Pomeroy Weekly Telegraph.

T. A. PLANTS, Editor. "Independent in All Things----Neutral in Nothing." T. A. PLANTS, A. E. McLAUGHLIN, Publishers.

VOLUME IV. POMEROY, MEIGS COUNTY, OHIO, FRIDAY, JULY 12, 1861. NUMBER 28

Business Cards.

N. SIMPSON. G. P. SIMPSON.
N. & G. P. SIMPSON,
Attorneys and Counselors at Law, Pomeroy, Ohio. Office, in Swallow's Building, one door below O. Branch & Co's. [4-23-1y]

T. A. PLANTS. L. PAINE.
PLANTS & PAINE,
Attorneys and Counselors at Law, Pomeroy, O. Office in Edward's Building.

T. W. HAMPTON,
Attorney and Counselor at Law, Kygerville, Gallia County, Ohio. Prompt attention given to the collection of claims. [4-12-1y]

S. A. BURNAP. P. B. STANBERY.
BURNAP & STANBERY,
Attorneys and Counselors at Law. Particular attention paid to the collection of claims. Office on Front street, at the head of Steamboat Landing, a few doors east of the Gibson House Pomeroy, O. 2-38-1y

S. S. KNOWLES. C. H. GROSVENOR.
KNOWLES & GROSVENOR,
Attorneys at Law, Athens, Athens County, O., will attend the several Courts of Meigs County, on the first day of each term. Office at the "Gibson House." 2-16-1y

MARTIN HAYS,
Attorney-at-Law, Harrisonville, Meigs Co., O., will promptly attend to all business that may be entrusted to his care, in the several State Courts of Ohio, and in the U. S. Court for the Northern and Southern Districts of Ohio. 3-3

W. R. GOLDEN. L. S. TOWNSEND.
GOLDEN & TOWNSEND.
Attorneys at Law. W. R. Golden's Office in Athens, O., and L. S. Townsend's in Pageville, Meigs Co., O. Prompt attention given to the collection of claims, and other business entrusted to them. 2-46-1y

E. HUTTON,
County Surveyor, and Attorney at Law. Office in the Court House, Pomeroy, Ohio. 4-3

H. G. DANIEL. WM. P. RATHBURN.
DANIEL & RATHBURN,
Bankers, corner Court and Second streets, Pomeroy, O. [4-4]

PETER LAMBRECHT,
Watchmaker & Dealer in Watches, Clocks, Jewelry and Fancy Articles, Court street, below the new Banking House, Pomeroy. Watches, Clocks and Jewelry carefully repaired on short notice. 1-1

W. A. AICHER,
Watchmaker and Jeweler, and wholesale and retail dealer in Watches, Clocks, Jewelry and Fancy Goods, Front street, below the "Remington House," Pomeroy. Particular attention paid to repairing all articles in my line. 1-1

T. WHITESIDE,
Manufacturer of Boots and Shoes, three doors above stone bridge. The best of work, for Ladies and Gentlemen, made to order.

McQUIGG & SMITH,
Leather Dealers and Finders, Court street, three doors below the Bank, and opposite Branch's Store, Pomeroy, O.

SUGAR RUN SALT COMPANY.
Salt twenty-five cents per bushel. Office near the Furnace. [1-1] C. GRANT, Agent.

POMEROY SALT COMPANY.
Salt twenty-five cents per bushel. 1-1

DABNEY SALT COMPANY,
Coalport. Salt twenty-five cents per bushel for country trade. G. W. COOPER, Sec'y.

ISAAC FALLER,
Clothier, Grocer and Dry Goods Dealer, first store above C. E. Donnally's, near the Rolling Mill, Pomeroy, O. Country Merchants are respectfully requested to call and examine my stock of Groceries, as I am confident that I cannot be undersold. 1-23

P. LYMAN,
Painter and Glazier, back room of P. Lambrecht's Jewelry Store, west side Court street, Pomeroy, O. 1-1

JOHN EISELSTIN,
Saddle, Harness and Trunk Manufacturer, Front street, three doors below Court, Pomeroy, will execute all work entrusted to his care with neatness and dispatch Saddles gotten up in the neatest style. 1-22

M. BLAETNER,
Carriage & Wagon Manufacturer, Front street, first corner below the Rolling Mill, Pomeroy, O. All articles in his line of business manufactured at reasonable rates, and they are especially recommended for durability. 2-5-1y

F. E. HUMPHREY,
Blacksmith, back of the Bank Building, Pomeroy, O. Farming Tools, Shovel Plows, Mattocks, Hoes, &c., on hand and made to order. Horse Shoeing and all kinds of Job Work done to order Jan. 3.—3-1

RICHD. STEWARD. JOHN P. GILLILAN.
STEWARD & GILLILAN.
This firm have located in the old stand of B. F. Stivers, on Front Street, a few doors below Nye's Saw-Mill. Horse-shoeing, Ironing Wagons and Buggies, and all kinds of jobbing work done in a satisfactory manner, at moderate rates. [3-31-1y.]

WM. RUST,
Tailor, Front street, a few doors west of Court, Pomeroy, O. Men and Boy's clothes made to order; also, cutting done. As I have a No. 1 sewing machine, my facilities for doing work are complete [3-20-1y]

FRANK COOPER,
Stone Mason & Bricklayer. Residence in John Lance's Building, near the Catholic Church. Dressed and Rubble stone work executed in the best manner: also, Bricklaying Cementing, &c., done at reasonable prices. Work warranted. [3-24-1y]

A. KOHL,
Dealer in and Manufacturer of Umbrellas. He holds himself in readiness to make Umbrellas to order, or repair old ones in the most substantial manner. He will also buy worn-out Umbrellas at liberal prices. Stop on Linn street, north of Smith's Shoe Store.
He would also inform the public that he prepares a SALVE, which he will warrant equal to any in use, for the cure of Felons, Catarrhs, Burns, Bruises, Sprains, Cuts, Salt Rheum, Ring Worm, Rheumatism, White Swellings, and many other diseases of the kind. Price. 25 cents per Box. Jan. 3, 1860.—3-1tf.

PIANOS! PIANOS!

I WILL furnish Pianos or Melodeons as low as persons can buy them in the cities. I will put up, tune, and keep in order all Pianos or Melodeons sold by me, and guarantee them for two years. Time given on good security. I deal in the following make of Pianos:
J. & C. FISHER, New York;
HALLETT & DAVIS, Boston;
HUNTMAN & HINE, Buff.;
BOARDMAN & GRAY, Alb.;
CHICKERING, Boston;
And GEO. A. PRINCE'S Melodeons.
Give me a call, or write to me before you buy.
All letters addressed to P. BRUKER, Pomeroy, O., will meet with prompt attention.
Oct. 19, 1860.—41-1y.

J. W. G. STACKPOLE,
POMEROY, O.,
MANUFACTURES to order, of the best material and workmanship,
Stationary Steam Engines,
Saw and Grist Mill Cranks, Spindles, Gudgeons, Shafting Pulleys, Spur & Bevel Wheels, &c., &c.
Also Iron and Brass Castings, Forgings for Coal and Salt Works, and Heavy Trip Hammer Forgings.
Plows, Plow Points, Wagon Boxes and Hollow ware constantly on hand.
Repairing for Steamboats and Mills done at short notice.
Oct. 12, 1860. 40-tf.

Pomeroy Weekly Telegraph.
PUBLISHED BY
T. A. PLANTS & CO.
Office in first story of "EDWARDS' BUILDING," next the "Sugar Run Stone Bridge" Pomeroy, Ohio.

All Business of the Firm Transacted by
A. E. McLAUGHLIN, Business Manager.
To whom all applications for Subscription, Advertising and Job Work should be made, at the office.

TERMS OF SUBSCRIPTION

In advance. : : : : : : :	$1.50
If paid within the year. : : : : :	2.00
If not paid within the year, : : : :	2.50

☞ No paper will be discontinued until all arrearages are paid, except at the option of the publishers.

RATES OF ADVERTISING:

TIME - - - - -	2w	6w	3m	6m	9m	1 yr
One square 20 ems.	1 00	1 75	3 00	5 00	7 00	8 00
Two squares, - -	2 00	2 25	5 00	8 00	11 00	14 00
One-fourth column	5 00	7 00	9 00	12 50	15 00	18 00
One-half column -	7 50	9 00	12 00	16 00	20 00	25 00
Three-fourths do.,	10 00	12 00	15 00	20 00	30 00	35 00
One column, - -	12 00	15 00	18 00	25 00	35 00	40 00

Legal advertisements charged at rates allowed by law, from which 15 per cent. will be deducted for advance payment.
Casual or transient advertisements must be paid for in advance.
Advertisements not having the number of insertions marked on copy, will be continued until forbid, and charged accordingly.

THE LAW OF NEWSPAPERS.

1. Subscribers who do not give express notice to the contrary, are considered as wishing to continue their subscriptions.
2. If subscribers order the discontinuance of their papers, the publishers can continue to send them until all arrearages are paid.
3. If subscribers neglect or refuse to take their papers from the office to which they are directed, they are held responsible till they settle their bill, and order the paper discontinued.
4. If any subscriber removes to another place without informing the publisher, and their paper is sent to the former direction, the subscriber is held responsible.
5. The courts have decided that refusing to take a newspaper from the office, or removing and leaving it uncalled for, is prima facie evidence of intentional fraud.

TELEGRAPH JOB OFFICE

In connection with our Newspaper Establishment, we have a complete Job Office. We are therefore prepared to execute

PLAIN AND ORNAMENTAL JOB WORK,

Such as Posters, Programmes, Bills of Lading, Bill Heads, Business and Visiting Cards, Blanks, &c. at

City Prices.

We call the special attention of this community to the above proposition, and desire an investigation of our work and prices.
T. A. PLANTS & Co.

MARBLE WORKS.

THE undersigned would respectfully announce that he has become the proprietor of the "Premium Marble Works," of Racine, and will continue the business under the supervision of Mr. J. L. Wallar, at Racine, with a branch at the house formerly occupied by Judge Irvin as a law office, at the west end of Sugar Run Bridge, in Pomeroy. By a prompt attention to business and the production of superior work, he intends to merit, and hopes to receive, a liberal patronage from the citizens of Meigs and adjoining counties. Call and examine his stock before purchasing elsewhere. J. V. SMITH.
Sept. 7, 1860.—35-tf

ALFRED NESMITH,
(Late of the Firm of Stevenson, Bowen & Nesmith,)
NOW WITH
M. WILLIAMSON, & CO.
Wholesale Dealers and Jobbers in
DRY GOODS,
425 Market & 414 Commerce Sts.
M. WILLIAMSON, O. H. WILSON, S. M. ANDERSON, H. C. POTTER, } Bet. 4th & 5th North side PHILADELPHIA.
March 1, '59.

PLANING MILL, NO. 1.
JOHN S. DAVIS,
OF the Sugar Run Planing Mill, has a large assortment of Lumber, either rough or planed, on hand, which will be sold as low as any other establishment can afford to. As he is a practical mechanic, he will guarantee that his work will be executed in a manner to suit purchasers, and prices shall correspond to the quality of the material.
All orders addressed to JOHN S. DAVIS, Box No. 75, P. O., Pomeroy, or Montgomery & Hoadley, Wharf-boat, Pomeroy, will be promptly attended to. [may 22, 1860.—3-20-y]

A. SEEBOHM,
DRUGGIST AND APOTHECARY,
DEALER IN OILS, PAINTS, BRUSHES, Varnishes, Dyestuffs, Perfumery, and Fancy Articles,
Front Street, Pomeroy, Ohio.
Prescriptions carefully put up. Jan. 9.—2-2.

The Cheapest Store in Town!
Corner Front and Sycamore Streets,
POMEROY, OHIO.
SIMON SILVERMAN,
Wholesale and retail Dealer in
READY-MADE CLOTHING,
HATS, CAPS & NOTIONS,
CLOTHING, DRY GOODS, AND GROCERIES,
Invites the public to his splendid stock, which he has recently received. It is unnecessary to particularize, but I will say that my stock is well selected and will be sold at prices unequalled. Jan. 24, 1860.—3-4-tf.

J. S. COPES. HARLOW J. PHELPS.
COPES & PHELPS,
COMMISSION MERCHANTS,
NO. 74 CAMP STREET,
New Orleans, La.
Particular attention given to the purchase of
Sugar, Molasses, Coffee, Rice,
&c., and to the sale of Western Produce.

REFER TO
Hon. V. B. HORTON, Pomeroy, O.
Messrs. DANIEL & RATHBURN, Bankers, Pomeroy, Ohio.
A. W. BUSKIRK, Esq., Portsmouth, O.
Messrs. GAYLORD, SON & Co., Cincinnati, O.
" MILLER, WINGATE & Co., Louisville, Ky. [July 17, 1860.—28-1y]

WM. H. & J. GRANT
HAVING formed a partnership under the above name, and having purchased the "Crystal Mill," in Middleport, design running it regularly from this time. We will pay the
Highest Market Price for Wheat,
and other Grains, and hope by strict attention to business to merit and receive a good patronage.
April 10, 1855.—tf WM. H. & J. GRANT.

Notice.
TO all persons whom it may concern:—The undersigned warn any person from buying a note of hand signed by Wendle Ioachim and J. Simpson, made payable to Albert McDaniel, calling for $357, dated in the month of November, 1860. Said note is a fraudulent note, and the undersigned persons will not pay the note, nor any part of it.
WENDLE IOACHIM.
Jan 4, '61—6m J. SIMPSON.

WOOL CARDING,
AT THE
RACINE WOOLEN FACTORY.
HAVING put in new machinery, we are prepared to do Wool Carding at 4 cents per pound.
All work warranted, where the wool is clean.
Wool or Lard taken in pay for work.
July 3, 1860.—26 tf THOS. EGAN.

Poetry.

SONG.

How sweet it is for us to know
That there are hearts that burn
With love for us where'er we go,
And sigh for our return.
Then, though the world is cold and drear,
And gives the bosom pain,
We've but to turn to scenes more dear,
And all is bright again.

But sad must be the home of those.
Condemned to live alone,
With none to cheer amid life's woes,
And none to call their own.
No season sweet of joy doth come,
To shed its fragrance there,
No sunshine to disperse the gloom
That broods a dark despair.

The heart can ne'er be truly blest,
Unless it can recline
Upon some congenial breast,
Where love's sweet tendrils twine.
Then we can brook life's many ills,
Of sorrow and of woe,
For love its soothing balm distils,
To cheer us while below.

EXAMINATION OF TEACHERS.

The following questions were propounded for written answers at the Examination of Teachers held at Pagetown on the 6th inst.:

GEOGRAPHY.

1. What divides the earth into Eastern and Western Hemispheres?
2. What is the shape of the earth?—Why?
3. In which Hemisphere is Oceanica, and which are its divisions?
4. Name the largest river in each of the six grand divisions of the earth?
5. How is Asia bounded, its largest city and highest mountain?
6. What courses would you take, and on what waters would you sail, on a voyage from London to Canton?
7. How is California bounded, its capitol, and metropolis?
8. Name the largest four islands in the world?
9. What countries of North America are crossed by the arctic circle?
10. Name the largest gulf, bay, lake and river in North America?

GRAMMAR.

1. Write a sentence containing a personal pronoun, 1st person, sin. number, ind. case.
2. Conjugate the verb "have" in the Ind. mode, 3d past tense.
3. Italy is a large *peninsula, bounded* on the North by the *Alps*. Parse words in italics.
4. *Cæsar*, the *enslaver* of his country, *was stabbed* in the *senate-house*. Parse words in italics.
5. The teacher *showed me wherein I had erred*. Parse words in italics.
6. Give a list of all the pronouns in each class.
7. That the earth is a sphere, is easily proved. Analyze.
8. Choose ye this day whom ye will serve. Analyze, and parse all the words.
9. Write a compound sentence with the dependent clause abridged.
10. Name the properties of each part of speech.

ARITHMETIC.

1. Express, in words, the following number: 9207039202496 71.
2. How many and what are the methods of expressing numbers?
3. What are the fundamental rules of Arithmetic and why are they so called?
4. In what respect are compound numbers analogous to, and in what respect do they differ from simple numbers?
5. Reduce to a simple fraction.
6. A note of $150 is dated July 6th, 1858.
Indorsed July 6th, 1859, $6.
" January 6th, 1860, $12.
" January 6th, 1861, $3.
Interest 5 per cent.
What is due to-day (July 6th, 1861)?
7. A. B. and C. hire a pasture for $12. A. pastures 4 horses 5⅓ weeks. B. pastures 2 horses 9½ weeks, C. pastures 5 horses 2 4-5 weeks, what must each one pay?
8. $\frac{2}{3}$ of $\frac{3}{4}$ is 4-5 of what number? Solution by analysis.
9. How many acres in a square field whose diagonal is 50 rods?
10. A man bought a bolt of cloth for $80 and sold it so as to lose 20 per cent. With this money he purchased wheat and sold it so as to gain 20 per cent. Did he gain or lose? How much?

A Catholic Priest's War Speech.

The Sunday after the President's proclamation, calling for seventy-five thousand troops, Father Creedon, the priest of the large Catholic Church at Auburn, preached a war sermon, as did other clergymen in Auburn. The other sermons were said to be up to the times, but Father Creedon's was conceded on all hands to be the most pertinent. He said substantially:

"I wish every man that can leave his family, to enlist. This is the first country the Irishman ever had that he could call his own country. The flag of the stars and stripes is the only flag he can fight under and defend as his own flag. Now in the time of the nation's peril, let every Irishman show that he is worthy to be a part of a great and glorious nationality. Now, when the American flag is bombarded and struck down by traitors, let every Irishman show that he is true to the flag which always protects him. I want every Irishman who hears me to enlist if he can. There are two classes whom I most despise—cowards and traitors—and those who can enlist and do not, are either one or the other."

Hard Butter Without Ice.

To have delightfully hard butter in summer without ice the plan recommended by that excellent and useful publication, the *Scientific American*, is a good one. Put a trivit, or any open flat thing with legs, in a sucer; put on this trivit the plate of butter; fill the saucer with water; turn a common flower-pot upside down over the butter, so that its edge shall be within the saucer and under the water. Stop up the hole of the flower-pot with a cork, then drench the flower-pot with water, set in a cool place until morning, or if done at breakfast the butter will be very hard by supper time.

LAWS OF OHIO.

PUBLISHED BY AUTHORITY.

[No. 79.] AN ACT
To provide for leasing the Public Works of the State.

Be it enacted by the General Assembly of the State of Ohio, as follows:

SECTION 1. That the governor, auditor and treasurer of state be, and they are hereby authorized and required as hereinafter provided, to lease, for the term of ten years, from the day of the approval of the bond herein required, the public works of the state, consisting of the Miami and Erie canal, Ohio canal, Walhonding canal, Hocking canal, Sandy and Beaver canal, Muskingum Improvement, and Western Reserve and Maumee road, and all the side-cuts, feeders, reservoirs, lock-houses, collectors' offices, weigh-locks and leases of surplus water connected with the same or appertaining thereto, and owned by the state, for the purpose of being used in connection therewith, with the right to have additional surplus water; and all moneys derived from the leasing of said public works shall be paid into the treasury of the state.

SEC. 2. Immediately after the passage of this act, the said governor, auditor and treasurer shall advertise the said public works, with their appurtenances as specified in the first section of this act, to be let for the term of ten years at public auction, in the rotunda of the state house, in the city of Columbus, between the hours of 10 o'clock A. M., and 4 o'clock P. M., of the day of letting, which shall be on the twenty-ninth day of May, A. D. 1861; and said advertisement shall be published in two newspapers printed, and of general circulation, in each of the cities of Cincinnati, Cleveland, Dayton, Columbus, Toledo and Zanesville, which advertisement shall be continued in the papers aforesaid until the time of said letting, and shall describe the works to be let, specify the time and place of letting the same, and the terms upon which said works are to be let. And the said governor, auditor and treasurer, on the said twenty-ninth day of May, A. D. 1861, and between the hours of 10 o'clock A. M. and 4 o'clock P. M., thereof, and at the place aforesaid shall proceed at public auction, to let said public works, for the term of ten years, as aforesaid, to the person or persons who, in consideration of the tolls, fines, water rents, and revenues to be derived therefrom, shall bid to pay the highest annual rent therefor to be paid in semi-annually payments, in advance, in each year during the term of said lease: Provided, that no bid shall be received unless the person or persons making the same shall have first deposited with the auditor of state, in money or in stocks of the State of Ohio, or of the United States, the sum of twenty thousand dollars, upon the conditions following, to-wit: That he or they will on their part, enter into an indenture of lease of said public works with the State of Ohio, if the same shall be struck off to him or them, and also give a bond payable to the State of Ohio, in the sum of two hundred thousand dollars, with five or more sufficient sureties, to the satisfaction of the governor, auditor and treasurer of state, and renewable every two years, or oftener if the governor, auditor and treasurer of state shall think the sureties at any time insufficient, conditioned, that the said lessee or lessees shall perform all the convenants of said lease on their part to be performed, and will pay all damages suffered by the state or individuals by reason of his or their failure to do so; and in default of said lessee or lessees entering into said indenture of lease, and giving said bond, the deposite so made as aforesaid shall be absolutely forfeited to and become the property of the state; and provided further, that no railroad company shall in any manner become party to said bids, or be interested therein or in said lease; and it shall be unlawful for the lessee or lessees of said public works, or their assigns, during the continuance of the term of said lease, to sell or assign the same or any interest therein, to any railroad company or to any trustee, agent, or other person for or in behalf of any railroad company; and all assignments so made shall be null and void; and, provided further, that said public works shall not be let for an annual rent of less than twenty thousand dollars.

SEC. 3. The person or persons who shall be the successful bidders at such letting, shall, within five days thereafter, enter into an indenture of lease with the State of Ohio, which shall be executed by the governor in behalf of the State, and which shall contain all the covenants, agreements, reservations and stipulations between the parties, required by this act, or necessary to carry out its provisions, and within the same time said lessee or lessees shall execute and deliver the bond mentioned in the preceding section: Provided, that if the successful bidder or bidders shall fail within said five days to enter into said indenture, and to deliver said bond, then the governor shall give notice of another letting and appoint a day not less than two weeks nor more than three weeks thereafter, when he will receive bids in accordance with the provisions of this act: Provided further, that the annual rent shall not be less than twenty thousand dollars.

SEC. 4. It shall be the duty of the attorney general immediately after the passage of this act to prepare the form of bond and indenture of lease herein required; and it shall be a part of the contract between the lessee or lessees and the State, that the lessee or lessees shall pay the rent aforesaid at the time and place specified in his or their lease, and shall faithfully perform all the legal contracts of the State for the term aforesaid contained in the water leases on said public works, or on leases of ground for collectors' offices or lock-houses, and all arrangements or agreements entered into by the State of Ohio, by acts of the general assembly or otherwise, with any person or persons, state, corporation or company, or with the United States, relating to said public works, during the term aforesaid and shall at all times, when the season will permit, and the water is not necessarily drawn out of said public works, for repairs or new construction, or when said works are not obstructed by ice or by reason of some unavoidable breach in some structure of said works, or other casualty, or on account of scarcity of water produced by drought, keep the same in good and proper condition and repair, for prompt, speedy, and successful navigation by all boats not drawing more than three feet of water, and shall, from time to time, make all necessary and proper repairs and reconstructions as the board may require, and under the direction of the board, or an engineer appointed by said board, so as to keep said public works in good and proper condition of repair, and deliver up said public works to the State of Ohio at the termination of said lease in like good condition: but no change of plan or materials shall be required which shall make the works more expensive than the old plan or materials used; and all such repairs shall be made at the time determined upon by said board, and after a reasonable notice of the same shall be given by the board to said lessee or lessees; and the lessee or lessees of said public works shall permit all persons to navigate said canals or travel upon said road, making no distinction in tolls charged or privileges granted in favor of any person or company. And the rates of toll charged on the canals shall in no case exceed those adopted by said board in their tollsheet of 1858, nor on said road the rate adopted by said board in 1859.

SEC. 5. If said lessee or lessees shall not fulfill all the covenants contained in said lease by him or them to be performed, the said lease may be forfeited at the option of the board of public works; in case said board shall declare said lease forfeited as aforesaid, they shall cause an entry to that effect to be made upon the journal of their proceedings, and shall immediately notify, in writing, the lessee or lessees of their action, and shall also in said notice separately and distinctly specify the grounds upon which such forfeiture is declared, and in all such cases the action of said board shall be final, unless within ten days after the service of said notice, the said lessee or lessees shall file in the office of said board, his or their written protest denying or otherwise taking issue upon the charges so made by the said board in whole or in part, and the name of a referee, whereupon the board shall appoint a second referee and shall notify the governor of said protest, who shall thereupon appoint a third referee, who shall be an experienced lawyer. The referees shall be citizens of Ohio, and shall as soon as practicable, after their appointment, agree upon a time for meeting, not exceeding ten days after the appointment of said last appointed referee, unless the board and said lessee or lessees otherwise agree, and shall also fix some convenient place within the States, where said parties shall be heard, and when assembled at the time and place so fixed as aforesaid, shall be sworn, or affirmed, well and faithfully to hear and examine the matters in controversy and to make a true and just report therein, shall proceed to hear, examine, and determine the same. The trial before the referees, shall be conducted in the same manner as a trial by a court. They shall have the same power to summon and enforce the attendance of witnesses, to administer all necessary oaths, and to grant adjournments as a court would have upon such trial; and it shall be their duty to sign any true exceptions taken to any order or decision by them made in the case, and to return the same with their report. They shall make a report in writing stating the facts found and the conclusions of law separately, and their decision thereon, and shall file the same with the clerk of the superior court of Cincinnati, who shall thereupon docket a case upon the general term docket of said court, to be entitled "the State of Ohio against , the lessees of the public works," and said court, at its first general term thereafter, shall enter judgment on such decision, unless within ten days after the filling of said report, exceptions thereto shall be filed with said clerk. If exceptions be filed it shall be the duty of said court, at its first general term thereafter, to hear said case giving preference to the same over all other cases, and the said court shall have the same jurisdiction of said cases as it has of civil actions commend therein. The referees shall be allowed such compensation for their services as the said court shall deem just and proper, and the witnesses shall be allowed the same fees as are by law allowed witnesses in civil actions; and such fees shall be taxed by the referees and returned with their report.

SEC. 6. If said lease shall be adjudged to be forfeited, the said lessee or lessees shall immediately surrender up peaceable possession of said public works, and of all property of the state appertaining thereto to the board of public works, and shall also be liable on his or their bond; and if any lessee or lessees, or any employee, under him or them, shall refuse to deliver up the public works when said lease shall be declared or held forfeited in accordance with the provisions of this act, (or any property of the state appertaining thereto,) or shall resist any member of the board of public works, or other officer employed under said board, in the execution of his duty, after said forfeiture is duly declared, he or they shall, upon conviction thereof, be fined in any sum not less than one hundred dollars nor more than five hundred dollars or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court.

SEC. 7. The lease provided for in section three of this act, when executed and delivered, shall for the term aforesaid vest in said lessee or lessees such rights, privileges, and franchises now exercised by the state, as may be necessary to manage, control and keep in repair the public works, and collect tolls for the navigation of the same, together with the right to appoint superintendents collectors, inspectors, lock tenders, weigh masters, and such other officers and agents as may be necessary, and said superintendents, collectors, and other officers and agents shall have and exercise the same power and authority in the collection of tolls and water rents, and the levy of fines as can now, by law, be exercised by similar officers and agents appointed by the state, and said lessee or lessees shall be governed by the rules and regulations for navigating the canal and Muskingum Improvement now in force, subject to such alterations and additions as may hereafter be established by law or the board of public works, not inconsistent with the terms of the lease herein provided for.

SEC. 8. The said lessee or lessees of the public works, shall receive all materials provided or contracted for, and boats, scows, tools, implements, horses, mules, and other property now belonging to and used by the state on said public works, at their appraised value, which appraisement shall be made by three judicious disinterested persons to be appointed as follows: one by the lessee or lessees, one by the board of public works and the third by the governor; and pay to the state their appraised value at such times and in such sums as may be determined upon by said appraisers.

SEC. 9. Whenever it shall become necessary in order to repair, protect, or reconstruct any part of the public works of the state, or prevent injury to the property of any person or persons, or corporation, occasioned through or by the public works, to appropriate to the state, the property of any person or persons, or corporations, or easement in, to or over the same, the same shall be done in accordance with the provisions of the existing laws, and the compensation assessed for the property so appropriated shall be paid into the treasury by the lessee or lessees for the use and benefit of the party to whom the property thus appropriated belonged.

SEC. 10. That said lessee or lessees shall not assign their lease or any interest therein without the assent of the board of public works thereto, entered in writing on said lease, and upon the journal of said board, and in every such assignment the assignee shall be held to have assumed all liabilities to the state of the original lessee or lessees under this act, and be governed in every particular as by this act the original lessee or lesees are now bound, so far as the same be applicable thereto, but such assignment shall in no manner diminish or effect the liability of the original lessee or lessees or the sureties on their bond.

SEC. 11. Whenever in the opinion of the lessee or lessees of any of the water power on said canals or slack water improvement, the said lessee or lessees of the public works do not supply him or them with the surplus water, as provided in their water leases, according to the true intent and meaning of the same, the said lessee or lessees of the water power, may make complaint in writing to the board of public works, who shall examine into the truth of said complaint and if the same be, in their opinion well founded, the member of said board in whose division the said water power is located, shall forthwith notify the lessee or lesses of the said public works, of the nature of the injury complained of, and the said lessee or lessees of said public works shall, without any unnecessary delay, correct the same, and in default thereof for the injuries sustained by them, the said lessee or lessees of water power, may then have and maintain an action directly against said lessee or lessees of said public works, their sureties or their assignees, for the amount of such damage or injury sustained; and the said lessee or lessees of said public works shall have the same right as the state now has, when the water leases are forfeited for non-payment of rent or other cause, or expire, to re-enter and lease again with the consent of the board of public works, in writing, said water privileges for such period of time not exceeding the unexpired part of said ten years time.

SEC. 12. It shall be the duty of each member of the board of public works to pass over and inspect the division under his immediate charge, as often as once every ninety days, and over the entire public works once a year, and the engineer of such division shall personally inspect every portion of such division, as often as once in thirty days, and report to the board from time to time, the result of such examinations.

SEC. 13. That if any member of the board of public works or engineer, shall directly or indirectly hold or purchase any interest in the lease of said public works made and executed under the provisions of this act, or shall combine or collude with any lessee or lessees of the same to prevent the faithful execution of the provisions herein contained, he shall be deemed and held guilty of a misdemeanor, and shall, on conviction, thereof, be fined in any sum not less than one thousand dollars nor more than three thousand dollars, and shall forfeit his office.

SEC. 14. If the public works shall be leased under this act, the offices of collectors, superintendents, inspectors, lock-tenders, weigh-masters, and all other officers under the appointment of the board of public works shall be abolished from and after the approval of said bond, and no officer shall be retained thereafter under the board of public works, except three engineers and a clerk of the board: Provided, that so soon as said works shall be leased under the provisions of this act, and the lessees shall have given notice to the board of public works of their readiness to take possession of said works, the board shall cause notice thereof to be given to all superintendents, toll collectors, officers and agents of the state, employed on or about said works, who shall nevertheless continue to discharge the duties of their said offices and employments, (at the expense of the lessees of said works) until removed or re-appointed, and the official bonds of such officers and agents shall enure to the use of said lessees, as to all moneys received, or acts done by them on account of said works, subsequent to the time when said lessees shall take possession as aforesaid: Provided, that whenever said lease shall terminate by forfeiture or otherwise the said board are authorized to appoint such superintendents, toll collectors, officers and agents of the state as are now authorized to be appointed by the act passed March 24, 1860, entitled "an act defining the powers and prescribing the duties of the board of public works."

SEC. 15. Actions may be brought against said lessee or lessees, or their assignees, and their sureties in any county, in which they, or any one of them, reside, or may be summoned, or in any county into or through which any part of the public works that may be leased, as herein provided, may be located, and in any such action a summons may be issued to any county against one or more of the defendants at the plaintiff's request.

SEC. 16. Actions may be brought by and against said lessees or their assignees by the name of "the lessees of the public works," in any county into or through which the same may be located, and service in such cases may be made on any collector of tolls of said lessees, and in making such service sheriffs and constables are hereby authorized to make service without as well as within their respective counties, but executions issued on judgments rendered in such actions against said lessees shall operate only on their joint property as lessees.

SEC. 17. This act shall take effect on its passage: Provided, that nothing in this act shall preclude the state from granting permission to the city of Cincinnati, to enter upon, and to improve as a public highway, and for sewerage purposes, all or any of that part of the Miami and Erie canal which extends from the east side of Broadway, in said city, to the Ohio river, the state hereby reserving the right to make such grant.

P. HITCHCOCK,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.
Passed May 8, 1861.

[No. 80.] AN ACT
Relating to Sutlers and Military Store Keepers for the Ohio Volunteer Militia.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all appointments of sutlers and military store keepers, to any of the regiments or brigades of the Ohio Volunteer Militia mustered into service under any of the laws of this state, shall be approved by the Governor; and no appointment of such sutler or military store keeper shall take effect until the Governor's approval shall be indorsed on the certificate thereof. Every sutler and military store keeper so appointed shall give bond to the state of Ohio, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties, which bond shall be approved by the governor before such sutler or military store keeper shall be allowed to act.

SEC. 2. Every sutler and military store keeper appointed under the provisions of this act shall be subject to removal at the discretion of the proper brigadier general or the governor, and shall be liable on his official bond for all losses of his trust. This act shall apply to all appointments heretofore made, as well as hereafter to be made.

SEC. 3. This act shall take effect from its passage.

P. HITCHCOCK,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.
Passed May 9, 1861.

[No. 83.] AN ACT
For the protection of certain birds and game.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person at any time to catch, kill or injure, or to pursue, with such intent, on the premises of another, or on the public highways, streets, alleys or public common, any sparrow, robin, blue-bird, martin, thrush, mocking-bird, swallow, oriole, red-bird, cat-bird, chewing or ground robin, king-bird, bob-o-link, yellow-bird, pewee or phœe, wren, cuckoo, indigo-bird, nut-hatch, creeper, yellow-hammer or flicker, warbler or finch; or in any place to catch, kill or injure, or pursue with such intent, any quail or Virginia partridge, between the first day of February and the first day of October: *Provided*, it shall be also unlawful for any person, at any time, to enter the enclosure of another for the purpose of netting quail or Virginia partridge, without his permission; or at any time after the first day of February and before the first day of October, to catch, kill or injure, or to pursue with such intent, any dove, wild rabbit or hare, except on the premises of the person so killing, injuring or pursuing.

SEC. 2. It shall be unlawful for any person, at any time between the first day of February and the first day of September, to catch, kill or destroy, or to pursue with such intent, any wild turkey, ruffled grouse, or pheasant, pinnated grouse or prairie chicken, or any wild deer; or at any time between the first of February and the first day of October, to catch, kill or destroy any meadow lark or kill-deer; or at any time between the first day of February and the fourth day of July, to catch, kill or destroy any wood-cock; or at any time between the fifteenth day of April and the first day of September, to catch, kill or destroy any wild goose, wild duck, teal, or other wild duck, or to purchase, or to have in his possession, or expose to sale any of the birds or game mentioned in this act, so caught or killed during the season when the catching, killing, injuring or destroying the same is hereby prohibited.

SEC. 3. And it shall also be unlawful for any person, at any time after the passage of this act, by the aid or use of any swivel, punt gun, big gun, (so-called,) or any gun other than the common shoulder gun; or by the aid or use of any punt boat, or sneak boat, used for carrying such gun, to catch kill, wound or destroy, or to pursue after with the intent to catch, kill, wound or destroy, upon any of the waters, bays, rivers, marshes, mud flats, or any cover to which wild fowl resort, within the State of Ohio, any wild goose, wood-duck, teal, canvas-back, blue bill, or other wild duck.

SEC. 4. It shall be unlawful for any person to destroy or disturb the eggs of any of the birds protected by this act.

SEC. 5. Any person offending against any of the provisions of this act, shall, on conviction, be fined in any sum not less than two dollars nor more than twenty dollars for each offense, with costs of prosecution; or be imprisoned in the county jail not more than twenty days, or both, at the discretion of the court.

SEC. 6. All prosecutions under this act shall be in the name of the State of Ohio, before any justice of the peace, or other office or court having jurisdiction; and all fines imposed or collected in such cases, shall be paid into the county treasury for the benefit of common schools.

SEC. 7. The act entitled "an act to prevent the killing of birds and other game," passed April 10, 1857, is hereby repealed: *Provided*, that such repeal shall not affect the prosecution of offenses committed against said act before the passage of this act.

SEC. 8. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.
Passed April 30, 1861.

[No. 84.] AN ACT
To amend sections two and three of an act entitled "An act to provide more effectually for the defense of the State against invasion," passed April 26, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above recited act, be amended so as to read, as follows: Section 2. The governor is hereby authorized to accept and muster into service, seventeen regiments of volunteer militia, and at his discretion organize any portion of the same not exceeding three regiments, of eight companies each, into artillery or cavalry, in addition to the thirteen regiments already accepted under the requisition of the President of the United States, if in his judgment the same may be necessary to fill any requisition of the President of the United States, or to execute the laws of this State, or to repel any invasion thereof; Provided, said regiments shall be enlisted upon the condition that they volunteer into the service of