AMERICAN LANCASTER GAZETTE.

"WHEN THE PRESS COMPROMISES TRUTH, IT CEASES TO BE THE GUARDIAN OF LIBERTY."

NEW SERIES---VOL. 7, NO. 6. LANCASTER, OHIO, THURSDAY MORNING, JUNE 9, 1859. ESTABLISHED IN 1826.

LAWS OF OHIO.

Published by Authority.

[No. 207.] AN ACT

Making Appropriations for the Year Eighteen Hundred and Fifty-nine.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums, in addition to former appropriations, be and the same hereby are appropriated out of any money in the State Treasury for general revenue purposes, to be paid according to law, for the year eighteen hundred fifty-nine; (1859):

EXPENSES OF THE STATE GOVERNMENT.

For the payment of the salaries of the governor, auditor, treasurer, comptroller of the treasury, secretary of state, attorney general, state commissioner of common schools, commissioner of statistics, secretary to the governor, and librarian, eight thousand eight hundred and seventy-five dollars.

For the payment of the lieutenant governor as president of the senate, members of the general assembly, their clerks, assistant clerks, sergeants-at-arms, their assistants, and messenger boys, twenty-five thousand dollars.

For the payment of the salaries of the judges of the supreme court, of the court of common pleas, and judges of the superior courts fifty-six thousand and fifty dollars.

For the contingent fund of the auditor of state, eight hundred dollars.

For the contingent fund of the treasurer of state, one thousand dollars.

For the contingent fund of the comptroller of the treasury, to reimburse the auditor of state, and for the year 1859, twelve hundred and fifty dollars.

For postage for the office of the comptroller of the treasury, one hundred dollars.

For contingent fund of the state librarian, five hundred dollars.

For the contingent fund of the commissioner of statistics, one hundred dollars.

For contingent fund of the state commissioner of common schools, six hundred dollars.

For the payment of the salary of the clerk to the commissioners of common schools, eight hundred dollars.

For the support of the common schools, to be distributed agreeably to the provisions of the several laws now existing on the subject, a sum not exceeding the amount received from all sources for that purpose.

For the furnishing of school libraries and apparatus, agreeably to the laws on the subject, a sum not exceeding the amount of tax collected for that purpose.

For the payment of salary of chief clerk in the Auditor of State's office, nine hundred dollars.

For payment of salary of insurance clerk in same office, seven hundred and fifty dollars.

For payment of salary of clerk of the land department in same office, seven hundred and fifty dollars.

For payment of salary of general revenue clerk in same office, six hundred dollars.

For payment of salary of sinking fund clerk in same office, six hundred dollars.

For payment of salary of clerk of the public works department of same office, six hundred dollars.

For payment of the salary of the clerk acting as register in the bank department, seven hundred and fifty dollars.

For the payment of the salary of one corresponding clerk, nine hundred dollars; Provided, that no money shall be drawn from the contingent fund of the Auditor of State's office for the payment of clerks in that department, and provided further that the salaries of said clerks shall be paid so far as the same may be applicable and [our] of unexpended balance of former appropriations for the payment of clerks in the Auditor's office.

For the payment of clerks in the office of treasurer of state, two thousand three hundred dollars.

For the payment of clerks in the office of the comptroller of the treasury, one thousand eight hundred dollars.

For the payment of clerks in the office of the secretary of state, fifteen hundred dollars.

For the payment of the Ohio State Journal and the Ohio Statesman for publishing the daily proceeding of the legislature, four hundred and sixty dollars each.

For the payment of the salary of the adjutant general, three hundred dollars.

For contingent expenses of the adjutant general, two hundred dollars.

For clerk hire in the office of the adjutant general, four hundred dollars.

For rent of arsenal, care, collection, transportation and repair of arms, two thousand dollars.

For salary of the quarter master general for the year 1859, four hundred dollars.

For contingent expenses of the quarter master general, three hundred dollars.

For expenses of cleaning and repairing arms, accoutrements, camp equipage and other similar articles in pursuance of section 45 of the act to organize and discipline the militia, passed March 28, 1857, five hundred dollars.

For the payment of a clerk in the office of the attorney general, six hundred dollars

For payment of the expenses of the attorney general in attending to the case of Ellis Plum against the treasurer of Fairfield county, and others, two hundred dollars.

For the payment of the salary of the janitor of the state house, services, and contingent expenses, to be paid on the certificate of the secretary of state, one thousand dollars.

For the payment of the chief engineer of the heating apparatus, and other hands employed, and necessary expenses, to be paid on the certificate of the acting commissioner of the state house, fifteen hundred dollars.

For the purchase of books and magazines for the state library, and binding, six hundred dollars.

For stationary for the use of the state departments, including printing paper and other articles necessary for the use of the general assembly, supreme court, and state officers, thirty thousand dollars.

For the distribution of laws and journals, and legislative and executive documents, two thousand dollars.

For seals and presses to be furnished to counties, one hundred dollars.

For payment for printing for the state and executive department, and of the laws, journals, documents, reports, and other work ordered by the general assembly, done in accordance with the laws of the state, sixteen thousand dollars.

For payment for folding, stitching and binding for the state and executive departments, and of laws, journals, documents, reports, ordered by the general assembly, and other necessary work done in accordance with the laws of the State, thirteen thousand dollars.

For taking care of and putting in order legislative hall, to be expended under the direction of the janitor, two hundred dollars.

For the purchase of fuel for the departments of state, five thousand dollars.

For payment to the Columbus gas light and coke company, for gas to light the state house, two thousand dollars.

For compensation, including arrearages, to the messenger to the supreme court, at the rate of two dollars per day, to be paid on the certificate of the chief justice, eight hundred dollars.

For compensation to the crier of the supreme court, to be paid on the certificate of the chief justice, five hundred dollars.

For the payment of mileage of county treasurers in traveling to and from the seat of government in making their semi-annual settlements with the auditor of state, for the years 1858 and 1859, eighteen hundred dollars.

For the continuation of the work on the Artesian Well, to be expended as hereinafore provided, two thousand dollars.

For the purchase of the "Ohio State Reports," five hundred and sixty dollars.

For the purchase of books for the law library, to be expended under the direction of the Supreme Court, one thousand dollars, to be paid on the certificate of the Chief Justice.

For payment of costs for sustaining United States prisoners, under the act passed December 20, 1806, seven hundred dollars.

For payment of per diem and mileage of members of the state board of equalization, blank books for records of appraisers, and other necessary expenses, twelve thousand dollars.

For the state board of agriculture, being proceeds of show licenses and escheated lands, the sum of two thousand nine hundred and ninety-nine dollars and forty cents.

For furniture for the office of comptroller of the treasury, four hundred dollars.

For payment of Lewis Lille, for an iron safe and lock for the office of the commissioner of the sinking fund, six hundred and forty-six dollars ten cents.

For payment to Miles Greenwood, to be received by him in full for his claim against the State for heating apparatus, labor and material, for the central Ohio lunatic asylum, four hundred and four dollars three cents.

For payment of John E. Eberlin, for balance due him, for collecting and preserving, and storing public arms, fifty-eight dollars.

For payment of James J. Park, for labor, money and materials, by him furnished for the use of the State, in keeping in repair the "Western Reserve and Maumee road," from April 15, 1857, to May 1, 1858, to be received by him as payment in full of all claims against the state prior to said May 1, 1858, two thousand one hundred and fifteen dollars twenty three cents.

To pay the certificate of W. H. Gibson, late treasurer of state, in favor of S. Pin k, treasurer of Wood county, fifteen dollars ninety cents.

To pay the certificate of W. H. Gibson, late treasurer of state, in favor of D. Yarnell, Treasurer of Henry county, four hundred and fifty dollars.

To pay over draft of Wm. H. Gibson, late treasurer of state, on the Piqua Branch Bank, four hundred forty dollars eight cents.

To pay balance of interest due banks, on money advanced by them to the State, in the year 1857, five hundred dollars.

For the payment of the claim of Wm. Egry, for damages sustained by him in the erection of the Southern Ohio lunatic asylum, and the destruction by the sewerage thereof of a stream of water passing through his lands so far received by him in full for all claim for such damages, six hundred dollars.

For payment to John W. Rees, to be received by him as satisfaction in full of his claim against the state for a balance on account of contract for a portion of the state printing in the year 1854, eleven hundred forty-nine dollars and fifty cents.

For payment to John Green, to be received by him in full satisfaction of his claim for the plumbing of the northern Ohio lunatic asylum, twelve hundred and seventeen dollars and fifty-seven cents.

For payment to George Worthington & Co., to be received by them in full satisfaction of their claim against the state for the plumbing of the southern Ohio lunatic asylum, four hundred eighty four dollars four cents.

To pay John C. Miller his expenses, and for services as clerk of the house of representatives, prior to his resignation as such clerk, twenty-five dollars.

To Lewis Baker his expenses, and for services as clerk of the house of representatives, previous to his resignation as such clerk, twenty five dollars.

To pay William Russell West the balance due him as salary as architect of the state house, two hundred dollars; and his compensation and expenses in attending upon the commission of architects to examine the state house, fifty dollars.

For payment to O. B. Sayers, for charges paid for transportation, safe keeping and distribution of public arms, the hundred and eighty dollars and thirty-nine cents.

To Wm. Childs, for storage of public arms, certified by the quarter master general, one hundred dollars.

To J. Hedbeck Smith, clerk of the court of common pleas of Franklin county, the sum of two hundred and thirty-four dollars eighty-nine cents, for the payment of costs in the following cases, namely: H. McCullion vs the State, $13.23. The State vs. Miles Greenwood, $12.92. Same vs. Wallace Sawyer et al $14.48. Same vs. Bliss & Sullivant $17.27. Same vs. E. N. Sill, $21.47. Same vs. Spencer et al. $22.96. Same vs. Bates, Medary et al. $26.86. Same vs. Bates, Bidway et al $29.56. Same vs. Hall, Yontz et al. $26.46. Same vs. Daniel Bechel. $25.02. Same vs. Hall and Reed, $21.44.

To pay Charles Rule his claim against the State in consequence of the abrogation, by the state house commissioners, of alleged contracts dated June 9, 1854, and May 5, 1855, respectively, for furnishing marble tiling, baluisters and hand rails for the state house, to be received by said Rule in full of his claim against the State on account of the same, two thousand ten dollars sixty-nine cents.

To pay Thatcher Lewis his claim against the State, as adjusted, for services performed and work done in hauling fences and improvements of grounds at the Central Ohio lunatic Asylum, eight hundred dollars.

To pay Daniel B. Woodis in full of his claim for services and expenses as commissioner of the two new lunatic asylums, seventy-five dollars sixty cents.

To pay William Kennon, William B. Caldwell and Asa L. Medbury their expenses while at and traveling to and from the seat of government, as commissioners of appointment under the act of April 12, 1858, two hundred dollars.

To pay A. G. Thurman for professional services in the case of the State of Ohio vs. William Kennon and others, upon one warrants in the supreme court, one hundred dollars.

To pay Swayne and Baker for professional services in the case of the State of Ohio vs. William Kennon and others upon one warrants in the supreme court, one hundred dollars.

To pay R. B. Warden, for professional services in assisting the attorney general in the case of the State of Ohio vs. William Kennon and others, upon one warrants in the supreme court, one hundred dollars.

For payment of the expenses of senate committee in visiting the "House of Refuge," in Hamilton county, and the "Ohio State Reform Farm," in Fairfield county, in 1858 and 1859, fifty dollars.

For the payment of the per diem and expenses of the commission created by the act of April 12, 1858, to examine into the condition of the treasury, &c., three thousand dollars.

For the payment of the certificate of the late treasurer of state in favor of J. M. Russell, treasurer of Pandling county, dated May 28, 1857, one hundred ninety-eight dollars and ninety cents.

To pay the balance due the Ohio Life Insurance and Trust Company, (see report of Messrs. Edgerton, Morgan and Ramsin, page 197,) the sum of forty-four thousand dollars, and to pay any further sum that may be found due to said Trust Company on examination and adjustment of the sinking fund an additional sum not exceeding ten thousand dollars; provided that no payment shall be made of any sum to said Trust Company unless the commissioners of the sinking fund shall be satisfied that the same is justly due.

For the contingent expenses of the attorney general, five hundred dollars.

To pay the attorney general and the assistant counsel employed by him for defending suits, under the provisions of the act for the liquidation of certain claims against the state, passed April 17, 1857, twelve hundred dollars.

For payment to G. W. Hyel, for fitting keys, repairing of locks, chairs, desks and other furniture in senate chamber, fifteen dollars and three cents.

For the payment of Geo. W. Hyel, the amount of his bill for work done, repairing locks and chairs in legislative hall of the house, six dollars and ten cents.

For the payment of Brown & Brown, the amount of their bill for articles furnished legislative hall, eight dollars and twenty-five cents.

To pay W. A. Adams the balance due him on account of the monument of Simon Kenton, ten dollars and sixty-six cents.

To pay expenses of night-watch of the state house, to be appointed by the treasurer of state, five hundred and fifty dollars.

To pay for certificates of wolf scalps, three hundred dollars.

For payment of fire and burglar proof safe for the office of the attorney general, six hundred and fifty dollars.

To pay the expenses of the receiver in making a thorough search after the assets of the Seneca County Bank and such other inquiries as shall be proper to be made; the sum so advanced by the state to be returned into the treasury by the said receiver out of the first moneys realized from the assets of said bank, so with interest recovered, fifteen hundred dollars.

For the payment of the expenses of the committee of the House of Representatives in making the annual visits to the southern and northern Ohio Lunatic Asylums, payable upon the order of the chairman of the said committee, one hundred and five dollars.

For the payment of the expenses of the committee of the House of Representatives in making the annual visit to the State Reform Farm, in Fairfield county, thirty-five dollars.

For the payment of the expenses of the Senate committee on benevolent institutions in visiting the several benevolent institutions of the State, in the years 1858 and 1859, payable on the order of the chairman of said committee, seventy-two dollars.

For the payment of the expenses of the committee on claims of both houses of the General Assembly in visiting and inspecting the northern Ohio Lunatic Asylum buildings, payable on the order of the chairman of said committee, twenty-two dollars ninety cents.

For the payment of A. H. Newburg for services of the joint select committee of the General Assembly to examine the claim of Samuel Medary, for printing for the legislature of 1852 as certified by said committee, one hundred and sixty dollars.

For the payment of J. D. Osborne for carpet and other furniture for the office of the comptroller of the treasury, forty-one dollars twenty-four cents.

For carpet and other furniture for the office of the attorney general, ninety-eight dollars ninety-nine cents.

For green cloth and other materials to furnish the supreme court room, forty dollars thirty two cents.

For the payment to Solomon Buck for a clock for the senate chamber and repairing the same, five dollars.

For payment to Stoneking & and Brown for hat rack and book-case for the office of the commissioners of the sinking fund, twenty-one dollars.

For payment to Stone, Harris & Co. for materials for torch and making same for the state house, fourteen dollars twenty-five cents.

For payment to J. M. & W. Westwater, for chandelier for the office of the adjutant general, thirty-two dollars.

For payment of T. Brotherlin & Halm for furniture for the supreme court room, senate chamber, hall of the house, comptroller's and adjutant general's offices, two hundred and fifty-seven dollars fifty-six cents.

For the payment of the expenses of the joint select committee of both houses appointed to investigate the charity school of Kendall, nine dollars.

For payment to A. W. Dalton from January to April 4, 1859, twenty-five dollars.

For the payment of John H. Steinman of Auglaize county, ninety-seven dollars and seventy five cents, for the purchase money and interest of one-half of the fractional west half of N. E fractional quarter of section two, town eight, S. R. four east, sold by the state to him, and for which the state had no title.

For payment of special examiner appointed by the auditor and comptroller to examine and inspect the offices of canal collectors, receivers and other state officers, twelve hundred dollars.

For payment to Joseph W. Burke, for transportation of arms, under the provision of the 45th section of the act to organize and discipline the militia and volunteer militia, passed March 28, 1857, thirty-three dollars three cents.

For payment to Dr. H. A. Ackley in full, for his claim on the state for services and expenses as commissioner of the two new Lunatic Asylums, also for services and expenses when attending the year 1858, as a witness before a select investigating committee of the House of Representatives, and also for a balance due James C Pines for like services before said committee, and as clerk to the commissioner duly assigned to the said Ackley, four hundred twenty-seven dollars, ninety-three cents.

For payment to Gov Samuel Medary, his claim in full against the state, for printing performed by him in the year 1852, four thousand two hundred and thirty-two dollars and fifty-six cents.

For the payment of the expenses of the committee on common schools and school lands of the Senate, in going to Cincinnati to examine the claim of R. W. Derby & Co against the State of Ohio, six dollars.

For payment to Geo W. Hyel for fitting keys and locks to desks and other repairs for the House of Representatives, twenty-three dollars.

For payment to L. L. Rice, balance due him for recording 241 pages of field notes under the direction of the Secretary of State, two hundred five dollars ten cents.

For payment to E. S. Brooks for rent and storage of public arms, certified by the quarter master general, two hundred eighty-seven dollars fifty cents.

There is hereby appropriated out of any money in the treasury, received from the Cincinnati, Columbus and Wooster turnpike road company on account of the state interest in said road, or out of the first sufficient money that shall be received from such source or from the first sufficient money received from the sale of the stock now owned by the state in said road, the sum of thirteen hundred dollars.

To pay the claim of Samuel Perrin and such payment shall be deemed in full of all claims of the said Perrin for labor by him performed, and material furnished on said turnpike road, and an act entitled "an act for the relief of Samuel Perrin," passed April 12, 1858, is hereby repealed.

For payment to D. Richmond & Co. in full of their claim for a balance due them for the construction of the Southern Ohio Lunatic Asylum and all the buildings connected therewith, as far as all extra work connected with said Asylum, ten thousand, one hundred and twenty-five dollars.

To pay Felch & Riches for engraving by them performed by order of the acting commissioners of the Reform School, one hundred and fifty dollars.

For the payment of Richard Page, for services rendered in making the examination of certain terrace under resolution of this house, and making report of same, ninety dollars.

And for the payment of L. W. Jaeger for like services rendered under same resolution, forty dollars.

For the payment of J. H. Branch, Sergeant-at-arms, for two days extra services rendered in preparing the hall of the House for the session of 1858, eight dollars, and for the payment of F. Beck, assistant Sergeant-at-arms, for like services, eight dollars, and for the payment of Charles Snyder and Albert McCormick, messenger boys, for like services, three dollars each.

For repairing the State road near Logan, in Hocking county, as recommended by the board of public works, as per report to the Senate of March 30, 1859, the sum of $900.

For the engraving and illustrations of the agricultural reports of the year 1858, the sum of $500.

To John Gander for expenses incurred by him in perfecting his title to the S. W. qr. sec. 3, town 2, S. range 6, E. so far as the same relates to the grantor of the said John Gander, the title to which was defective, $89.40.

For the payment of the claim of John Gill for balance due him for work on the Northern Lunatic Asylum, six thousand nine hundred and forty-one dollars and eighty-three cents, to be paid as follows, as assigned by Jno. Gill viz: To Gaylord & Hammond, $500; to James F. Clark, $625; to Geo. Worthington, $1,600; to Mercian Vocre, $236; the said John Gill, $4,566.83.

BENEVOLENT INSTITUTIONS.

CENTRAL LUNATIC ASYLUM.

For the payment of the salaries of the superintendent assistant physician, steward and matron of the Central Ohio Lunatic Asylum, three thousand two hundred dollars.

For the salary of the moral instructor of said asylum, two hundred dollars.

For provisions and necessary current expenses and repairs of said asylum, twenty-five thousand dollars.—Provided that money shall not be drawn for the payment of a chaplain.

SOUTHERN LUNATIC ASYLUM.

For payment of the salaries of the superintendent, assistant physician, steward and matron of the Southern Ohio lunatic asylum, two thousand seven hundred dollars.

For the payment of moral instructor of said asylum, and library, two hundred dollars.

For provisions and necessary current expenses of said asylum, seventeen thousand three hundred dollars.

For repairs and work shop, two thousand dollars.

For abatement of nuisance caused by emptying from water closets and gas works of said institution, one thousand dollars.

NORTHERN LUNATIC ASYLUM.

For the payment of salaries of the superintendent, assistant physician, steward and matron of the northern Ohio lunatic asylum, two thousand seven hundred dollars.

For the payment of the moral instructor of said asylum, two hundred dollars.

For provision and necessary current expenses of said asylum, sixteen thousand three hundred dollars.

For the purchase money of two and two-thirds (2⅔) acres of land adjoining the grounds of the northern Ohio lunatic asylum, to be paid as soon as a good title is made to the state therefor, seven hundred dollars.

For securing windows and repairs, two thousand dollars.

For payment of expenses of trustees of benevolent institutions, three hundred dollars.

DEAF AND DUMB ASYLUM.

For the salaries of superintendent, steward, matron, physician and teachers of the Ohio institution for the education of the deaf and dumb, nine thousand dollars.

For provision and necessary current expenses and repairs of the said asylum, seven thousand seven hundred and fifty dollars.

For bedsteads, bedding and mattrasses, one thousand dollars.

BLIND ASYLUM.

For the payment of the salaries of the superintendent, steward, matron, physician and teachers of the Ohio institution for the education of the blind, six thousand dollars.

For provision and necessary current expenses and repairs of said asylum, seven thousand dollars.

ASYLUM FOR IDIOTS.

For the payment of salaries of the superintendent, other officers, and teachers of the Ohio state asylum for idiots, seventeen hundred dollars.

For provision and necessary current expenses of the said asylum, three thousand dollars.

Wages, rent, furniture and repairs, two thousand dollars.

STATE REFORM FARM.

For the payment of the salaries of the officers of the state reform farm, three thousand five hundred dollars.

For provisions, furniture, clothing, school books, for, and educating and training boys, eight thousand dollars.

For finishing three dwelling houses already erected, twelve hundred dollars; ($5,200.)

For fruit trees planted on said farm, one hundred dollars; ($100.)

For agricultural implements, three hundred dollars, ($300.)

For ox team and milch cows and other live stock, six hundred dollars, ($600.)

STATE HOUSE.

For finishing stairs in state house with marble hand railing, four thousand eight hundred dollars. ($4,800.)

For finishing interior of dome and rotunda, thirteen thousand dollars, ($13,000)

For trees shrubbery, ornamenting grounds, five hundred dollars, ($500)

For flagging main walks, one thousand dollars, ($1,000.)

For brick gutters, three hundred dollars, ($300).

For lightning rods, four hundred dollars, ($400.)

Provided, that no part of the money hereby appropriated for the purpose of carrying on work on the state house or state house grounds, shall be expended for any other purpose than that for which the same is especially appropriated, but may apply any unexpended balance which may remain of any specific appropriation after the completion of the work for which it has been appropriated to the completion of any unfinished work herein authorized to be done when the specific appropriation for such unfinished work shall prove insufficient to its completion; and provided further, that no money appropriated for the new state house shall be expended in the payment of the salary of any assistant architect or draftsman, which offices are hereby abolished.

OHIO PENITENTIARY.

For the payment of the salaries of the directors, warden, deputy warden, clerk, physician, moral instructor and assistant teachers of the Ohio penitentiary, four thousand five hundred and eight dollars, ($4,508.)

For the payment of guards and night-watch of the Ohio penitentiary, fifteen thousand six hundred and fifteen dollars, ($15,615.)

For the payment for provisions, clothing, repairs of all kinds, fuel, lights, hospital, and other necessary current expenses, for the Ohio penitentiary, forty-three thousand two hundred dollars, ($43,200.)

For the payment of costs of prosecution, conviction and transportation of convicts to the Ohio penitentiary, eighteen thousand seven hundred and fifty dollars, ($18,750).

For allowance to discharged convicts, to pay their expenses to their homes, nine hundred dollars, ($900.)

For the purchase of books by the directors and warden for the use of the convicts, five hundred dollars, ($500.)

SEC. 2. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 5, 1859.

No. 200. AN ACT

Making additional appropriations for the year 1859.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums, in addition to former appropriations, be and the same are hereby appropriated out of any money in the state treasury for general revenue purposes, to be paid on the warrant of the auditor of state, according to law, for the year one thousand eight hundred fifty-nine. For the payment of the lieutenant-governor, members of the general assembly, their clerks, assistant, sergeant-at-arms, their assistants and messenger boys, two thousand dollars. For the payment to the Ohio Statesman and State Journal, for printing reports of the proceedings of the general assembly, twenty dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 5, 1859.

No. 198. AN ACT

To amend section one of an act passed March 31, 1859, supplementary to an act entitled "An act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry, Licking, Belmont, Stark and Williams.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be so amended as to read as follows:—

Sec. 1. That the provisions of an act entitled "an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April 12, 1858, be and the same is hereby extended to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry, Belmont, Stark, Ottawa and Williams.

Sec. 2. That said section one of the act passed as aforesaid, on the 31st day of March, 1859, be and the same is hereby repealed.

WILLIAM B. WOODS,
Speaker of the House of Representatives,
MARTIN WELKER,
President of the Senate.

April 4, 1859.

[No. 193.] AN ACT

Supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That the municipal authorities of all incorporated villages and cities of the second class, shall have power to require each able bodied male person between the ages of twenty-one years and fifty-five years, resident within such village or city, and with in any contiguous territory that shall be attached thereto for the purposes of this act as hereinafter provided, to perform in each and every year, two days' labor upon the streets and alleys of such corporation, and upon public roads or highways or parts thereof that lie within the contiguous territory so to be attached as aforesaid, and which shall be in lieu of the two days labor required under the present laws regulating roads and highways, and upon refusal to perform such work, under proper supervisor, the delinquent shall be liable to the same penalties as are provided by law against persons refusing to perform the two days' labor required in said law, and the same shall be recovered in the name of the proper supervisor, before the mayor of such village or city. The said municipal authorities shall also have the exclusive right to form road districts within the corporate limits of such cities and villages, and contiguous territory so to be attached thereto as aforesaid, and to appoint suitable supervisors for the term of one year for such districts, who shall be governed in the performance of their duties by the by-laws and ordinances of said corporation, and all road tax charged upon the county duplicate on property within the limits of such corporation or territory so to be attached thereto as aforesaid, may be worked out at such rate per day as shall be authorized by law for working other road tax, under the direction of the proper supervisor, within the district where the same is assessed, or applied to such other district or public improvement as the municipal authorities may direct: Provided that no tax assessed upon property within the territory to be attached to any such corporation as aforesaid, shall be applied otherwise than within the territory in which the same is assessed, should any extra labor be performed in any one year, under the direction of such supervisor, he shall give his certificate of the amount to the person performing the same, which certificate shall be transferable and received in discharge of road tax in any succeeding year, to the extent of the amount of such certificate, and all taxes charged for road purposes, as aforesaid, on the property within the limits of such corporation or the territory, so to be attached thereto, as aforesaid, and collected by the county treasurer, shall be paid over to the corporation treasurer, to be specially appropriated by the municipal authorities to street and road purposes, or other public improvements within the corporate limits thereof.

SEC. 2. It shall be the duty of municipal authorities of said corporations, and the trustees of townships, respectively in which any such corporation shall be situated, as soon after the passage of this act as practicable, and when from the sparseness of population, the public interest shall require it, to attach any territory lying contiguous to such corporations thereto, for the purpose of this act.

SEC. 3. This act to be in force and take effect from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 5, 1859.

[No. 196] AN ACT

To Amend the 10th Section of an Act defining the Jurisdiction and regulating the Practice of Probate Courts, passed March 14, 1853; took effect July 1, 1853.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the tenth section of said act be so amended to read as follows; Sec. 10. The judges of said courts shall have the care and custody of all files and papers, books and records, belonging to the probate office, and are hereby authorized and empowered to perform the duties of clerks of their own courts. Every probate judge shall have power to appoint a deputy clerk or clerks, each of whom shall, previously to entering upon the duties if his appointment take an oath or affirmation, faithfully to perform all his duties as deputy clerk and when so qualified, said deputy may act in and perform any and all the duties appertaining to the office of clerk of said court; and every deputy clerk is hereby authorized to administer oaths in all cases in which it is necessary, in the discharge of his duties as such deputy clerk. Every probate judge may take such security from his deputy, as he may deem necessary to secure the faithful performance of the duties of his appointment: Provided, that no such clerk shall, while holding such office, practice said attorney in any of the courts of this state.

SEC. 2. That the said original tenth section be and the same is hereby repealed. This act to take effect from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 5, 1859.

No. 191. AN ACT

Providing for the Relief of the surviving Lessees of the National Road, and for future management of said Road.

WHEREAS, Samuel Doyle and Samuel Foster, who are now solely interested as lessees of the National Road, under the lease thereof made by the Board of Public Works, on the 28th day of May, 1834, for the period of ten years from and after the first day of June, 1834, to the said Doyle & Foster & Joseph Cooper, having their memorial petitioned to be discharged from their covenants in said lease contained, and to be allowed to surrender said road to the State on equitable terms; or that the General Assembly shall by enactment carry out the modification of said lease as made by the Board of Public Works, on the 13th day of February, A. D. 1856, and protect the interests of the lessees in the collection of tolls; and, Whereas, the relief asked for by said Doyle and Foster having been petitioned for by numerous citizens of the State, living near and interested in said road, it appears to the General Assembly just and proper that some relief should be granted to said lessees; therefore

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That on and after the first day of June, 1859, the Board of Public Works shall take charge of, control and keep in repair the national road, passing through the State of Ohio, and the lessees of said road are hereby released from all obligations in that behalf from and after the said first day of June, 1859; provided, that the care and control of the said road, as above directed, shall be taken by the board of public Works only upon condition that the said road be in like condition as when received by the said lessees, and on taking the care and control of said road as aforesaid, said board of public works shall forthwith select one person, the said lessees one, and they two a third, who shall proceed at once to examine, appraise; and report upon oath to the board of public Works, the value of metals provided by the lessees for repairs thereon said road in excess of the metal received by the said lessees when they took charge of the road under the lease, and in the settlement of the account between said lessees and the State, the board of public works shall allow to lessees the appraised value of said excess of metal, and shall further allow to them an amount equal to the tolls which they would have been entitled to receive on coaches and other vehicles carrying the mail on said road but for the exemption of such coaches and vehicles from the payment of tolls under the compact between the State of Ohio and the United States, said amount to be ascertained by the board of public works, and for any balance which shall be found due to said lessees, after deducting the amount due from them to the State under said contract or lease, the said board of public works shall draw their draft upon the auditor of state in favor of said lessees, and the same shall be paid on the warrant of said auditor, and of any money in the treasury for general revenue purposes, not otherwise appropriated.

SEC. 2. That on such settlement being made and the balance, if any, due the State from said lessees being paid, it shall be the duty of said board of public works to release the said lessees and their securities from all further obligation upon said lease, and upon the bond or bonds given by them to secure the performance of the same, and said lease and bond or bonds shall be cancelled, and said board of public works are hereby further authorized and required thereunto to lease all mortgages given by said lessees and their securities to secure the performance of said contract.

SEC. 3. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859

[No. 199.] AN ACT

To establish a Uniform Standard of Weights and Measures.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, Whenever the following articles are sold, and no special agreement as to measure is made by the contracting parties, the bushel shall consist of the following weights: Clover seed, 60 pounds; timothy seed, 45 pounds; hemp seed, 44 pounds; millet seed, 50 pounds; buckwheat, 50 pounds; beans 60 pounds; peas 60 pounds; bituny 60 pounds; irish potatoes 60 pounds; sweet potatoes 50 pounds; dried peaches 33 pounds; dried apples 25 pounds; wheat 60 pounds; shelled corn 56 pounds; corn in year 70 lbs; rye 56 pounds; flax seed 56 pounds; barley 48 pounds; oats 32 pounds; malt 34 pounds; Hungarian grass seed 50 pounds.

Sec. 2. The act providing for uniform standard of weight and measures, passed February 21, 1846, also the act establishing the weight of clover seed, passed February 25, 1848, are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 5, 1859

[No. 214.] AN ACT

To amend sections Seven, Eight, Nine and Ten of an act entitled an act to Relieve the District Court, and to give greater Efficiency to the Judicial System of the State, passed April 12, 1858.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of an [act] entitled an act to relieve the District Courts, and to give greater efficiency to the Judicial System of the State passed April 12th, 1858, be so amended as to read as follows: Section 7. That the Judges of the Court of Common Pleas in each and every Common Pleas District in this State are hereby authorized, and it shall be their duty, to fix permanently the times for holding the Courts of Common Pleas and District Courts in each and all or the counties of their respective districts, in the manner following: The said Judges, or a majority of them, in each common Pleas district, on or before the first day of November in every year, shall issue their written order to the Clerk of the Court of Common Pleas of each and every county in their said district, specifying precisely the commencement of the term of the District Court, and of the several terms of the Court of Common Pleas in said county: and in all the counties in said district, Provided, that not less than three terms of the Common Pleas Court shall be appointed for any county for which three terms are now by law provided.

Sec. 2. That section eight of the above recited law be so amended as to read as follows: Section 8. That immediately after the times of the terms of the Common Pleas and Districts Courts have been fixed as aforesaid, an accurate list of the same shall be furnished to the Secretary of State; and the Secretary of State shall forthwith thereafter cause copies of the list of the times of holding the Common Pleas and Districts Courts so fixed for each Judicial district to be made out and one copy thereof to be forwarded to each Judge of the Court of Common Pleas of the district.

Sec. 3. That section nine of said act be so amended as to read as follows: Section 9.—That the Judges of the Court of Common pleas, or a majority of them, in each common pleas district, on or before the second Monday in January of each year, shall issue their written order to the clerk of the court of common pleas, of each and every county in their said district, specifying precisely the commencement of the terms of this common pleas and district courts.

Sec. 4. That section ten of said act to be so amended as to read as follows: Section 10. Whenever said order so issued shall have been received by the clerk of the court of common pleas in any county, he shall immediately enter the same upon the journals of the court of common pleas and district courts in his said county in the same manner as other entries when required are made, upon said journals during vacations of said courts, and said entries shall be full and sufficient evidence as to the legal terms for holding said courts as therein ordered. The said clerk shall cause a copy of said order certified by him to be published for four consecutive weeks in one or more newspapers of general circulation in his said county. The first publication of the same shall be in the first week in the month next ensuing the date of said order.

Sec. 5. That on or before the first Monday of October of each year, the judge of the supreme court shall divide the state into five districts, and assign to each member of the court one of said districts, in which district so assigned, it shall be the duty of the judge to whom the same is assigned, to attend at the sessions of the district court therein.

Sec. 6. That the said original sections seven, eight, nine and ten of said act are hereby repealed, and this act shall take effect upon its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 6, 1859.

No. 215. AN ACT

Supplementary to "an act to provide for the creation and regulation of Incorporated Companies in the State of Ohio," passed May 1, 1852.

Sec. 1, *Be it enacted by the General Assembly of the State of Ohio* That whenever any number of persons, as required by the first section of the act to which this is supplementary, associating to form a company for the purpose of improving any stream of water, or any part thereof, heretofore declared navigable by any of the laws of the State of Ohio, they shall, under their hands and seals, make a certificate which they shall specify as follows: First. The name assumed by such company, and by which it shall be known.—Second. Commencement and termini of said improvement, and the counties through which the same shall pass. Third. The amount of capital stock necessary to make said improvement, not less than ten thousand dollars, and the amount of each share. Such certificate shall be acknowledged, certified and forwarded to the secretary of state, recorded and copied in the same manner as is provided in the second section of the act to which this is supplementary, and said certificate shall also be recorded in the recorder's office of the county in which such company shall have its principal office for doing business, and when so incorporated, are hereby authorized to make said improvement by the cleaning out of said stream or streams, erection of dams, locks, and all other things necessary for said improvement, as may be named in their certificate of incorporation, and by the name and style provided in said certificate shall be deemed a body corporate, with succession, and they and their associates to have the said general power, as is provided in the third section of the act to which this is supplementary.

Sec. 2. That the corporators named in said certificate shall open the books of the said company for subscription to the capital stock of said company, and so soon thereafter as fifty per cent. of the capital shall be subscribed (and) paid in money, they shall call a meeting of the persons who have subscribed stock as aforesaid, and shall then and there proceed to elect five directors, who shall be stockholders in the said company, who shall hold their office as such directors for one year from and after said election, and until their successors are elected and qualified, one of whom shall be president, and one treasurer and one secretary, to be named on the tickets when voted for by the stockholders as aforesaid. Each stockholder