

# The McArthur Democrat.

EQUAL AND EXACT JUSTICE TO ALL MEN, OF WHATEVER STATE OR PERSUASION, RELIGIOUS OR POLITICAL.—Thos. Jefferson.

VOL. 7.

M'ARTHUR, VINTON COUNTY, OHIO, JUNE 2, 1859.

NO. 42.

## LAWS OF OHIO:

PUBLISHED BY AUTHORITY.

[No. 157.] AN ACT

To provide for the semi-annual collection of taxes.

Section 1. *Be it enacted by the General Assembly of the State of Ohio,* That each person charged with taxes on a tax duplicate in the hands of a county treasurer may, at his option, pay the full amount of such taxes on or before the twentieth day of December, or one-half thereof on or before the twentieth day of June next ensuing; provided, however, that all road taxes so charged shall be paid prior to the twentieth day of December, in the manner prescribed by law.

Sec. 2. When taxes charged against the property of any person shall be paid by installments, as aforesaid, each of such payments, exclusive of road taxes, shall be apportioned among the several funds for which taxes shall have been assessed, in their proper proportions.

Sec. 3. It shall be the duty of the county auditor to set down the amount of taxes charged against each entry in two separate columns, one-half thereof, exclusive of road taxes, in each column, and adding all road taxes to said first half, with a sufficient blank space at the right of each column to write the word "paid," and when payment of either half of such taxes shall be made, the treasurer shall write in the blank space opposite the same the word "paid;" and the auditor of state is hereby authorized to prescribe such other forms for county duplicates as may seem proper to him, and produce uniformity throughout the state; and it shall be the duty of county auditors to conform thereto.

Sec. 4. When one-half the taxes, as aforesaid, charged against any entry, on a tax duplicate in the hands of a county treasurer, shall not be paid on or before the twentieth day of December next after the same shall have been so charged, or when the remainder of such taxes shall not be paid on or before the twentieth day of June next thereafter, the county treasurer shall proceed to collect the same by distress or otherwise, as may at the time be prescribed by law, together with a penalty of five per centum on the amount of the taxes so delinquent, (which penalty shall be for the use of the treasurer as a compensation for such collection); and in all cases where such half of any taxes, other than on real estate, shall not have been paid on the twentieth day of December, the whole amount of taxes, other than real estate, for the current year, so charged, shall be due and delinquent, and shall be collected in the manner and with the penalty provided in this section.

Sec. 5. When one-half of the taxes charged against any entry of real estate shall not be paid on or before the twentieth day of December in each year, or collected by distress or otherwise, prior to the next February settlement, as authorized by this act, a penalty of thirty per cent. thereon shall be added to such half of said taxes on the duplicate; and if the said taxes and penalty, including the remaining half of such taxes, shall not be paid on or before the twentieth day of June next thereafter, or collected by distress or otherwise prior to the next August settlement, the same penalty shall be charged on said last half of said taxes, and the amount of the whole together shall constitute the delinquent taxes on such real estate, to be collected in the manner that is or may be prescribed by law. And if the amount of such delinquent taxes and penalty, together with the one-half of the taxes charged against such real estate for the current year, shall not be paid on or before the twentieth day of December of the same year, the said delinquent taxes and penalty, and the whole of the taxes of the current year, shall be due and collected by the sale of such real estate in the manner that is or may be authorized by law, and in case the first half of the taxes charged upon any real estate shall be paid on or before the twentieth day of December, as provided in this act, but the remaining half thereof shall not be paid on or before the twentieth day of June next thereafter, or collected by distress or otherwise prior to the next August settlement as provided in this act, then the same penalty shall be added to such unpaid taxes, and the same shall be treated as delinquent taxes, as provided in this act, and with the taxes of the current year, collected by sale of such real estate as aforesaid.

Sec. 6. The county auditor shall, annually, during the month of August, make out and record, in a book to be provided for that purpose, a list of all lands and town lots returned by the treasurer delinquent at the preceding settlement, describing such lands and town lots, in said list, as the same shall be described on the tax duplicate, and charging thereon the unpaid taxes for the year next preceding, together with the penalty thereon, as provided in this act, and also the taxes of the current year; and shall certify the correctness thereof, and the date at which the same was recorded, and sign the same officially.

Sec. 7. The county auditor shall, annually, on or before the first day of October, deliver to the county treasurer the duplicate of taxes required by law to be made out; and the treasurer's office shall be kept open, for the receipt of taxes, from the time of the delivery of the duplicate to the treasurer (except when he may be required to be in the several townships to receive taxes) until the twenty-fifth day of January, and from the first day of April until the twentieth day of July.

Sec. 8. Each county treasurer shall, on or before the fifteenth day of February in each year settle with the auditor of his county for all taxes that he may have collected at the time of making such settlement; and he shall also, on or before the tenth day of August in each year, settle with the auditor of his county for all taxes that he may have collected at the time of making said settlement, not included in the preceding February settlement; and at each of such settlements the auditor shall allow to the treasurer on the moneys collected on the duplicate and accounted for by him, his fees, agreeably to the rate or percentage allowed by law at a full settlement of the county treasurer with

the county commissioners, now required by law to be made on the first Monday in June, shall hereafter be made on the first Monday in September annually.

Sec. 9. In making the settlements required by the preceding section, the county auditor shall carefully examine the tax duplicate, and ascertain, from the entries of taxes and penalty, paid in whole or part, and from such other sources of information as may be within his reach, the true amount collected by the treasurer on account of each of the several taxes charged on such duplicate, and the amount remaining in the hands of the treasurer belonging to each fund, and shall give to the treasurer separate certificates in duplicate of the separate sums found to have been collected by him. The county auditor shall also make out and deliver to the county treasurer a certificate in duplicate specifying the amount charged on the tax duplicate of the county for each of the several purposes for which taxes shall have been levied, and also a certificate or an abstract, in duplicate, of the taxes which have become due and payable and which remain unpaid.—The county auditor shall also make out and carefully file and preserve in his office a list of the pages and penalty so due and unpaid, which shall be denominated the delinquent list.

Sec. 10. Each county treasurer shall within ten days next after he shall have made each semi-annual settlement with the county auditor, as required by this act, present to the auditor of state and the comptroller of the treasury, each one of the several certificates and abstracts of the county auditor, required to be made out in the preceding section.

Sec. 11. The auditor of state shall, on the receipt of the certificates and abstracts aforesaid, proceed to settle with the county treasurer for the moneys in his hands belonging to the state, and to ascertain the exact sum or sums payable by him into the state treasury, and shall certify the same to the comptroller of the treasury, specifying in the certificate or certificates the amount belonging to each fund, and the total amount to be paid into the state treasury. And on receipt of such certificate or certificates, and finding the same to be correct, the comptroller of the treasury shall issue a certificate or certificates thereof, specifying as aforesaid, and the county treasurer shall forthwith deliver the same to the treasurer of state, and pay into the state treasury the full amount of all sums so found to be in his hands, and belonging to the state; and the treasurer of state shall thereupon give to such county treasurer a receipt or receipts for such payment, as may be required by law.

Sec. 12. Each county treasurer shall, immediately after each semi-annual settlement with the county auditor of his county, on demand and presentation of the warrant of the county auditor thereof, pay over to the township treasurer, city treasurer, or other proper officer, all moneys in the county treasury belonging to any township, city, incorporated village or school district, provided that if any township treasurer, or other proper officer aforesaid, shall request, or the trustees of any township, the council of any city or incorporated village, or the board of education of any school district, respectively, shall so direct, the moneys mentioned in this section shall remain in the county treasury, to be drawn down by the proper local treasurer, on the warrant of the county auditor, in sums of not less than one hundred dollars.

Sec. 13. If, at any time, when the interest on, or any portion of the principal of the funded debt of the state is about to fall due, the money under the control of the commissioners of the sinking fund, applicable to the payment thereof, shall be insufficient for that purpose, said commissioners shall give written notice to the comptroller of the treasury of the amount of such deficiency; and the comptroller, on the requisition of the auditor of state, shall draw in favor of the treasurer of state on the general county treasurers, or on such of them and for such sum or sums, as he may deem most convenient, not exceeding the amount by them respectively collected for the sinking fund, at the times and in the manner, and such details, if paid, shall be evidence of the payment of the sums therein specified into the state treasury, and shall on delivery thereof to the comptroller, be credited and allowed to the county treasurers respectively in making the semi-annual settlements. Upon drawing such funds, the comptroller shall charge the same to the treasurer of state on account of moneys belonging to the sinking fund, and shall notify the auditor thereof in writing.

Sec. 14. Whenever the auditor of state shall ascertain that the moneys in the state treasury, belonging to the general revenue, will probably be insufficient in amount to pay the appropriations from that fund, he shall notify the comptroller of the amount so deficient, and the comptroller shall thereupon make up the deficiency until the next semi-annual settlement of county treasurers; and thereupon the comptroller shall draw therefrom, in favor of the treasurer of state, on the several county treasurers, or on such of them, and for such sum or sums, as he shall deem most convenient, not exceeding the amount by them, respectively, collected for general revenue at the time and times of so drawing, and shall charge the same to the treasurer of state on account of general revenue; and in other respects the comptroller, treasurer and auditor shall be governed by the provisions of the next preceding section.

Sec. 15. County treasurers shall take possession of their offices on the first Monday of September next after their election, and shall hold the same for two years thereafter, and until their successors are elected and qualified; and if any person elected to said office shall fail to give bond and take the oath of office, as prescribed by law, on or before the first Monday of September next after his election, the office shall be held vacant; and shall be filled as provided by law.

Sec. 16. The act entitled "an act to provide for the semi-annual collection of taxes," passed April 12, 1858, is hereby repealed, but notwithstanding this repeal, the twelfth section of said act shall continue in force until the first Monday in September next, and provided, that this repeal shall not affect the existing rights or liabilities of any person or persons, civil or criminal, but the same may be prosecuted as if the said act were not repealed.

Sec. 17. 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 2, 1859.

[No. 150.] AN ACT

To amend section two 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; and supplementary to said act.

Section 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of said act be amended so as to read as follows: Sec. 2. Any person desiring such second trial, as provided for in the preceding section, shall, at the term of the court at which judgment was rendered, enter in the records of the court notice of his demand for such second trial; and shall enter into an undertaking within the time hereinafter limited, with security to the satisfaction of the clerk of the court, payable to the adverse party, in such sum as may be fixed by the court, and conditioned to the effect that he will perform the order and judgment of the court, and pay all moneys, costs and damages which may be required or awarded against him in consequence upon such second trial. Provided, that in no case shall administrators, executors, or guardians who may have given bond in this State, with sureties according to law, be compelled to enter into an undertaking in order to be entitled to a second trial as is above provided.

Sec. 3. That original section two be, and the same is, hereby repealed.

Sec. 4. That whenever notice is entered upon the records of the court of the provision of the act to which this act is amendatory and supplementary, such second trial shall not be allowed unless the court is of opinion that the case is one in which a trial by jury may be demanded by either party.

Sec. 5. The opinion of the court allowing or disallowing a second trial shall be entered on the journal of the court; and, if in favor of the allowance of a second trial, then the undertaking required by the said second section of said act, as amended, shall be entered into within thirty days after the entry of said allowance.

Sec. 6. If the opinion of the court shall be adverse to the allowance of the second trial, either party may appeal to the district court from the judgment rendered in the case by giving notice thereof and entering into an appeal-bond agreeably to existing statutes.

Sec. 7. If the order of the court, adverse to the allowing of the second trial, shall be reversed upon error by the district court, or if the decision shall be appealed and the appeal dismissed on the ground that a second trial should have been allowed, then and in either case the action shall be remanded to the court of common pleas, and the party or parties on whose petition the said order was reversed, or the party or parties who may have appealed such action, as the case may be, may, at the term of court at which the mandate is received, enter on the records of the court his demand for a second trial; and thereupon such action shall be proceeded in all respects, as if said judgment, so reversed, had been rendered at said term.

Sec. 8. If the order of the court allowing a second trial shall be reversed for error therein by the district court, then said action shall be returned for trial by the last named court as upon appeal, and the last mentioned court shall fix the amount and condition of the undertaking, to be given to obtain such trial, for the party or parties who may require it; and thereupon the party or parties desiring such trial shall, within thirty days from the date of the entry of the reversal of the order allowing such second trial, enter into an undertaking in the amount and condition prescribed by the district court, to the acceptance of the clerk thereof, which shall be filed in the office of the said clerk; and thereupon such action shall be proceeded in, in all respects, as if the same had been originally appealed on notice regularly entered and undertaken given pursuant to the act regulating appeals to the district court.

Sec. 9. In all cases where the party against whom judgment is rendered obtains a second trial under the act to which this act is amendatory and supplementary, the lien of the opposite party on the real estate of the party so obtaining such second trial created by said judgment, shall not be by the obtaining of such second trial removed or vacated, but the real estate of said party so obtaining such second trial shall be bound in the same manner as if said second trial had not been demanded until the final determination of the case.

Sec. 10. This act shall take effect on the 15th day of April next.

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

March 31, 1859.

[No. 160.] AN ACT

In relation to Public Records.

Section 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the county commissioners of any county to cause any public records of said county to be indexed or transcribed, whenever the public interest shall require the same to be done, or when the same may be necessary to facilitate the business appertaining to the office to which such records belong; and to pay in compensation to the persons employed for the same, any price not exceeding five cents a case for indexing, and ten cents for every hundred words for transcribing.—And all contracts heretofore made by the county commissioners of any county for such indexing or transcribing, are hereby confirmed and declared valid, such compensation to be paid out of the county treasury, upon the order of the county commissioners and the order of the county auditor.

Sec. 2. This act shall be in force from and after its passage.

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

April 2, 1859.

[No. 164.] AN ACT

To provide for the payment of indebtedness of townships incurred for the support of the poor.

Section 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of townships be, and are, hereby, authorized to levy annually any sum not exceeding three mills on the dollar valuation, in addition to the levies now authorized by law for the payment of indebtedness heretofore contracted by the township for the support of the poor.

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 9, 1859.

[No. 152.] AN ACT

Relating to the Lawistown Reservoir.

Section 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of settling with the Miami hydraulic and manufacturing company for the construction of the enlargement of the Lawistown reservoir, and canceling the contract relative to said enlargement between the state and said company, the sum of ninety-one thousand one hundred and sixty-seven dollars and eighty-five cents is hereby directed to be paid said company by the auditor of state on or before the 1st day of June, in the manner and upon the terms in this act contained.

Sec. 2. The auditor of state is hereby directed, immediately upon the passage of this act, to draw his warrant upon the treasury in favor of Boyle & Roach, for the sum of eighteen thousand one hundred and fifty-seven dollars and fifty-seven cents, which sum when so paid to said Boyle & Roach, shall be deducted out of the amount in the first section of this act directed to be paid said company for said enlargement, and when so paid, the receipt of said Boyle & Roach to the State of Ohio shall be received by said company as so much money, and shall operate as an extinguishment of so much of the cost of the enlargement of said reservoir, and shall forever acquit and discharge said company of all liability to said Boyle & Roach for any claim or demands on the part of said Boyle & Roach against said company on account of said enlargement.

Sec. 3. If the said Miami hydraulic manufacturing company shall not settle with the state and surrender all rights acquired under the contract for the enlargement of said reservoir, and do not perform all other acts required by this act according to the terms thereof, then their right to collect water rents for surplus water of said reservoir of the Miami and Erie Canal shall be suspended; and the board of public works are hereby directed to collect and pay into the state treasury all water rents of said reservoir or canal, until said rents as collected shall be equal in amount to the sum paid said Boyle & Roach, and the accrued interest thereon, computed at six per cent. per annum.

Sec. 4. Upon the settlement with said company for the enlargement of said reservoir, said company shall be charged with all water rents by them collected upon said reservoir and the Miami and Erie Canal, and with interest thereon from the time the same were received by said company, computed at the rate of six per cent. per annum; and upon payment of the balance due said company, after the payment of Boyle & Roach and the deduction of the water rents, as in this act directed, said company shall convey to the State of Ohio all lands by them owned and held in connection with said reservoir; and the contract between said company and the board of public works, made under and in pursuance of the act of April 7, 1856, shall be void and of no effect; and all leases made and rights acquired thereunder by said company, to all intents and purposes, shall vest in and be enjoyed by the State of Ohio, and the board of public works, on being notified by the attorney general of the final settlement of all claims as herein provided, shall take possession of said reservoir and its appurtenances, shall contract for and collect all water rents arising out of the lease of the surplus water of the same, or of the Miami and Erie canal, the sum as [if] said contract had never been made, whenever the said company shall perform the matters and things in this section required, the same shall be taken and held as a surrender of the said reservoir and of all the rights and interests of said company acquired under the contract for the enlargement thereof, and the auditor of state shall thereupon draw his warrant for whatever balance may be due them after making the deductions in this act directed.

Sec. 5. The capital stock of said company, as negotiated by E. S. Hamlin to William H. Gibson, and shown by the testimony taken by the treasury investigating committee to be in the hands of C. L. Johnson, is hereby declared to be the property of the state, and all liability of said company to said Gibson, Johnson, or any assignees of them or either of them, is hereby declared annulled and made void; and the pro rata dividend due said stock, on settlement of said company with its stockholders, is hereby directed to be retained as the money of the State of Ohio; and the same shall be credited to W. H. Gibson upon whatever amount he may be allowed to owe the state on settlement of his accounts as treasurer of state.

Sec. 6. The auditor of state and attorney general are hereby directed and empowered to settle with the said company, under and in accordance with the provisions of this act. All payments of money in this act directed shall be made on the warrants of the auditor, drawn in conformity to law; and all expenses incurred by said auditor and attorney general in the execution of this act shall be reimbursed out of the treasury; and this act shall be in force from and after its passage.

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

March 31, 1859.

[No. 151.] AN ACT

Supplementary to the Act relating to Juries, passed February 9th, 1851, and to amend the ninth section of said act.

Section 1. *Be it enacted by the General Assembly of the State of Ohio,* That if it should be made to appear to the clerk of the court of common pleas of any county in this state, after the annual October election, and previous to the annual Spring election, that the number of jurors for said county as provided and required by the first section of the act to which this is supplementary are insufficient, in numbers from which to draw and summons the regular grand and petit juries for the common pleas and district courts, to be holden in said county, previous to the next succeeding annual October election, it shall be the duty of such clerk immediately and previous to said annual spring election, to apportion among the respective townships in said county, the number of additional jurors required to fill such deficiency according to and upon the basis of apportionment required by the second section of the act aforesaid, and notify the trustees of the several townships in said county, of such insufficiency with the number of additional jurors so apportioned and required of each township, by written notice, to be served and returned by the sheriff of such county, the same as a summons, is served and returned; and it shall be the duty of such trustees, at their meeting at the annual spring elections, upon the service of such notice to select of good judicious persons, having the qualifications of electors, their apportionment of persons to be returned as such additional jurors, and shall forthwith furnish such clerk with the list of the name or names required as contemplated by the act, and such proceedings shall thereafter be had with reference to the drawing, summoning, &c., of such additional jurors, as is provided by said act for jurors, selected at the annual October elections.

Sec. 2. That section nine of an act entitled "an act relating to juries," passed February 9, 1851, be so amended as to read as follows: That when a sufficient number of grand jurors shall not appear who shall have been drawn and summoned agreeably to this act, before either of the courts at their stated term or if it should so happen that all the grand jurors summoned as aforesaid, shall fail to attend, it shall and may be lawful for the court in either case, to order the sheriff or other officer, to summon from among the bystanders, or neighboring citizens, so many good and lawful men as are necessary to form and complete the panel of the grand jury, or to issue a special venire facias, to the sheriff, commanding him to summon the persons therein named to attend forthwith to serve as grand jurors.

Sec. 3. That section nine of the act to which this is an amendment, be and the same is hereby repealed.

Sec. 4. This act to take effect from and after its passage.

WILLIAM B. WOODS,  
Speaker of the House of Representatives.  
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Sec. 2. The auditor of state is hereby directed, immediately upon the passage of this act, to draw his warrant upon the treasury in favor of Boyle & Roach, for the sum of eighteen thousand one hundred and fifty-seven dollars and fifty-seven cents, which sum when so paid to said Boyle & Roach, shall be deducted out of the amount in the first section of this act directed to be paid said company for said enlargement, and when so paid, the receipt of said Boyle & Roach to the State of Ohio shall be received by said company as so much money, and shall operate as an extinguishment of so much of the cost of the enlargement of said reservoir, and shall forever acquit and discharge said company of all liability to said Boyle & Roach for any claim or demands on the part of said Boyle & Roach against said company on account of said enlargement.

Sec. 3. If the said Miami hydraulic manufacturing company shall not settle with the state and surrender all rights acquired under the contract for the enlargement of said reservoir, and do not perform all other acts required by this act according to the terms thereof, then their right to collect water rents for surplus water of said reservoir of the Miami and Erie Canal shall be suspended; and the board of public works are hereby directed to collect and pay into the state treasury all water rents of said reservoir or canal, until said rents as collected shall be equal in amount to the sum paid said Boyle & Roach, and the accrued interest thereon, computed at six per cent. per annum.

Sec. 4. Upon the settlement with said company for the enlargement of said reservoir, said company shall be charged with all water rents by them collected upon said reservoir and the Miami and Erie Canal, and with interest thereon from the time the same were received by said company, computed at the rate of six per cent. per annum; and upon payment of the balance due said company, after the payment of Boyle & Roach and the deduction of the water rents, as in this act directed, said company shall convey to the State of Ohio all lands by them owned and held in connection with said reservoir; and the contract between said company and the board of public works, made under and in pursuance of the act of April 7, 1856, shall be void and of no effect; and all leases made and rights acquired thereunder by said company, to all intents and purposes, shall vest in and be enjoyed by the State of Ohio, and the board of public works, on being notified by the attorney general of the final settlement of all claims as herein provided, shall take possession of said reservoir and its appurtenances, shall contract for and collect all water rents arising out of the lease of the surplus water of the same, or of the Miami and Erie canal, the sum as [if] said contract had never been made, whenever the said company shall perform the matters and things in this section required, the same shall be taken and held as a surrender of the said reservoir and of all the rights and interests of said company acquired under the contract for the enlargement thereof, and the auditor of state shall thereupon draw his warrant for whatever balance may be due them after making the deductions in this act directed.

Sec. 5. The capital stock of said company, as negotiated by E. S. Hamlin to William H. Gibson, and shown by the testimony taken by the treasury investigating committee to be in the hands of C. L. Johnson, is hereby declared to be the property of the state, and all liability of said company to said Gibson, Johnson, or any assignees of them or either of them, is hereby declared annulled and made void; and the pro rata dividend due said stock, on settlement of said company with its stockholders, is hereby directed to be retained as the money of the State of Ohio; and the same shall be credited to W. H. Gibson upon whatever amount he may be allowed to owe the state on settlement of his accounts as treasurer of state.

Sec. 6. The auditor of state and attorney general are hereby directed and empowered to settle with the said company, under and in accordance with the provisions of this act. All payments of money in this act directed shall be made on the warrants of the auditor, drawn in conformity to law; and all expenses incurred by said auditor and attorney general in the execution of this act shall be reimbursed out of the treasury; and this act shall be in force from and after its passage.

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[No. 151.] AN ACT

Supplementary to the Act relating to Juries, passed February 9th, 1851, and to amend the ninth section of said act.

Section 1. *Be it enacted by the General Assembly of the State of Ohio,* That if it should be made to appear to the clerk of the court of common pleas of any county in this state, after the annual October election, and previous to the annual Spring election, that the number of jurors for said county as provided and required by the first section of the act to which this is supplementary are insufficient, in numbers from which to draw and summons the regular grand and petit juries for the common pleas and district courts, to be holden in said county, previous to the next succeeding annual October election, it shall be the duty of such clerk immediately and previous to said annual spring election, to apportion among the respective townships in said county, the number of additional jurors required to fill such deficiency according to and upon the basis of apportionment required by the second section of the act aforesaid, and notify the trustees of the several townships in said county, of such insufficiency with the number of additional jurors so apportioned and required of each township, by written notice, to be served and returned by the sheriff of such county, the same as a summons, is served and returned; and it shall be the duty of such trustees, at their meeting at the annual spring elections, upon the service of such notice to select of good judicious persons, having the qualifications of electors, their apportionment of persons to be returned as such additional jurors, and shall forthwith furnish such clerk with the list of the name or names required as contemplated by the act, and such proceedings shall thereafter be had with reference to the drawing, summoning, &c., of such additional jurors, as is provided by said act for jurors, selected at the annual October elections.

Sec. 2. That section nine of an act entitled "an act relating to juries," passed February 9, 1851, be so amended as to read as follows: That when a sufficient number of grand jurors shall not appear who shall have been drawn and summoned agreeably to this act, before either of the courts at their stated term or if it should so happen that all the grand jurors summoned as aforesaid, shall fail to attend, it shall and may be lawful for the court in either case, to order the sheriff or other officer, to summon from among the bystanders, or neighboring citizens, so many good and lawful men as are necessary to form and complete the panel of the grand jury, or to issue a special venire facias, to the sheriff, commanding him to summon the persons therein named to attend forthwith to serve as grand jurors.

Sec. 3. That section nine of the act to which this is an amendment, be and the same is hereby repealed.

Sec. 4. 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.

March 31, 1859.

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