing all such companies so not reporting for delinquent taxes under the Willis law. In the event of a favorable decision in this class of cases the amount of money recovered for the state will be very large.

The State Board of Public Works, in conjunction with this department, has adopted a policy looking to a final establishment of the boundary lines of all the canal land of the state, and in the prosecution of this policy and the plan adopted pursuant thereto, a large number of cases respecting the title to lands claimed by the state as a part of its canal system were brought during the year. A few have been disposed of, but many of them were still pending at the close thereof.

During the year this department secured through the federal court of Virginia a deed to the plot of ground upon which was situated the Ohio building at the Jamestown Exposition. A clear title had previously been guaranteed by the Jamestown Exposition Company in its contract with the Ohio Commission, but this had not been given when the property of the Exposition Company went into the hands of receivers, and we are gratified to report that the state of Virginia and the federal circuit court of that state saw that the agreement was carried out and our state was given the title to this property.

The usual number of criminal prosecutions on behalf of the various state departments has been undertaken during the year.

At first view the expenditures of the department during the year past seem inordinately large. The increase is more apparent than real, however. In the first place, the salary of the Attorney General was increased by the adoption of the state officers' salary act, which became effective as to this department on the first Monday in January, 1908. The amount of expenditure of money for special counsel was enhanced by a successful effort to discharge all obligations of the department, whether or not properly payable out of the appropriation for the current year. Thus, several contracts made by Hon. J. M. Sheets, during his administration of the office, for services never concluded until the past year, or at least never paid for until that time, were discharged out of an appropriation to the credit of this fund, made by the General Assembly in the unauthorized deficiency bill. The amount of such old bills, together with extraordinary bills, was something like \$6,400. In the same manner, many of the bills for costs in



cases brought by the state, paid out of the appropriations for use of this department, were those arising out of cases of long standing, which were passed upon directly by the General Assembly in the unauthorized deficiency appropriation, and which were, in no sense, chargeable to the administration of this office during the past year.

The increase in the contingent expenses of the office was due to the unusual and abnormal amount of traveling on the part of the Attorney General and his assistants, which was necessary during the year. There is no appropriation out of which such expenses can be met save that for contingent expenses.

In general, it may be said of the expenditures of the past year, that the increase in the amount thereof was caused by conditions which were temporary and extraordinary, and that in the management of the affairs of the department under ordinary circumstances no such sum is likely to be expended again in the immediate future, at least.

Attention is again called to the fact that a limited number of copies of the compilation of the Opinions of the Attorneys General from 1846 to 1094, is on hand in this department, and I wish to state in addition thereto, that the work of compiling the opinions from 1904 to the end of the last administration is now well under way.

My elective term as Attorney General will begin on January 11, 1909, and the expectation now is that at that time the personnel of the department will be changed somewhat and the work of the department will be entirely reorganized and rearranged. A certain number of departments of the state will be assigned to each assistant or special counsel connected with the office, and such assistant or special counsel will be expected to act as the legal adviser and lawyer in every respect for each of such departments, all of the work, of course, to be done under the supervision and direction of the Attorney General. All opinions which shall be asked for by or through any department of state will be written by the assistant or special counsel assigned as the legal adviser of that department. After such an opinion is written it will be presented to the First Assistant Attorney General for criticism or approval. If the opinion is approved by him he shall so mark it and it will then go to the Attorney General for signature or criticism. It is hoped that under this system each assistant and special counsel may become a specialist in the legal work of the state department or departments to which he is assigned and that thereby the work of this department may be done with efficiency and dispatch and at a minimum of expense.

Respectfully submitted,

U. G. DENMAN,  
*Attorney General.*

## II.

CASES PENDING OR DISPOSED OF FROM JANUARY 1, 1908, TO  
JANUARY 1, 1909.

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**I. Cases Pending in the Supreme Court January 1, 1909.****No. 7822.****State of Ohio ex rel. Attorney General v. The Imperial Savings Company.**

Quo warranto. January 6, 1902, petition filed. Trustees directed to file final report by April 15, 1909.

**No. 10898.****A. B. Critchfield v. Walter S. Robinson.**

September 7, 1907, petition in error to circuit court of Ottawa county filed.

**No. 10899.****A. B. Critchfield v. Charles Minier.**

September 7, 1907, petition in error to circuit court of Ottawa county filed.

**No. 10906.****State of Ohio ex rel. The Drake Coal Company v. H. H. McFadden et al.**

September 13, 1907, petition in error to circuit court of Richland county filed.

**No. 11111.****S. Hadley Hibbard as County Surveyor, etc., v. John F. Biddle et al., etc.**

February 4, 1908, petition in error to circuit court of Athens county filed.

**No. 11119.****Charles Oakman v. Rose Furniture Company.**

February 5, 1908, petition in error to circuit court of Cuyahoga county filed.

No. 11127.

**F. F. Thorniley, Auditor etc., et al., v. State ex rel. Alvin O. Dickey, Prosecutor, etc.**

February 8, 1908, petition in error to circuit court of Gallia county filed.

No. 11219.

**W. S. Judd v. State of Ohio.**

March 31, 1908, petition in error to circuit court of Cuyahoga county filed.

No. 11292.

**State of Ohio ex rel. Albin Karlinger v. Board of Deputy State Supervisors, etc., et al.**

April 15, 1908, petition in error to circuit court of Cuyahoga county filed.

No. 11330.

**State of Ohio ex rel. Attorney General v. The Smith Agricultural Chemical Company.**

Quo warranto. May 8, 1908, petition filed. December 5, 1908, reply filed. December 23, 1908, motion for temporary restraining order overruled.

No. 11379.

**Mutual Life Insurance Company of New York v. State of Ohio.**

June 12, 1908, petition in error to circuit court of Franklin county filed.

No. 11402.

**Railroad Commission of Ohio v. Hocking Valley Railway Company.**

June 30, 1908, petition in error to circuit court of Franklin county filed. Pending.

**II. Cases Disposed of in the Supreme Court from January 1, 1908,  
to January 1, 1909.**

**No. 7708.**

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

August 29, 1901, petition filed. (October 27, 1908, final report confirmed.)

**No. 10721.**

**M. E. Murphy et al. v. S. C. Shepherd et al.**

June 10, 1907, petition in error to circuit court of Hamilton county filed. January 21, 1908, judgment affirmed.

**No. 10824.**

**Clarence W. Arbogast, Treasurer, etc., v. Mary E. Whitely.**

July 18, 1907, petition in error to circuit court of Clark county filed. October 6, 1908, judgment affirmed.

**No. 10845.**

**John L. Theobald, etc., v. The State of Ohio ex rel. Edward T. Hall,  
a Taxpayer.**

July 31, 1907, petition in error to circuit court of Montgomery county filed. May 12, 1908, judgment affirmed.

**No. 10982.**

**Walter D. Guilbert, Auditor, etc., et al. v. State of Ohio ex rel. W. T.  
Andrews.**

November 23, 1907, petition in error to circuit court of Franklin county filed. February 18, 1908, judgment affirmed.

**No. 11010.**

**State of Ohio v. C. C. Marsh.**

December 17, 1907, motion for leave to file bill of exceptions to common pleas court of Marion county sustained. June 23, 1908, exceptions overruled.

**No. 11064.**

**State of Ohio ex rel. Albert E. Sartain v. Andrew L. Harris, Lieutenant  
Governor, etc.**

Mandamus. January 16, 1908, petition filed. February 11, 1908, writ refused.

**No. 11131.**

**State of Ohio ex rel. Edward H. Hechler v. J. J. Fitzgerald et al.**

February 8, 1908, petition in error to circuit court of Cuyahoga county filed, February 11, 1908, judgment affirmed.

**No. 11336.**

**State of Ohio ex rel. R. Frank Wilson v. Hubert C. Pontius, etc., et al.**

Mandamus. May 15, 1908, petition filed. June 26, 1908, demurrer to petition overruled.

**Cases Pending or Disposed of in Circuit Courts from January 1, 1908,  
to January 1 1909.**

*Allen County.*

**No. 520.**

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

Quo warranto. Issues made up. November 10, 1908, oral arguments. Submitted to court.

**No. 521.**

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

Quo warranto. Issues made up. November 10, 1908, oral arguments. Submitted to court.

**No. 522.**

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

Quo warranto. Issues made up. November 10, 1908, oral arguments. Submitted to court.

*Ashland County.*

**No. 427.**

**Elma Stermer v. W. C. Moore et al.**

Appeal from finding and decree of common pleas court in case No. 4817. December 15, 1908, appeal perfected.

*Athens County.*

**No. 238.**

**S. Hadley Hibbard as County Surveyor, etc. v. John F. Biddle et al.,  
etc.**

Error to common pleas court. Judgment affirmed. See supreme court list.

**No. 245.**

**Clara Reynolds v. Erwin C. Woodworth as Treasurer, etc.**

Appeal from finding and decree of common pleas court in case No. 8861. December, 1908, judgment affirmed.

*Cuyahoga County.***No. 3993.****E. R. Theobald v. State of Ohio.**

Error to common pleas court in prosecution involving constitutionality of stationary engineers' license law. February 17, 1908, judgment affirmed.

**No. 3994.****W. S. Judd v. State of Ohio.**

Error to common pleas court in prosecution involving constitutionality of stationary engineers' license law. February 17, 1908, judgment affirmed. See supreme court list.

**No. 3995.****Frank Stupens v. State of Ohio.**

Error to common pleas court in prosecution involving constitutionality of stationary engineers' license law. February 17, 1908, judgment affirmed.

**No. 4017.****State of Ohio ex rel. Edward H. Hechler v. J. J. Fitzgerald et al.**

Error to common pleas court. March 16, 1908, judgment affirmed. See supreme court list.

**No. 4035.****State of Ohio ex rel. Albin Karlinger v. Board of Deputy State Supervisors, etc.. et al.**

Error to common pleas court. April 13, 1908, judgment affirmed. See supreme court list.

**No. 4185.****State of Ohio ex rel. Attorney General v. Central Committee of Independent Order of Foresters.**

Quo warranto. September 17, 1908, petition filed. Pending.

**No. 4233.****J. W. Bolton v. State of Ohio.**

Error to common pleas court. December 21, 1908, petition in error filed. Pending.

*Franklin County.*

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 on briefs.

No. 2363.

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

Quo warranto. Issues made up. February 18, 1907, depositions filed. Pending.

No. 2611.

**Railroad Commission of Ohio v. The Hocking Valley Railway Company.**

Error to common pleas court in case No. 52911. February 12, 1908, judgment affirmed.

No. 2612.

**The Hocking Valley Railway Company v. Railroad Commission of Ohio.**

Appeal from finding of common pleas court in case No. 52911. October 12, 1908, appeal dismissed.

No. 2620.

**The Hocking Valley Railway Company v. Railroad Commission of Ohio.**

Appeal from finding of common pleas court in consolidated cases Nos. 52560, 52561 and 52562. October 8, 1907, appeal bond filed. November 1, 1907, bill of exceptions filed. Pending.

No. 2639.

**State of Ohio ex rel. Attorney General v. Central Union Telephone Company et al.**

Quo warranto. March 11, 1908, replies filed. Pending.



**No. 2645.**

**State of Ohio ex rel. Attorney General v. Eusebius W. Armstrong et al.**

Quo warranto to determine right of defendants to act as directors of private corporation. January 29, 1908, petition filed. October 15, 1908, dismissed by consent.

**No. 2665.**

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

Error to common pleas court in case No. 52028. March 11, 1908, petition in error filed. Pending.

**No. 2699.**

**Thomas L. Calvert as Secretary, etc., et al. v. The Smith Agricultural Chemical Company.**

Error to common pleas court in case No. 54403. June 2, 1908, petition in error filed. Pending.

**No. 2701.**

**The Mutual Life Insurance Company of New York v. State of Ohio.**

Error to common pleas court in case No. 55079. June 5, 1908, petition in error filed and judgment affirmed. See supreme court list.

**No. 2704.**

**Emil Justin Rose v. Harris H. Baxter et al.**

Appeal from order of common pleas court in case No. 53218. October 15, 1908, appeal argued. Submitted to court. Pending.

**No. 2711.**

**The Southeastern Ohio Railway, Light & Power Company v. Railroad Commission of Ohio.**

Appeal from finding and decree of common pleas court in case No. 55045. July 9, 1908, appeal bond filed. Pending.

**No. 2719.**

**The Smith Agricultural Chemical Company v. Thomas L. Calvert as Secretary, etc., et al.**

Appeal from order of common pleas court in case No. 55002. July 25, 1908, appeal bond filed. Pending.

**No. 2729.**

**State of Ohio ex rel. James M. Cloud v. William S. McKinnon as Treasurer, etc., et al.**

Mandamus to compel payment of award of commission to adjust damages on account of overflow of canal. November 3, 1908, petition filed. Pending.

**No. 2733.**

**The Hocking Valley Railway Company v. Railroad Commission of Ohio.**

Error to common pleas court in case No. 55166. September 10, 1908, petition in error filed. Pending.

**No. 2734.**

**The Hocking Valley Railway Company v. Railroad Commission of Ohio.**

Appeal from finding and decree of common pleas court in case No. 55166. September 10, 1908, appeal bond filed. Pending.

**No. 2735.**

**State of Ohio ex rel. Attorney General v. The Cleveland Terminal & Valley Railroad Company et al.**

Quo warranto to determine right of defendants to use of certain property. September 10, 1908, petition filed. October 20, 1908, demurrers filed. Pending.

**No. 2741.**

**Thomas L. Calvert v. The Smith Agricultural Chemical Company.**

Error to common pleas court in contempt proceedings growing out of case No. 54403. September 26, 1908, petition in error filed. Pending.

**No. 2745.**

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

Quo warranto to determine right of defendant to acquire a parallel roadbed. October 13, 1908, petition filed. Pending.

*Hamilton County.*

No. 4596.

**State of Ohio ex rel. Joseph H. Shaw v. The Ohio State Board of Medical Registration, etc., et al.**

Mandamus. May 19, 1908, petition filed. May 22, 1908, motion to quash writ sustained.

No. 4691.

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

Quo warranto. September 30, 1908, petition filed. October 30, 1908, answer filed. Pending.

*Hancock County.*

No. 1173.

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

Mandamus. November 18, 1907, reply filed. Pending.

*Huron County.*

No. 429.

**The Northern Ohio Railway Company v. Railroad Commission of Ohio.**

Error to common pleas court. April 17, 1908, judgment affirmed.

*Jackson County.*

No. 619.

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

Error to common pleas court in case No. 6744. December 21, 1908, judgment affirmed.

*Montgomery County.*

No. 704.

**The Horsemen's Protective Association v. Alfred P. Sandles et al.**

Appeal from finding and decree of common pleas court in injunction suit involving power of state board of live stock commissioners. December 4, 1907, motion filed. Pending.

*Richland County.*

**No. 973.**

**The Hercules Clothing Company v. The Ohio State Reformatory et al.**

Appeal from finding of common pleas court in injunction suit. September 20, 1907, appeal perfected. September 9, 1908, case dismissed at costs of plaintiff.

*Seneca County.*

**No. 590.**

**State of Ohio by Attorney General ex rel. Charles C. German v. Charles Koss et al.**

Quo warranto to determine right of defendants to act as directors of private corporation. February 15, 1908, petition filed. Pending.

**Cases Pending or Disposed of in Common Pleas Courts from January 1, 1908,  
to January 1, 1909.**

*Ashland County.*

**No. 4817.**

**Elma Stermer v. W. C. Moore et al.**

Action respecting title to state lands. Finding and decree for plaintiff. See circuit court list.

*Athens County.*

**No. 8776.**

**State of Ohio v. The Hocking Valley Railway Company.**

Action for penalty under safety appliance law. January, 1908, action dismissed.

**No. 8861.**

**Clara Reynolds v. Erwin C. Woodworth as Treasurer.**

Injunction to restrain collection of Dow-Aikin tax. February 24, 1908, agreed statement of facts and brief of attorney general filed. Judgment for defendant. See circuit court list.

*Belmont County.*

**No. 15288.**

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

Action for penalty under safety appliance law. Petition filed by prosecuting attorney during 1907. Demurrer filed by attorney general January, 1908. December 19, 1908, notice to take depositions. Pending.

**Nos. 15384.**

**15385.**

**15386.**

**15387.**

**15388.**

**State of Ohio v. Baltimore & Ohio Railroad Company.**

Actions for penalties under safety appliance law. January 17, 1908, petitions filed. December 1, 1908, briefs filed in case No. 15384 and cases submitted together. Pending.

*Butler County.*

No. 23194.

**State of Ohio v. Judson Harmon, as Receiver, etc.**

Action for penalty under safety appliance law. October, 1908, attorney general's participation requested by railroad commission. Pending.

*Columbiana County.*

No. 5790.

**Jane McVeigh v. Mary Ann McVeigh et al.**

Partition. Answer and cross-petition filed on behalf of state. Pending.

*Coshocton County.*

No. 4029.

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

Error to justice of the peace in action for trespass on canal lands. November 20, 1908, judgment affirmed.

*Cuyahoga County.*

No. 89999.

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

Pending on motion for allowance of Willis tax.

No. 92886.

**State of Ohio v. Norman M. Geer.**

Prosecution for violation of medical practice act. Pending on demurrer to indictment.

No. 100224.

**State of Ohio v. Erie Railroad Company.**

Action for penalty under safety appliance act. October, 1908, attorney general's participation requested by railroad commission. Pending.

No. 102058.

**Frank Stupens v. State of Ohio.**

Error to police court of city of Cleveland in conviction under stationary engineer law. January, 1908, judgment affirmed. See circuit court list.

No. 102059.

**W. S. Judd v. State of Ohio.**

Error to police court of city of Cleveland in conviction under stationary engineer law. January, 1908, judgment affirmed. See circuit and supreme court lists.

No. 102060.

**E. R. Theobald v. State of Ohio.**

Error to police court of city of Cleveland in conviction under stationary engineer law. January, 1908, judgment affirmed. See circuit court list.

No. 103316.

**George Yocheim v. State of Ohio.**

Error to justice of the peace in conviction under pure food law. Pending.

No. 103317.

**Sanford Perry v. State of Ohio.**

Error to justice of the peace in conviction under pure food law. Pending.

No. 103318.

**Jacob Kopf v. State of Ohio.**

Error to justice of the peace in conviction under pure food law. Pending.

No. 103319.

**A. C. Heleriegel v. State of Ohio.**

Error to justice of the peace in conviction under pure food law. Pending.

No. 103320.

**Paul Peters v. State of Ohio.**

Error to justice of the peace in conviction under pure food law. Pending.

No. 103321.

**Alex. Morrison v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103322.

**Alex. Morrison v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103323.

**T. H. Buyer v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103324.

**C. W. McDonnell v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103325.

**J. A. Kuchle v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103326.

**Sanford Perry v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103327.

**A. Weis v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103328.

**C. G. Malley v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103329.

**E. F. Senghas v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.



No. 103330.

**Sam Weis v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103331.

**C. W. McDonnell v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103332.

**C. W. McDonnell v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103333.

**Thos. H. Buyer v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103334.

**A. C. Heleriegel v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103335.

**A. Weis v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103336.

**J. A. Kuchle v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103337.

**H. Hartman v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103338.

**Alex. Morrison v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103339.

**E. F. Senghas v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103340.

**C. W. McDonnell v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103341.

**H. Hartman v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103342.

**A. C. Heleriegel v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103343.

**Jacob Kopf v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103344.

**H. Hartman v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103345.

**Alex. Morrison v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 103346.

**A. C. Heleriegel v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 104084.

**Charles Gannslor v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 104085.

**P. R. Burkardt v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 104086.

**Gus Zemore v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 104087.

**H. G. Winders v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 104088.

**Louisa Walters v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 104959.

**Mrs. Paul Peters v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 104960.

**Jacob Senghas v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 105028.

**Antoinette Kopf v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 105029.

**A. Weis v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 105030.

**Chas. Malley v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

**No. 105873.**

**State of Ohio ex rel. Albin Karlinger, etc., v. Board of Deputy State Supervisors, et al.**

Mandamus to test validity of voting machine law. January 25, 1908, petition filed. March 2, 1908, judgment for defendant. See circuit and supreme court lists.

**No. 106036.**

**State of Ohio ex rel. Edward H. Hechler v. J. J. Fitzgerald et al.**

Injunction involving primary election law. February 6, 1908, application denied and petition dismissed. See circuit and supreme court lists.

**Nos. 105886.****105887.**

**H. Y. Scanlon v. State of Ohio.**

Error to justice of the peace in conviction under pure food law. Pending.

**No. 106218.**

**State of Ohio v. Forest City Railway Company.**

Action for recovery of Willis tax. February 15, 1908, petition filed. Pending.

**No. 106219.**

**State of Ohio v. The Cleveland & Pittsburg Railroad Company.**

Action for recovery of Willis tax. February 15, 1908, petition filed. Pending.

**No. 573.**

**J. W. Bolton v. State of Ohio.**

Error to justice of the peace in conviction under child labor law. December 12, 1908, judgment affirmed. See circuit court list.

**No. 630.**

**John A. Vincent v. State of Ohio.**

Error to justice of the peace in conviction under pharmacy law. November 2, 1908, petition in error filed. Pending.

No. 631.

**Girello Gallo v. State of Ohio.**

Error to justice of the peace in conviction under pharmacy law. November 2, 1908, petition in error filed. Pending.

(Probate Court.)

No. 41069.

**Eleanor M. Parsons et al. v. The Guardian Trust Company et al.**

In the matter of the escheat of the Wass estate. Disposed of.

*Erie County.*

No. 10475.

**State of Ohio v. The Lake Shore & Michigan Southern Railway Company.**

Action for penalty under safety appliance act. January 18, 1908, answer filed by attorney general. Case submitted.

No. 1018.

**State of Ohio v. H. L. Murchison.**

Criminal prosecution for violation of medical practice act. Verdict not guilty.

*Fairfield County.*

No. 12214.

**John L. Zollinger v. D. L. Bohrer.**

Action respecting title to canal lands. April 28, 1908, petition filed. Pending.

*Franklin County.*

No. 51134.

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

Action respecting title to canal lands. Pending.

No. 51681.

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

Motion for order requiring payment of Willis tax. Pending.

No. 51696.

**State of Ohio v. The McAuley-Peters Tent & Awning Company.**  
Action for recovery of Willis tax. Dismissed.

No. 51697.

**State of Ohio v. The Walker Mining & Manufacturing Company.**  
Action for recovery of Willis tax. Dismissed.

No. 52028.

**State of Ohio v. The Covington & Cincinnati Bridge Company.**  
Action for recovery of Willis tax. See circuit court list.

No. 52158.

**State of Ohio v. Robert E. McClure et al.**  
Action on bond. Pending.

No. 52159.

**State of Ohio v. Margaret F. Fenn.**  
Action respecting title to canal lands. February 15, 1908, motion to advance allowed.

No. 52553.

**State of Ohio v. Lester G. Scott et al.**  
Action on bond. December 18, 1908, trial; verdict for plaintiff.

No. 53192.

**State of Ohio v. William J. Robey et al.**  
Action on bond. May 15, 1908, default judgment taken.

No. 53358.

**State of Ohio v. The Interstate Oil Company.**  
Action for recovery of Willis tax. Pending.

No. 54403.

**The Smith Agricultural Chemical Company v. Thomas L. Calvert as Secretary, etc., et al.**  
Injunction involving validity of existing law relating to state

board of agriculture. January 30, 1908, petition filed. April 16, 1908, demurrers to petition sustained in part and overruled in part.

May 5, 1908, information in contempt against Thomas L. Calvert filed. June 3, 1908, Thomas L. Calvert found guilty of contempt of court.

See circuit court list for further proceedings in principal action and contempt proceedings both.

**No. 54440.**

**State of Ohio v. Lindsley H. Bounds.**

Action respecting title to canal lands. February 7, 1908, petition filed. February 28, 1908, answer to cross-petition of T. C. Hamilton filed. Pending.

**No. 54478.**

**State of Ohio v. Baltimore & Ohio Southwestern Railroad Company.**

Action for recovery of Willis tax. February 15, 1908, petition filed. June 2, 1908, motion to amended petition filed. Pending.

**No. 54479.**

**State of Ohio v. The Columbus Railway Company.**

Action for recovery of Willis tax. February 15, 1908, petition filed. June 2, 1908, motion to amended petition filed. Pending.

**No. 54516.**

**State of Ohio v. Max Addleman et al.**

Action on bond. December 31, 1908, dismissed.

**No. 54666.**

**Northern Ohio Railway Company v. Railroad Commission of Ohio.**

Appeal under railroad commission act. March 19, 1908, petition filed. December, 1908, dismissed.

**No. 54959.**

**The Smith Agricultural Chemical Company v. Ohio State Board of Agriculture et al.**

Action for recovery of sums paid under law alleged to be unconstitutional. May 7, 1908, petition filed. June 4, 1908, motion filed. Pending.

**No. 54989.**

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

Injunction. May 13, 1908, petition filed. August 25, 1908, answer filed. Pending.

**No. 54992.**

**The Buckeye Fertilizer Company v. Ohio State Board of Agriculture, etc., et al.**

Action for recovery of sums paid under law alleged to be unconstitutional. May 13, 1908, petition filed. June 13, 1908, motion to reform petition filed. Pending.

**No. 54993.**

**State of Ohio v. Nelson A. Jenkins et al.**

Action on bond. May 14, 1908, petition filed. Pending.

**No. 55001.**

**The Smith Agricultural Chemical Company v. Ohio State Board of Agriculture, etc., et al.**

Action for damages on account of alleged libel and for injunction. May 18, 1908, petition filed. June 13, 1908, motion filed. Pending.

**No. 55002.**

**The Smith Agricultural Chemical Company v. Thomas L. Calvert as Secretary, etc., et al.**

Injunction. May 15, 1908, petition filed. July 14, 1908, temporary injunction issued. See circuit court list.

**No. 55045.**

**The Southeastern Ohio Railway, Light & Power Company v. Railroad Commission of Ohio.**

Appeal under railroad commission act. May 20, 1908, petition filed. June 26, 1908, finding and decree in favor of defendant. See circuit court list.

**No. 55079.**

**State of Ohio v. The Mutual Life Insurance Company of New York.**

Action for taxes under insurance law. May 28, 1908, petition filed and pro forma judgment for plaintiff taken. See circuit and supreme court lists.



No. 55166.

**The Hocking Valley Railway Company v. Railroad Commission of Ohio.**

Appeal under railroad commission act. June 12, 1908, petition filed. July 14, 1908, finding and decree for defendant. See circuit court list.

No. 55244.

**The Lincoln National Life Insurance Company v. Charles C. Lemert, Superintendent, etc.**

Injunction. June 26, 1908, petition filed. July 25, 1908, demurrer filed. Pending.

No. 55420.

**Charles C. Lemert, Superintendent, etc., v. The Interstate Life Assurance Company of Cincinnati, etc., et al.**

Action to determine application of securities deposited under insurance law. July 28, 1908, petition filed. October 3, 1908, master commissioner appointed. Pending.

No. 55525.

**The Smith Agricultural Chemical Company v. Thomas L. Calvert et al.**

Injunction. August 26, 1908, petition filed. September 24, 1908, demurrer filed. Pending.

No. 55684.

**William S. McKinnon, Treasurer, etc., v. The Cleveland Trust Company, et al.**

Action to determine interest in securities deposited under safe deposit and trust company law. September 18, 1908, petition filed. Pending.

No. 56006.

**In the Matter of the Application of Van Wagoner for a Writ of Habeas Corpus.**

November 13, 1908, application filed. November 30, 1908, dismissed.

No. 56014.

**Anton J. Adams v. George H. Matson.**

Action for malicious prosecution. November 13, 1908, petition filed. December 7, 1908, motion filed. Pending.

No. 56035.

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

Appeal under railroad commission act. November 17, 1908, petition filed. December 16, 1908, cause remanded to railroad commission. December 27, 1908, order of railroad commission rescinded.

No. 56036.

**The Black Diamond Coal & Coke Company v. Railroad Commission of Ohio et al.**

Appeal under railroad commission act. November 18, 1908, petition filed. December 11, 1908, answer and cross-petition filed. Pending.

No. 56154.

**The Marietta, Columbus & Cleveland Railway Company v. Railroad Commission of Ohio.**

Appeal under railroad commission act. December 12, 1908, petition filed. December 23, 1908, answer filed. Pending.

*Hamilton County.*

No. 116644.

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

Action respecting title to canal land. Pending.

No. 121479.

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

Error to justice of the peace in conviction under pure food law. Pending.

No. 121705.

**Brockner v. State of Ohio.**

Error to justice of the peace in conviction under pure food law. Pending.

No. 128698.

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

Action for recovery of Willis tax. Pending.

No. 130186.

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

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 131660.

**The Cincinnati Trust Company v. The Miami & Erie Canal Transportation Company.**

Motion for allowance of Willis tax filed. Pending.

See supreme court list for contempt proceedings growing out of this case.

No. 131787.

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

Action for penalty for failure to file report with auditor of state.  
Pending.

No. 133348.

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

Action for penalty for failure to file report with auditor of state.  
Pending.

No. 134803.

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

Action under section 148c R. S. Issues made up and depositions being taken. Pending.

No. 137470.

**The Cincinnati Gunning Company v. Charles C. Cooper et al.**

Injunction to restrain superintendent of canals from tearing down sign boards. Pending.

No. 137913.

**State of Ohio v. The H. W. Weiler Company.**

Action under section 148c R. S. Judgment for state.

No. 138107.

**Sickles v. State of Ohio.**

Error to justice of the peace in conviction under pharmacy law.  
Pending.

No. 138108.

**James R. Andrews v. State of Ohio.**

Error to justice of the peace in conviction under pharmacy law.  
Pending.

No. 138109.

**Frank J. Minsterketter v. State of Ohio.**

Error to justice of the peace in conviction under pharmacy law.  
Pending.

No. 138146.

**Vincent Rhein v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 138537.

**State of Ohio v. Gunther Brothers.**

Action under section 148c R. S. Judgment for state.

No. 138625.

**Alois Reedy v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 138626.

**Frank Brandstetter v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 138627.

**Christina Drach v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 138628.

**Flora Moeller v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 138629.

**Frank Dorger v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 138630.

**Charles Glaser v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 138631.

**John Reuss v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 138632.

**Joseph Rotert v. State of Ohio.**

Error to justice of the peace in conviction under pure food law.  
Pending.

No. 138810.

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

Action for penalty under safety appliance law. October, 1908,  
attorney general's participation requested by railroad commission.  
Pending.

No. 138811.

**State of Ohio v. The Cleveland, Cincinnati, Chicago & St. Louis Rail-  
way Company.**

Action for penalty under safety appliance law. October, 1908,  
attorney general's participation requested by railroad commission.  
Pending.

No. 138812.

**State of Ohio v. The Baltimore & Ohio Southwestern Railway  
Company.**

Action for penalty under safety appliance law. October, 1908,  
attorney general's participation requested by railroad commission.  
Pending.

No. 139000.

**Harry Appel v. State of Ohio.**

Error to justice of the peace in conviction under fish and game  
law. Pending.

No. 139159.

**State of Ohio v. The Little Miami Railroad Company.**

Action for recovery of Willis tax. February 15, 1908, petition  
filed. Pending.

No. 139160.

**State of Ohio v. Cincinnati Street Railway Company.**

Action for recovery of Willis tax. February 15, 1908, petition  
filed. Pending.

No. 140258.

**State of Ohio v. The Sayers Life Insurance Agency Company.**  
Action for recovery of Willis tax. Pending.

No. 140259.

**State of Ohio v. The Early Mercantile Agency Company.**  
Action for recovery of Willis tax. Pending.

No. 140260.

**State of Ohio v. The Wagner Refining Company.**  
Action for recovery of Willis tax. Pending.

*Henry County.*

No. 5974.

**State of Ohio v. The Detroit, Toledo & Ironton Railway Company.**  
Action for penalty under safety appliance law. October, 1908,  
attorney general's participation requested by railroad commission.  
Pending.

*Huron County.*

No. 7040.

**State of Ohio v. The Baltimore & Ohio Railroad Company.**  
Action for penalty under safety appliance law. October, 1908,  
attorney general's participation requested by railroad commission.  
December 28, 1908, agreed partial statement of facts filed. Pending.

No. 7153.

**The Northern Ohio Railway Company v. Railroad Commission of Ohio.**

Injunction. February 28, 1908, petition filed. Motion to quash  
service of summons sustained. See circuit court list.

*Jackson County.*

No. 6744.

**State of Ohio v. The Detroit, Toledo & Ironton Railway Company.**  
Action for penalty under safety appliance law. September, 1908,  
judgment on demurrer for plaintiff. See circuit court list.

*Lawrence County.*

No. 9752.

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

Action for penalty under safety appliance law. November, 1907, petition filed. December 10, 1908, agreed statement of facts filed. Case submitted. Pending.

*Licking County.*

Nos. 14230.

14231.

**State of Ohio v. The Baltimore & Ohio Railway Company.**

Actions for penalties under safety appliance law. October, 1908, attorney general's participation requested by railroad commission. Pending.

**(Probate Court.)**

No. 921.

**State of Ohio v. A. A. Taylor.**

Criminal prosecution for violation of medical practice act. Verdict of guilty.

*Logan County.*

No. 10193.

**George Newland v. State of Ohio.**

Error to justice of the peace in conviction under fish and game law. May 4, 1908, judgment affirmed.

*Lorain County.*

No. 9142.

**State of Ohio v. The Baltimore & Ohio Railway Company.**

Action for penalty under safety appliance law. April 30, 1908, brief of attorney general filed. Pending.

*Lucas County.*

No. 56677.

**State of Ohio v. The Lake Shore & Michigan Southern Railway Company.**

Action for penalty under safety appliance law. October, 1908, attorney general's participation requested by railroad commission. Pending.

No. 56728.

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

Action for penalty under safety appliance law. October, 1908, attorney general's participation requested by railroad commission. Pending.

No. 56729.

**State of Ohio v. The Toledo, St. Louis & Western Railroad Company.**

Action for penalty under safety appliance law. October, 1908, attorney general's participation requested by railroad commission. Pending.

No. 56730.

**State of Ohio v. The Toledo, Walhonding Valley & Ohio Railway Company.**

Action for penalty under safety appliance law. October, 1908, attorney general's participation requested by railroad commission. Pending.

No. 56731.

**State of Ohio v. The Wheeling & Lake Erie Railroad Company.**

Action for penalty under safety appliance law. October, 1908, attorney general's participation requested by railroad commission. Pending.

No. 56732.

**State of Ohio v. The Ann Arbor Railroad Company.**

Action for penalty under safety appliance law. October, 1908, attorney general's participation requested by railroad commission. Pending.

*Marion County.*

No. 11430.

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

Action in which attorney general appears on behalf of auditor of state. Pending.

*Monroe County.*

No. 7049.

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

Action for penalty under safety appliance law. October, 1908, attorney general's participation requested by railroad commission. Pending.



*Montgomery County.*

No. 24990.

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

Appeal from judgment of justice of the peace. Pending.

No. 27097.

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

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

No. 27122.

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

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

No. 27124.

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

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

No. 27131.

**William B. Earnshaw v. Alfred P. Sandles et al.**

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

No. 27140.

**Oliver P. Sifrit v. Alfred P. Sandles et al.**

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

No. 27144.

**Edward W. Hanley v. Alfred P. Sandles et al.**

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

No. 27161.

**Harry Gross v. Alfred P. Sandles et al.**

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

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

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

Nos. 28303.

28304.

28305.

28308.

**State of Ohio v. Judson Harmon, as Receiver, etc.**

Action for penalty under safety appliance law. October, 1908, attorney general's participation requested by railroad commission. Pending.

**No. 29562.****State of Ohio v. The Dayton, Covington & Piqua Traction Company.**

Action for damages for breach of contract. July 27, 1908, petition filed. Pending.

*Muskingum County.*

Nos. 14227.

14228.

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

Action for penalty under safety appliance law. October, 1908, attorney general's participation requested by railroad commission. Pending.

*Noble County.*

**No. 4353.**

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

Action for penalty under safety appliance law. October, 1908, attorney general's participation requested by railroad commission. Pending.

*Perry County.*

**No. 4517.**

**Theodore C. Hamilton v. Harvey Walker.**

Action respecting title to canal lands. This action is one of a large number pending in this jurisdiction in which the state has been given leave to file its answer and cross petition. Pending.

*Richland County.*

(Probate Court.)

No. 1817.

**Board of Managers of the Ohio State Reformatory v. Cornelius W. Linn et al.**

Condemnation of real estate. July 23, 1908, petition filed. August 27, 1908, trial and verdict.

*Scioto County.*

No. 11691.

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

Action for penalty under safety appliance law. October, 1908, attorney general's participation requested by railroad commission. December 30, 1908, judgment for plaintiff.

*Stark County.*

Nos. 18757.

18759.

**State of Ohio v. The Wheeling & Lake Erie Railroad Company.**

Actions for penalty under safety appliance law. October, 1908, attorney general's participation requested by railroad commission. Pending.

(Probate Court.)

No. 708.

**State of Ohio v. Hezra H. Leslie.**

Criminal prosecution for violation of medical practice act. Verdict of not guilty.

*Summit County.*

No. 14927.

**The Board of Education of the City of Akron v. William T. Sawyer, Mayor, etc.**

Injunction to prevent enforcement of orders of chief inspector of workshops and factories. August, 1908, petition filed. September 26, 1908, demurrer to petition overruled.

*Wood County.*

**No. 15411.**

**State of Ohio v. The Baltimore & Ohio Railway Company.**

Action for penalty under safety appliance law. October, 1908, attorney general's participation requested by railroad commission. Pending.

**Cases Pending and Disposed of in the Courts of the United States from  
January 1, 1908, to January 1, 1909.**

*Circuit Court, Southern District of Ohio, Eastern Division.*

**No. 1437.**

**The Pennsylvania Company v. The Marietta, Columbus & Cleveland  
Railway Company et al.**

August 15 1908, intervening petition on behalf of railroad commission of Ohio filed. Pending.

*Circuit Court, Southern District of Ohio, Western Division.*

**No. 5992.**

**Quackenbush v. Elwood et al.**

Petition in intervention for allowance of Willis tax filed.

**No. 6237.**

**Bird v. The Peoples Gas & Electric Company.**

Petition in intervention for allowance of Willis tax filed.

**No. 6356.**

**The Worcester Trust Company v. The Dayton & Xenia Transit Company.**

September 3, 1908, intervening petition on behalf of railroad commission of Ohio filed.

*Circuit Court, Eastern District of Virginia.*

**No. 411.**

**John Monk v. Jamestown Exposition Company et al.**

**The Con. P. Curran Printing Company v. The Jamestown Exposition  
Company et al.**

Consolidated cases. April 25, 1908, petition in intervention filed on behalf of Ohio commission. Decree granting state of Ohio unnumbered title.

**Criminal Proceedings Were Instituted Under the Direction of the Attorney General as follows:**

For violation of pure food laws.....	86
For violation of employment agency laws.....	2
For violation of medical registration laws.....	8
For violation of pharmacy laws.....	34
For violation of dental laws.....	6
For violation of stationary engineer laws.....	9
For violation of child labor laws.....	30
For violation of fish and game laws.....	115
For violation of workshop and factory inspection laws..	5

## III.

## DETAILED REPORT OF THE ATTORNEY GENERAL.

**Money Collected and Covered into the State Treasury by the Attorney General  
from January 1, 1908, to January 1, 1909.**

Date 1908.	From Whom Received.	Amount collected.	Amount covered into State Treas.
Jan. 7	The Columbus Bolt Works . . . . .	\$6,343 97	\$6,343 97
8	The E. B. Lanman Company . . . . .	2,437 17	2,437 17
13	The Baldwin Forging & Tool Company . . . . .	2,347 80	2,347 80
14	The Baldwin Forging & Tool Co., Interest . . . . .	21 52	21 52
17	The E. B. Lanman Company . . . . .	2,619 17	2,619 17
31	The P. Hayden Saddlery Hardware Company . . . . .	3,714 40	3,714 40
Feb. 4	The Columbus Bolt Works . . . . .	6,730 45	6,730 45
7	The Geo. B. Sprague Cigar Company . . . . .	1,919 65	1,919 65
10	The P. Hayden Saddlery Hardware Co., Int . . . . .	27 86	27 86
17	The E. B. Lanman Company . . . . .	2,436 85	2,436 85
17	The Columbus Hollow Ware Company . . . . .	2,454 07	2,454 07
29	The P. Hayden Saddlery Hardware Company . . . . .	3,939 62	3,939 62
Mar. 3	The Columbus Bolt Works . . . . .	6,345 92	6,345 92
3	The Baldwin Forging & Tool Company . . . . .	2,439 38	2,439 38
12	The Geo. B. Sprague Cigar Company . . . . .	1,886 25	1,886 25
17	The E. B. Lanman Company . . . . .	2,393 95	2,393 95
20	The P. Hayden Saddlery Hardware Co. . . . .	3,704 50	3,704 50
26	The P. Hayden Saddlery Hardware Co. . . . .	3,738 87	3,738 87
April 1	The Columbus Bolt Works . . . . .	6,362 50	6,362 50
3	The Columbus Hollow Ware Company . . . . .	2,681 65	2,681 65
4	The Lattimer Williams Co. . . . .	1,170 96	1,170 96
7	The Geo. B. Sprague Cigar Company . . . . .	2,269 82	2,269 82
13	The Baldwin Forging & Tool Co. . . . .	2,200 22	2,200 22
14	The Baldwin Forging & Tool Co. . . . .	2,157 45	2,157 45
14	The Baldwin Forging & Tool Co., Int . . . . .	35 18	35 18
16	The Columbus Bolt Works . . . . .	6,871 50	6,871 50
16	The E. B. Lanman Company . . . . .	2,620 47	2,620 47
20	The P. Hayden Saddlery Hardware Co. . . . .	4,106 92	4,106 92
May 1	The Columbus Hollow Ware Company . . . . .	2,491 72	2,491 72
7	The Baldwin Forging & Tool Co. . . . .	2,109 00	2,109 00
11	The Geo. B. Sprague Cigar Co. . . . .	2,352 50	2,352 50
14	The Baldwin Forging & Tool Co. . . . .	2,169 97	2,169 97
16	The Columbus Bolt Works . . . . .	6,362 50	6,362 50
16	The E. B. Lanman Company . . . . .	2,405 00	2,405 00
18	The P. Hayden Saddlery Hardware Company . . . . .	3,889 50	3,889 50
June 1	The Baldwin Forging & Tool Co. . . . .	2,576 44	2,576 44
1	The Columbus Hollow Ware Company . . . . .	2,608 97	2,608 97
9	The Geo. B. Sprague Cigar Company . . . . .	2,450 10	2,450 10
16	The Columbus Bolt Works . . . . .	6,617 00	6,617 00
17	The P. Hayden Saddlery Hardware Company . . . . .	4,079 17	4,079 17
17	The E. B. Lanman Company . . . . .	2,513 27	2,513 27
20	The Baldwin Forging & Tool Co. . . . .	2,345 75	2,345 75
July 1	The Columbus Hollow Ware Company . . . . .	2,621 05	2,621 05
3	The Geo. B. Sprague Cigar Company . . . . .	2,734 00	2,734 00
15	The P. Hayden Saddlery Hardware Company . . . . .	4,006 77	4,006 77
17	The Columbus Bolt Works . . . . .	6,617 00	6,617 00
20	The E. B. Lanman Company . . . . .	2,485 22	2,485 22
Aug. 1	The Columbus Hollow Ware Company . . . . .	2,503 87	2,503 87
11	The Geo. B. Sprague Cigar Company . . . . .	2,690 90	2,690 90
14	The Baldwin Forging & Tool Co. . . . .	2,442 75	2,442 75

**Money Collected and Covered into the State Treasury by the Attorney General  
from January 1, 1908 to January 1, 1909—Concluded.**

Date 1908.	From Whom Received.	Amount collected.	Amount covered into State Treas.
Aug 17	The Columbus Bolt Works.....	\$6,617 00	\$6,617 00
17	The P. Hayden Saddlery Company.....	4,002 27	4,002 27
25	The E. B. Lanman Company.....	2,516 00	2,516 00
Sept. 1	The Columbus Hollow Ware Company.....	2,556 35	2,556 35
5	The Geo. B. Sprague Cigar Company.....	2,738 86	2,738 86
12	The Baldwin Forging & Tool Co.....	4,875 90	4,875 90
15	The Baldwin Forging & Tool Co.....	2,449 87	2,449 87
15	The Columbus Bolt Works.....	6,617 00	6,617 00
15	The E. B. Lanman Company.....	2,491 27	2,491 27
16	The P. Hayden Saddlery Hardware Co.....	4,032 07	4,032 07
Oct. 1	The Columbus Hollow Ware Company.....	2,595 37	2,595 37
12	The Geo. B. Sprague Cigar Company.....	2,768 50	2,768 50
15	The E. B. Lanman Company.....	2,469 77	2,469 77
16	The Columbus Bolt Works.....	6,617 57	6,617 57
19	The Baldwin Forging & Tool Company.....	2,438 20	2,438 20
20	The P. Hayden Saddlery Hardware Co.....	4,039 70	4,039 70
Nov. 7	The Columbus Hollow Ware Company.....	2,042 50	2,042 50
12	The Geo. B. Sprague Cigar Company.....	2,711 71	2,711 71
13	The E. B. Lanman Company.....	2,494 90	2,494 90
13	The Baldwin Forging & Tool Co.....	2,361 40	2,361 40
13	The P. Hayden Saddlery Hardware Co.....	3,993 80	3,993 80
Dec. 14	The Columbus Bolt Works.....	6,617 00	6,617 00
21	The Lattimer Stove Company.....	1,212 15	1,212 15
3	The Columbus Hollow Ware Company.....	2,428 52	2,428 52
8	The Geo. B. Sprague Cigar Company.....	2,681 37	2,681 37
10	The Lattimer Stove Company.....	1,293 41	1,293 41
15	The P. Hayden Saddlery Hardware Co.....	3,813 69	3,813 69
15	The E. B. Lanman Company.....	2,435 85	2,435 85
16	The Columbus Bolt Works.....	6,601 28	6,601 28
18	The Baldwin Forging & Tool Company.....	2,386 05	2,386 05
	Total.....	\$260,349 85	\$260,349 85

**RECAPITULATION.**

The Baldwin Forging & Tool Company.....	\$35,356 88
The Columbus Bolt Works.....	85,320 69
The Columbus Hollow Ware Company.....	24,984 07
The E. B. Lanman Company.....	32,718 89
The Geo. B. Sprague Cigar Company.....	27,203 66
The Lattimer Stove Company.....	3,676 52
The P. Hayden Saddlery Hardware Company.....	51,089 14
Total.....	\$260,349 85



**Money Collected and Paid to Various State Departments and Institutions by the  
Attorney General from December 31, 1907, to January 1, 1909.**

Date 1908.		Amount collected.	Amount paid over.
	700 Domestic corporations delinquent under Willis law .....	\$25,733 49	
	To Secretary of State .....		\$25,733 49
	81 Foreign corporations delinquent under Willis law .....	46,760 00	
	To Secretary of State .....		46,760 00
	Penalties paid by same .....	4,816 64	
	To Secretary of State .....		4,816 64
Jan. 13	New Jersey Fire Insurance Company .....	325 13	
	To Superintendent of Insurance .....		325 13
Jan. 30	New Jersey Fire Insurance Company .....	5 00	
	To Superintendent of Insurance .....		5 00
June 22	State Bank of Chicago, Receiver, Traders' Insur- ance Company .....	272 43	
	To Superintendent of Insurance .....		272 43
July 15	North German Fire Insurance Company of N. Y. To Superintendent of Insurance .....	282 46	
			282 46
Dec. 5	North German Fire Insurance Co. of N. Y. .... To Superintendent of Insurance .....	26 96	
			26 96
Dec. 8	William S. Bryan, Jr., on account Security Fire Insurance Company .....	68 86	
	To Superintendent of Insurance .....		68 86
Dec. 8	William S. Bryan, Jr., on account Security Fire Insurance Company .....	375 10	
	To Superintendent of Insurance .....		375 10
Dec. 29	William S. Bryan, Jr., in full Security Fire Insur- ance Company .....	49 32	
	To Superintendent of Insurance .....		49 32
	Total .....	\$78,715 39	\$78,715 39
	Total collections .....		\$339,065 24

**DISBURSEMENTS OF THE ATTORNEY GENERAL.**

Special counsel .....	\$29,438 11
Books and furniture .....	376 68
Stenographic work .....	1,237 57
Costs in cases brought by State .....	2,929 12
Contingent expense .....	2,762 64
All salaries fixed by law .....	16,343 69
<b>Total .....</b>	<b>\$53,087 81</b>