LAWS OF OHIO.

We publish in an Extra, at considerable expense, all the laws of a general nature, enacted at its late session, by the Legislature of Ohio. Our readers will thank us for this act of promptitude, which gives them the laws several months in advance of their publication, in pamphlet form, by the State Printer. We also present a large amount of interesting miscellaneous matter.

We ask an attentive perusal of these laws. Every citizen should acquaint himself with the acts of our Legislature. In this way, public sentiment is concentrated, and, ultimately, hasty legislation is corrected.

Laws of Ohio.

[PUBLISHED BY AUTHORITY.]

AN ACT

Limiting the Fees of County Treasurers in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That no County Treasurer shall be entitled to any per centage, commission, or fee, on monies received by him from the Treasurer of State, any thing in any law to the contrary notwithstanding.

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

RICHARD C. PARSONS,
Speaker of the House of Representatives.
RICHARD A. HARRISON,
March 3 1860. President pro. tem. of the Senate.

AN ACT

To amend section three hundred and thirteen of the Act to establish a Code of Civil Procedure.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three hundred and thirteen of the act entitled "An Act to establish a Code of Civil Procedure," be so amended as to read as follows: Sec. 313. No party shall be allowed to testify by virtue of section three hundred and ten, when the adverse party is the guardian of an idiot, or a lunatic, or of a deaf and dumb person, or the executor or administrator of a deceased person, or the guardian of a child or children of a deceased person, when the facts to be proved transpired before the death of such deceased persons, except in suits upon contracts which shall have been entered into by deceased persons, by agents, in which cases, if the agent be a witness, the opposite party may testify as to all that transpired between such party and the agent in relation to such contract, and the making of the same; excepting also, cases where the claim or defense is founded on book account, then the party shall be permitted to testify, that the entries are in his handwriting, that the book containing the same is his book of original entries, and if the original entries in said book of accounts, have been made by a person who, at the time of such trial, is deceased, or a disinterested person who is a non-resident of the State, on proof of such decease or non-residence, and that said entries are in the handwriting of such person, or such proof by the party as hereinbefore provided, then it shall be competent to admit said book of original entries as evidence, the weight to be given to such evidence, in either case, however, being left to the Court or Jury to determine; and in all actions by or against a surviving partner or partners, or a surviving joint contractor or contractors, any party to the action shall be incompetent as a witness to testify to transactions which took place with or declarations or admissions made by the deceased partner or joint contractor, in the absence of his surviving partner or joint contractor. The deposition of a party shall not be used in his own behalf, unless the legal notice required in the cases where depositions are to be taken shall also specify, that the deposition to be taken is that of the party; provided, that if the deposition of a party be taken in any pending suit, and such party shall die before the trial thereof, it shall be lawful for the opposite party to testify as to all matters contained in said deposition.

SEC. 2. This act to take effect from and after its passage; and section 313 of the "Act to establish a Code of Civil Procedure," as amended by the act of April 12, 1858, is hereby repealed.

RICHARD PARSONS,
Speaker of the House of Representatives.
RICHARD A. HARRISON,
March 3, 1860. President pro. tem. of the Senate.

AN ACT

To Regulate the Responsibility of Inn Keepers.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That no inn keeper in this State, who shall constantly have in his inn an iron safe, or suitable vault in good order and fit for the safe custody of money, bank notes, jewelry, articles of gold and silver manufacture, precious stones and bullion, and who shall keep a copy of this act, printed by itself in large, plain English type, and framed, constantly and conspicuously suspended in the office, bar room, saloon, reading, sitting and parlor room of his Inn, and also a copy, printed by itself, in ordinary sized, plain English type, posted upon the inside of the entrance door of every public sleeping room of his Inn, shall be liable for the loss of any such article aforesaid suffered by any guest, unless such guest have first offered to deliver such property lost by him to such inn-keeper for custody in such iron safe, and such inn-keeper shall have refused or omitted to take it and deposit it in such safe for its custody, and to give such guest a receipt therefor; but every inn keeper shall be liable for any loss of the above enumerated articles by a guest in his Inn, caused by the theft or negligence of the inn-keeper, or of any of his servants, anything to the contrary thereof in this act notwithstanding.

SEC. 2. That if any inn-keeper shall embezzle, or convert to his own use, or fraudulently take, make way with or secrete with intent to embezzle or fraudulently convert to his own use, without the consent of his guest, any money, bank notes, jewelry, articles of gold or silver manufacture, precious stones or bullion delivered to such inn-keeper by his guest for safe custody, he shall, upon conviction, be punished in the manner prescribed by law for feloniously stealing property of the value of the article or articles so embezzled, taken or secreted.

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

RICHARD C. PARSONS,
Speaker of the House of Representatives.
RICHARD A. HARRISON,
March 3, 1860. President pro tem. of the Senate.

AN ACT

To amend section twenty-one of an Act entitled "an Act to further provide for the better regulation of the receipt, disbursement, and safe-keeping of the public revenue," passed April 12, 1858.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-one of an act entitled "an act to further provide for the better regulation of the receipt, disbursement, and safe-keeping of the public revenue," passed April 21, 1858, be amended so as to read as follows: Sec. 21. The Treasurer of State shall, previous to entering upon the duties of his office, give bond, with twelve or more securities, to the acceptance of the Governor, in the sum of six hundred thousand dollars, payable to the State of Ohio, and conditioned for the faithful performance of the duties of his office, as prescribed by law, and as shall be provided by law thereafter: and the said bond, with the oath of office plainly written out thereon, and subscribed by the Treasurer, shall be deposited with and recorded by the Secretary of State, before the Treasurer shall have the right to exercise any function of his office whatever; and the General Assembly, or the Governor, may, at any time during the continuance in office of the Treasurer, require him to give such additional security as they, or either of them, shall deem necessary, for the complete indemnity of the State, and after ten days from the demand of such additional security, if it be not complied with to the satisfaction of the General Assembly, or the Governor, as the case may be, then the office of the Treasurer shall be held to be vacant, and the Governor shall proceed by his own motion to appoint a Treasurer instead of the incumbent; which successor so appointed, on giving bond and security, and taking the oath of office, as the Treasurer of State is herein required to do, shall have and possess all the powers and functions, and be subject to all the duties and liabilities of a duly elected Treasurer of State; and shall hold his office until his successor is duly elected and qualified.

SEC. 2. Original section twenty-one of said act of April 12, 1858, is hereby repealed; provided, the repeal thereof shall in no manner affect the validity or effect of any bond of any Treasurer of this State heretofore executed; and all rights and liabilities which have heretofore or which may hereafter accrue upon any such bond shall not be in any wise affected by said repeal.

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

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
Passed March 10, 1860. President of the Senate.

AN ACT

To amend the forty-fourth section of an Act relating to Wills, passed May 3, 1852.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-four of an act entitled an act relating to wills, passed May 3, 1852, be so amended as to read as follows: Section 44. The election of the widow to take under the will shall be made by her in person in the Probate Court of the proper county, except as hereinafter provided; and on the application by her to take under the will, it shall be the duty of the court to explain to her the provisions of the will, her rights under it, and by law, in the event of her refusal to take under the will. The election of the widow to take under the will shall be entered upon the minutes of the court, and if the widow shall fail to make such election, she shall retain her dower and such share of the personal estate of her husband as she would be entitled to by law in case her husband had died intestate leaving children. If she elect to take under the will, she shall be barred of her dower and take under the will alone, unless as provided in the forty-third section of this act. Provided further, that said election by the widow to take under the will, shall not bar her of the right to remain in the mansion of her husband, and receive one year's allowance for the support of herself and children, as now provided by law, unless the will shall expressly otherwise direct.

SEC. 2. That the original section forty-four of said act be and the same is hereby repealed.

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

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
Passed March 10, 1860. President of the Senate.

AN ACT

To amend section 427 of the Code of Civil Procedure.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four hundred and twenty-seven of "an act to establish a code of civil procedure," passed March 11, 1853, be so amended as to read as follows, to-wit:

SEC. 427. The jury summoned, as aforesaid, shall be sworn to try and determine the right of the claimant to the property in controversy, and a true verdict to give according to the evidence. If the jury shall find the right to said goods and chattels, or any part thereof, to be in the claimant, they shall also find the value thereof, and the justice shall render judgment upon such finding of the jury for the claimant, that he recover his costs against the plaintiff in execution, or other party to the same for whose benefit the execution issued, and also that he have restitution of such goods and chattels, or any part thereof, according to the finding of the jury. But if the right to the said goods and chattels, and every part thereof, shall not be in the claimant according to the finding of said jury, then the said justice shall render judgment on such finding in favor of the plaintiff in execution, or other party for whose benefit the execution issued, and against said claimant for costs, and award execution thereon. If the jury shall fail to agree and be discharged, costs shall be taxed to abide the final event of the proceeding before said justice, and another jury shall be summoned in like manner as before. Said justice of the peace, in the taxation of costs accruing by reason of such claim and trial, shall allow each juror summoned and sworn the sum of fifty cents; and for the sheriff, constable, or other officer, and witnesses, and for himself, he shall tax such fees as are allowed by law to each, respectively, for like services rendered in other cases. Such judgment for the claimant (unless an undertaking shall be executed, as provided in the next section,) shall be a justification of the officer in returning "no goods" to the writ of execution by virtue of which the levy has been made, as to such part of the goods and chattels as were found to belong to such claimant.

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

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.
Passed March 10, 1860.

AN ACT

To amend Section 490 of an act entitled "An Act to establish a Code of Civil Procedure," passed March 11, 1853.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Section 490 of the act entitled an act to establish a code of civil procedure, passed March 2, 1853, as heretofore amended, be now so amended as to read as follows: Section 490. Such judgment, if the transcript shall be filed in term time, shall have a lien on the real estate of the judgment debtor from the day of filing: if filed in vacation, as against the debtor, it shall have a lien from the day of filing; but as against other transcripts filed in vacation, and judgments rendered at the next term of the Court of Common Pleas, it shall have a lien only from the first day of the next term of said Court; and any judgment of which a transcript has been filed as aforesaid, whatever may be the amount thereof, which shall have heretofore or which may hereafter become dormant by reason of the death of either of the parties thereto or from any other cause, may be revived by the Court of Common Pleas of the county in which the transcript has been or may be filed, in like manner as dormant judgments rendered by such Court may be revived; and the revivor thereof shall have the same force and effect as the revivor of a judgment rendered by the Court of Common Pleas.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
January 25, 1860. President of the Senate.

AN ACT

To amend an act entitled "An Act to amend the sixteenth section of an act entitled an act relating to the organization of Courts of Justice and their powers and duties," passed February 19, 1852.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be amended so as to read as follows: Section 1. That in every instance where a judge of the Court of Common Pleas is or shall be interested in the event of any cause, proceeding, motion, or matter pending before the said court, in any county of his district, or when there shall not be a quorum of the Judges of the District Court of any district, by reason of interest, on affidavit of either party to said cause, proceeding, motion, or matter pending, or his counsel, showing the fact of such interest, it shall be the duty of the Clerk of said Court to enter upon the docket thereof an order directing that the papers and all matters belonging to said cause, motion, proceeding, or matter pending, to which said Judge of the Court of Common Pleas, or of said District Court, is interested, if in the District Court, shall be transmitted to the Clerk of the Court of a county of one of the adjoining districts; if in the Court of Common Pleas, then to the Clerk of the Court of Common Pleas of an adjoining county of another subdivision, where practicable, of the same district, where not, then to an adjoining county of another district; and when a copy of said docket entry, together with all the files belonging to said cause, motion, proceeding, or matter pending, shall be filed with the clerk of the court to whom the same may be transmitted, said clerk shall docket said cause, motion, proceeding, or matter pending, and thereupon the same shall proceed to final judgment or determination in all respects as though the same had been originally commenced in said court last mentioned.

SEC. 2. Section one of an act to amend the sixteenth section of an act entitled "An Act relating to the organization of Courts of Justice and their powers and duties," passed February 19, 1852, be and the same is hereby repealed. This act shall take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
January 25, 1860. President of the Senate.

AN ACT

Amending section two of an act entitled "An Act further defining the Duties of Sheriffs and Coroners," passed March 1, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above recited act be so amended as to read as follows: Section 2. That there shall be kept in the office of the Sheriff of each county of this State, a foreign execution docket, to be furnished at the cost of the county, in which docket the Sheriff or Coroner shall, on the receipt by him of any execution, order of sale, or other process issued from any court of any county of this State, other than that in which he resides, make an entry of the date of such writ, when received by him, from what court and county issued, the date and amount of judgment or decree. Also copy in such book the full description of the property and real estate which he shall levy upon or offer for sale, the same as is endorsed upon or contained in said writ. Also copy into said book his return on such writ, when he makes the same, including the bill of costs; and shall, for the use of the persons entitled to the same, retain all fees due in such cases to residents of his county, and pay the same over on demand to such persons, and shall make a direct and reverse index of each case so entered; and such entries so made, shall be notice to subsequent purchasers and creditors of the matters contained therein.

SEC. 2. That said original section two be and is hereby repealed.

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

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
January 25, 1860. President of the Senate.

AN ACT

To amend section ten of an act entitled "An Act establishing Boards of County Commissioners, and prescribing their Duties," passed March 12, 1853.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section ten of the above recited act be so amended as to read as follows: Section 10. That, at the September session, the Commissioners shall examine and compare the accounts and vouchers of the County Auditor and Treasurer, count the funds in the treasury, and direct the Auditor to publish an exhibit of the receipts and expenditures for the past year.

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

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
February 8, 1860. President of the Senate.

AN ACT

Supplementary to the act entitled "An Act to provide for the re-organization, supervision and maintenance of Common Schools," passed March 1, 1853.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for any Board of Education, organized under the act passed March 1, 1853, entitled "An Act to provide for the re-organization, supervision, and maintenance of Common Schools," or organized under the act passed February 21, 1849, entitled "An Act for the better regulation of the Public Schools in cities, towns, etc.," in every case where it may be necessary to procure a school house site, and the said Board of Education and the owner thereof shall be unable, from any cause, to agree upon the sale and the purchase thereof, to make out an accurate survey and description of the parcel of land which the said Board of Education may desire to appropriate for school house purposes, and file the same with the Probate Judge of the proper county, and thereupon the same proceedings of appropriation shall be had which are provided for by the act entitled "An Act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852, and the various acts amendatory and supplementary thereto.

SEC. 2. This act shall take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
February 10, 1860. President of the Senate.

AN ACT

Supplementary to the act to give additional security to Land Titles in this State, passed March 22, 1849.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any deed, mortgage, lease, or other instrument of writing intended to convey or encumber any real estate, or any interest therein, heretofore or hereafter executed, may not have been or shall not be printed or written on a single sheet, or whenever the certificate of acknowledgment thereof may not have been or shall not be printed or written on the same sheet on which said deed, mortgage, lease, or other instrument of writing may be printed or written, and such defective conveyance shall be corrected by the judgment of a court, or by the voluntary act of the parties thereto, such judgment, or the instrument correcting the same, shall relate back so as to take effect at and be operative from the time of filing the original conveyance in the Recorder's Office.

SEC. 2. This act shall take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
February 10, 1860. President of the Senate.

AN ACT

Supplementary to an act to provide for compensation to the owners of Private Property appropriated to the use of Corporations, passed April 30, 1852.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it becomes necessary for two or more railroads to cross any of the navigable waters of this State at or near the same point by draw or swing bridge, said road shall, if practicable, use one and the same bridge and approaches thereto; and in case the companies owning or controlling, and those desiring to use such bridge and approaches, cannot agree upon the terms and regulations upon which said bridge shall be used as above, then the right to use any bridge and approaches, or other similar structure already constructed by a railroad company for its own use, may be appropriated by any other railroad company, to be enjoyed in common with the company owning the same, in accordance with the provisions of the law in force authorizing the appropriation of private property to the use of corporations.

SEC. 2. The statement required to be filed containing a specific description of the rights sought to be appropriated in such cases shall, as near as may be, set forth the regulations according to which the joint use of said bridge and approaches, or other structure, shall be regulated; and in case the reasonableness of the same or any part thereof shall be denied by the defendant in said proceedings, the court shall hear and determine the said issue, and enter on record its finding and order thereon, confirming or altering said regulations as it may deem just and reasonable, subject to exceptions and reversal for error by the Court of Common Pleas on petition filed for that purpose; and the order of the court fixing said regulations shall be made before the jury are impanneled to assess the amount of compensation for the right sought to be appropriated, which compensation shall be a sum equal to the annual value of such use, to be paid quarterly each year, in advance, while the same shall continue.

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

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
February 10, 1860. President of the Senate.

AN ACT

To amend an act entitled "An Act to authorize the establishment of Poor Houses," passed March 8, 1831, took effect June 1, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of the act entitled "An Act to authorize the establishment of Poor Houses," passed March 8, 1831, be so amended as to read as follows: That the Board of Directors shall appoint a Superintendent, who shall reside in some apartment of the Infirmary, or other building contiguous thereto; and shall receive such compensation for his services, perform such duties, and give such security for their faithful performance as the Board shall judge proper; he shall be governed, in all respects, by the rules and regulations of the Board, and may be removed by them at pleasure, but in no case shall the Directors appoint one of their own number such superintendent, nor shall any director be eligible to hold any other office, directly or indirectly in the Infirmary, or receive any compensation whatever, as physician, either directly or indirectly, wherein the appointing power is vested in the Board of Directors by this act, or the acts amendatory of this act; nor shall the superintendent thus appointed hold any other post in the Infirmary. The superintendent may require all persons received into the Infirmary, to perform such reasonable and moderate labor as may be suited to their ages and bodily strength, the proceeds of which shall be appropriated to the use of the Institution, in such manner as the Board of Directors may point out. The Superintendent shall receive into the Infirmary any person who shall produce to him such an order or voucher as is hereinafter required; and he shall enter in a book to be provided by him and kept for that purpose, the name and age, as near as may be, of every person so received into the Infirmary, together with the day on which such person was received and dismissed.

SEC. 2. That original section four in the above recited act be and the same is hereby repealed.

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

RICHARD C. PARSONS,
Speaker of the House of Representatives.
RICHARD A. HARRISON,
March 3, 1860. President pro tem. of the Senate.

AN ACT

To amend an act entitled "An Act for the protection of Railroads," passed March 28, 18??.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of said act be so amended as to read as follows: Sec. 1. That every person who shall wilfully and maliciously remove, break, displace, throw down, destroy, or in any manner injure any iron, wooden or other rail, or any branches or branch ways, or any part of the tracks, or any bridge, viaduct, culvert, trestle-work, embankment, parapet or other fixture, or any part thereof attached to or connected with such tracks of any railroad in this state now in operation, or which shall hereafter be put in operation, or who shall wilfully and maliciously place any obstruction upon the rails or tracks of any such railroad, shall, on conviction thereof, be punished by imprisonment in the penitentiary not less than one or more than twenty years; provided, however, that if any person shall, by the commission of either of the aforesaid offenses, occasion the death of any person or persons, the person so offending shall be deemed guilty of murder in the first or second degree, or manslaughter, according to the nature of the offense, and on conviction thereof shall be punished as in other cases.

SEC. 2. Said original section one is hereby repealed; provided, however, that all offences against and violations of said section so repealed, which have been heretofore committed, shall be prosecuted and punished according to the provisions thereof, as fully as if said section had not been repealed.

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

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
Passed March 26, 1860. President of the Senate.

AN ACT

To provide for the Enlargement of the Ohio Penitentiary.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the warden and directors of the Ohio Penitentiary are hereby authorized and directed to provide immediately for the enlargement of that institution, in addition to the enlargement now provided for by law, by extending the east wing thereof, in an easterly direction, and extending the east cell house in a corresponding manner, with the addition of a sufficient number of cells to meet existing wants, for the accommodation and confinement of male convicts.

SEC. 2. Said cells to be constructed after the same plan and in the same style of those now being constructed in said east wing. The said enlargement to be made with a view to such general plan as will, when said east wing and cell house are completed, give said penitentiary the capacity for the accommodation of one thousand male convicts.

SEC. 3. The entire structure shall be well and substantially built of stone, with special reference to economy, and to the safe keeping and comfort of the convicts, and also to be constructed in a manner to correspond in material and appearance with the present east wing.

SEC. 4. The said warden and directors are hereby authorized and directed to provide for the enlargement of the dining hall, kitchen, bake-room, and wash-room, so as to provide for the wants and accommodation of one thousand male convicts, adopting such plan as shall secure that end, with a view to economy and permanence, and with a view to the corresponding enlargement of chapel and hospital in the upper stories of the same building. The said enlargement of the dining hall and kitchen, to be made upon the east side thereof, with walls to correspond in appearance and material with the walls of the present dining hall.

SEC. 5. They are also authorized and directed to construct immediately two new work shops in the northern part of the prison yard, of sufficient capacity for the accommodation of one hundred convicts each, as nearly as may be. The walls to be made of brick, and to be two stories high and covered with slate roof. The walls to be laid up of sufficient thickness to bear the weight and strain of machinery, reference being had to the kind of business to be done in said shops.

SEC. 6. They are hereby authorized to take down and remove the cooper shop (so called,) as soon as the said new shops are finished and ready for use.

SEC. 7. In the location of said shops, and the enlargement of the dining hall and kitchen departments, they are hereby directed to carry out the general plan submitted by the penitentiary commissioners to His Excellency the Governor of Ohio, on the 3d of March, 1860, in the drafts accompanying their report to him.

SEC. 8. They shall have power to execute, by convict labor, so much of any, or all, work contemplated by this act, as in their opinion will be conducive to the best interests of the state, and shall complete the remaining portion, or the whole, as the case may be, by dividing the same into suitable parcels, and advertising for sealed proposals for contracts, in the daily Ohio Statesman and the daily Ohio State Journal, for not less than three consecutive weeks before the time when such contracts are proposed to be let; and such advertisement shall contain proposals for the completion of each separate parcel and for the entire work. All bids offered on the day when the letting is to take place shall be rejected; and all bids received shall be opened on that day, in the presence of the warden and directors, and not otherwise.

SEC. 9. All contracts shall be let by said warden and directors to the lowest responsible bidder, and shall specifically set forth the work contracted to be done, style, time when to be completed, materials to be used, etc.; and in no event shall the time for the completion of the entire improvement extend beyond the first day of November, 1860. Every contracting party shall give bond to the state of Ohio at the time of putting in such proposals for contracts, which said bond shall be in such sum as the said warden and directors shall direct—conditioned that the party making the proposal, will accept the contract, if the same be awarded to said party, and for the performance of the contract by said party, and no bids shall be received and no contract authorized by this act shall be held to be complete until together with the bonds and security, it shall have been first approved by the attorney general and auditor of state.

SEC. 10. Said warden and directors are hereby empowered to hire out to the contractors, or any of them, convict labor, upon such terms and to such extent, as will best subserve the interests of the state; and in cases where two or more bidders shall be equal, and none lower, the directors and warden are empowered to decide which shall take the contract.

SEC. 11. The said warden and directors are hereby authorized to take from the quarry belonging to the state, all the stone needed for said structures and enlargements, and for that purpose they are hereby authorized and directed to control so much of said quarry as is necessary for said purpose, but for no other purpose.

SEC. 12. That said warden shall be the acting director of such proposed improvements, and the said directors shall be advisory, and they may employ, at their discretion, an architect, and such other assistants as may be necessary. And whenever the expression "warden and directors" occurs, or is referred to in this act, it shall be held to refer to them as a collective body, a majority of whom shall be competent to the discharge of business.

SEC. 13. There is hereby appropriated out of any money in the treasury, not otherwise appropriated, to pay for work performed, and materials furnished for the purposes aforesaid, the sum of forty thousand dollars. Such moneys shall be paid out in the same manner as other moneys are, upon the certificate of said warden and directors, which certificate shall only be given to pay for work actually done, and materials actually used in making the improvements authorized by this act.

SEC. 14. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
Passed March 28, 1860. President of the Senate

AN ACT

To authorize Counties, Townships, Cities and Incorporated Villages to issue Bonds in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the Commissioners of any county, the Trustees of any township, and the Council of any city or incorporated village which may have heretofore in pursuance of law issued bonds in aid or for purposes of public improvement, and which bonds are now due and unpaid, or may become due on or before the fourth day of January in the year eighteen hundred and sixty-three, to issue other bonds not exceeding in amount the principal of such bonds so due or to become due.

SEC. 2. All bonds issued by virtue of the foregoing section shall be numbered and registered by the authorities issuing them; each bond shall be for a sum of not less than one hundred dollars, or more than one thousand dollars, and shall become due at any period therein named, not exceeding fifteen years from its date; it shall bear interest at a rate not exceeding seven per centum per annum, payable semi-annually by coupons thereto attached, and each bond with its coupons may be made payable at any place designated therein; provided, however, that no bond shall be disposed of at less than its par value, and the proceeds of all such bonds shall be used for the redemption of an equal amount of the principal of bonds falling due or to become due as specified in the first section of this act, and for no other purpose whatever.

SEC. 3. Said Commissioners, Trustees and Councils, issuing bonds under the provisions of this act, are hereby authorized and required to assess and levy in the usual manner an annual tax for the payment of the interest upon said bonds; and they are likewise hereby authorized to assess and levy such annual tax as to them may seem expedient for the redemption of the principal of said bonds; the power of taxation hereby conferred being additional to the other powers of taxation granted to them by law.

SEC. 4. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
Passed March 10, 1860. President of the Senate.

AN ACT

Making appropriations for the Maintenance and Repair of the Public Works for the fiscal year ending Nov. 15, 1860, and for the quarter ending February 15, 1861.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated out of any moneys in the State Treasury, for general revenue purposes, to be paid out on the check of the member of the board of public works, who may have charge of the respective portions of the public works for which appropriations are made, as follows:

For general superintendence, construction and repairs on the northern portion of the Ohio Canal, from Cleveland to the Licking dam, for the fiscal year ending November 15, 1860, the sum of fifty-five thousand dollars;

For the quarter ending February 15, 1861, the sum of eight thousand dollars;

On the Walhonding Canal, for the fiscal year ending November 15, 1860, the sum of three thousand dollars;

For the quarter ending February 15, 1861, the sum of five hundred dollars;

For building Sandy and Beaver aqueduct, eleven thousand dollars;

For general superintendence, construction and repairs on the southern portion of the Ohio canal, from the Licking dam to Portsmouth, for the fiscal year ending November 15, 1860, the sum of fifty-eight thousand dollars;

For the quarter ending February 15, 1861, the sum of ten thousand dollars;

On the Hocking canal for the fiscal year ending November 15, 1860, the sum of twelve thousand seven hundred dollars;

For the quarter ending February 15, 1861, the sum of two thousand dollars;

On the Muskingum Improvement, for the fiscal year ending November 15, 1860, the sum of thirty-four thousand dollars, and for the improvement of the mouth of the Muskingum river, two thousand dollars.

For the quarter ending February 15, 1861, the sum of four thousand dollars;

For the payment of ferriage, or bridge toll, at Portsmouth, the sum of six hundred dollars.

For the payment of indebtedness incurred prior to February 15, 1860, the sum of one thousand dollars;

For general superintendence, construction and repairs, on the Miami and Erie canal, from Cincinnati to Toledo, for the fiscal year ending November 15, 1860, the sum of ninety thousand dollars;

For the quarter ending February 15, 1861, the sum of fifteen thousand dollars;

On the Western Reserve and Maumee road, for the fiscal year ending November 15, 1860, the sum of five thousand dollars;

For the quarter ending February 15, 1861, the sum of one thousand dollars;

For completion of contract with James Purdy at Gilead side cut, the sum of two thousand dollars;

For balance due E. Farrington & Co, on contract, for building lock no. 8, north of Laramie Summit, in 1858, the sum of two thousand nine hundred and seventy-nine dollars and nineteen cents.

For the payment of claims for damages to lands on the borders of the Mercer county reservoir, the sum of two thousand dollars;

For the payment of the salaries of resident engineers, the sum of seven thousand five hundred dollars;

For incidental expenses of the office of the board of public works, the sum of one thousand five hundred dollars;

And for payment of the salary of the secretary of said board, the sum of one thousand dollars—subject to the check of the president of said board;

For the payment of the salaries of the members of the board of public works, to be drawn on the warrant of the auditor of State, the sum of four thousand five hundred dollars. Provided, however, that the whole amount expended on the public works before mentioned, during the fiscal year ending November 15, 1860, and the first quarter of the year 1861, shall not exceed the gross receipts from the revenues of the public works by a sum greater than an average of two thousand dollars per month.

SEC. 2. This act shall be in force on and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.
Passed March 26, 1860.

AN ACT

To amend section three of an Act entitled an "Act of the Jurisdiction and Procedure before Justices of the Peace, and of the duties of Constables in Civil Courts."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of an act entitled "an act of the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in Civil Courts," passed March 14, 1853, be so amended as to read as follows: Sec. 3. That no householder or freeholder resident of the county shall be held to answer any summons issued against him by a justice in a civil matter, in any township in such county other than the one where he shall reside, except as otherwise provided by section two of this act and in the cases following:

First—Where there shall be no Justice of the Peace for the township in which the defendant may reside, or,

Second—Where the only Justice residing therein is interested in the controversy; or,

Third—Where he shall be related as father, father-in-law, son, son-in-law, brother, brother-in-law, guardian, ward, uncle, nephew or cousin, to either of the parties, and there is no Justice in the township competent to try the cause.

In the foregoing excepted cases the action may be brought before any justice of an adjoining township of the same county, and the justice shall state on his docket the reason of his taking jurisdiction.

Fourth—Where the summons is accompanied with an order to attach property, the jurisdiction shall be co-extensive with the county.

Fifth—When two or more persons shall be jointly or jointly and severally bound in any debt or contract, or otherwise jointly liable in the same action, and reside in different townships of the same county, the plaintiff may commence his action before a justice of the township in which any of the persons liable may reside; except that in joint actions against the makers and indorsers of notes, due-bills, or bills of exchange, the action shall be commenced in the township where one of the original makers, drawers or endorsers reside, and if it be claimed by the plaintiff that an indorser indorsed the note or bill at the time it was made, and the jurisdiction depend thereon, before the justice shall take jurisdiction, the plaintiff, or some person for him, shall file an affidavit setting forth the fact.

Sixth—In cases of trespass to real or personal property, it shall be lawful to bring the action in the township where the trespass was committed, or in the township where the trespasser, or any one of several trespassers reside.

SEC. 2. That section three of the act to which this is amendatory, be and the same is hereby repealed.

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

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
March 10, 1860. President of the Senate.

AN ACT

To amend an Act entitled "an Act to provide for the establishment and government of Reform Schools," passed April 2, 1858.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section ten of the act aforesaid be so amended as to read as follows:

SEC. 10. It shall be lawful for the Board of Commissioners aforesaid, to receive upon said Reform Farm, and detain there under their control and guardianship such male youth as may be received and detained in Houses of Refuge, under sections six, seven, eight and nine of the said act, entitled "an act to authorize the establishment of Houses of Refuge," and the manner and form prescribed in sections ten and eleven of said act, in reference to the examinations and commitment of such youth is hereby extended to and shall be held to the examination and commitment of youth to said reform farm; and all powers vested by the act aforesaid in the Boards of Directors of Houses of Refuge, with reference to such institutions, is hereby conferred upon said Board of Commissioners, in reference to the State Reform Farm.

SEC. 2. Section fifteen of the act aforesaid shall be so amended as to read as follows:

SEC. 15. The parents or guardians of any youth admitted to any Reform School, may be required by the authorities of said Reform School to pay a weekly charge for the support of said youth, not exceeding one dollar and fifty cents, the money so received to be duly reported and expended, as other moneys, for the benefit of such Reform School, and said parents or guardians may also be required to pay the expense of removing said youth to the Reform School and of returning him to his friends.

SEC. 3. Sections ten and fifteen of the aforesaid act are hereby repealed.

SEC. 4. This act shall take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.
March 10, 1860.

AN ACT

Concerning fugitives from justice, and to repeal an act on the same subject, passed February 28, 1834.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any person shall be brought before any Judge of a Court of Common Pleas, or any Judge of a Probate or Police Court within the State charged with the commission of any criminal offense against the laws of any other State, or of any of the territories of the United States, and which, had the act been committed in this State would by the laws thereof been a crime, it shall be lawful, and it is hereby made the duty of such Judge to hear and examine such charge, and upon proof by him adjudged sufficient, to commit such person to the jail of the county in which such examination shall take place, or to cause such person to be delivered to some suitable person to be removed to the proper place of jurisdiction.

SEC. 2. That whenever any person is committed to jail by any judge by virtue of this act, it shall be the duty of such judge forthwith to give notice by letter, to be directed to the sheriff of the county in which such offense shall have been committed, or to the party injured by such crime, which letter may be sent by mail. And no person so committed shall be delayed longer in jail than is necessary to allow a reasonable time to the person or persons so notified, after they shall have received such notice, to apply for the persons so committed.

SEC. 3. That an act entitled "an act concerning fugitives from justice," passed February 28, 1834, be and the same is hereby repealed.

SEC. 4. This act shall take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.
Passed March 24, 1860.

AN ACT

Supplementary to "an Act relating to Juries," passed February 9, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever, from any cause, the number of petit jurors in attendance upon the Court of Common Pleas of any county in this State, at any time during a term of such court, shall be less than twelve, it shall be lawful for the court to cause to be issued a special venire facias containing as many names of discreet and suitable persons, having the qualifications of electors and selected by the court as said court may deem necessary to complete the panel of petit jurors, and the jurors so added to complete said panel shall, for the remainder of the term, constitute a part of the panel in the same manner as if they had been originally summoned thereon, and shall be entitled to the same exemptions from further service in the same year, and to the same fees as are now allowed to petit jurors by law.

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

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
Passed March 22, 1860. President of the Senate.

AN ACT

To prevent Collisions on Railroads within the State of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the tracks of two railroads in the State of Ohio cross each other at a common grade, the crossings shall be made, kept up, and watchmen maintained at the joint expense of the companies owning said tracks, and all trains or engines passing over said tracks shall come to a full stop not nearer than two hundred feet nor further than eight hundred feet from said crossing, and shall not cross until signalled so to do by the watchman, nor until the way is clear; and when two passenger or freight trains come up at the same time, the train on the road first built shall have precedence; provided they are both main tracks over which all passengers and freights on said roads are transported; but if only one is such main track and the other is a side or depot track, then the train on the main track shall take precedence; but if one of said trains is a passenger and the other a freight train, then the former shall take precedence. Regular trains on time shall take precedence over trains of the same grade not on time, and engines, with cars attached, not on time shall take precedence of engines with cars attached if not on time. The same rule as above provided shall apply in all respects where the tracks of two railroads in any way connect.

SEC. 2. It shall be the duty of the managing agent or superintendent on every railroad in the State of Ohio, immediately after the taking effect of this act, to establish and publish to all the employees on said railroad such rules and regulations as shall, in all cases, secure strict compliance with the provisions of the foregoing section, and to re-publish such rules or regulations on every time table or card issued to the employees on said road; and in case such managing agent or superintendent shall fail or neglect to establish and publish such rules and regulations, or to re-publish the same on each time-table or card issued to the employees on said road, for every such neglect or refusal said managing agent or superintendent shall be personally liable to a penalty of one hundred dollars, to be recovered, together with costs, in an action against him in favor of the State of Ohio to be brought in the Court of Common Pleas of any county where any such crossing may exist; any such agent or superintendent, and the railroad company of which he is agent or superintendent, shall also be liable in damages to any person or company who may be injured in person or property by any accident arising from a neglect to establish, publish or re-publish such rules and regulations as above provided, and said agent or superintendent shall also be liable to a criminal prosecution therefor.

SEC. 3. That every engineer or person in charge of an engine who shall fail to comply with the provisions of the first section of this act, and shall fail to bring the engine of which he is in charge, with the train, if any, thereto attached, to a full stop at least two hundred feet before arriving at any railroad crossing or connection, or shall cross the same before signaled so to do by the watchman, or before the way is clear, shall be personally liable therefor to a penalty of one hundred dollars, to be recovered by civil action, at the suit of the State of Ohio, in the Court of Common Pleas of any county where any such crossing or connection exists, and the company in whose employ such engineer or person in charge of an engine may be, as well as the person himself, shall be liable in damages to any person or company who may be injured in person or property by the neglect or act of said engineer or person in charge of an engine as aforesaid; and such engineer or person in charge of an engine shall also, in case any person be killed by reason of his neglect or failure to bring such engine and train of cars, if any there be attached thereto, to a full stop at least two hundred feet before reaching a crossing or connection with the track of another railroad, or by reason of his crossing the same before being signaled so to do by the watchman there stationed, or before the way is clear, be liable to indictment, conviction and punishment for manslaughter; or in case any person sustain bodily injury, not affecting life, by reason thereof, then such engineer or person in charge of an engine as aforesaid shall be considered guilty of a misdemeanor, and shall, on conviction thereof in the proper court of the county where such bodily injury occurred, be imprisoned in the jail of the county not less than one nor more than twenty months, or be fined in any sum not more than five hundred dollars, or both at the discretion of the court.

SEC. 4. That section six of the act entitled "an act to amend the act entitled an act to provide for the creation and regulation of Incorporated Companies in the State of Ohio," passed April 5, 1857, be and the same is hereby repealed.

SEC. 5. This act shall take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
Passed March 24, 1860. President of the Senate.

AN ACT

Supplementary to "an act to provide for the Organization of Cities and Incorporated Villages," passed May 3, 1852, and the Amendment passed March 11, 1853, and a Supplementary Act passed April 8, 1856, and supplementary to the Act passed April 12, 1858.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities of the first class, in which water works have heretofore or may hereafter be constructed, it shall be lawful for the city council to provide by ordinance for the division of said city into not more than six sewerage districts, designating the same by name or number; and that for the purpose of defraying the expense of constructing main sewers in said districts, or either one of them, the city council shall have power to borrow, from time to time as they shall deem expedient, a sum of money not to exceed thirty thousand dollars for any of said districts, upon the credit of the city, and shall have authority to issue bonds, with interest coupons attached, pledging the faith and credit of said city for the payment of the principal and interest of said bonds; provided, that all bonds issued as aforesaid shall have the name or number of the district for which the same were issued, legibly written or printed upon them, and shall be signed by the mayor and clerk, and be sealed with the seal of the city.

SEC. 2. That for the purpose of repaying the principal and interest of the bonds by this act authorized to be issued, it shall be lawful for the city council to assess and collect upon and from all the real estate in the district for which said bonds are issued, in each and every year thereafter until the interest and principal of said bonds is fully paid and satisfied, an amount sufficient to pay the interest due upon said bonds semi-annually; and such an amount as upon computation shall be found necessary to provide a sinking fund for the redemption of the bonds so issued as aforesaid at their maturity; provided, that not more than five per cent. per annum shall be collected in any one year of the principal of the bonds authorized by this act to be issued.

SEC. 3. That it shall be lawful for the city auditor to make the assessment required by the preceding section, upon all the real estate in the district upon the valuation as established by law for state and county purposes; and said auditor is hereby required to certify said assessment to the city council on or before the second Monday in May, annually; that after the same shall have been confirmed by the city council they shall direct the city clerk to certify it to the county auditor who is hereby authorized to place the same upon the tax duplicate in the same manner as other township and city taxes are by law placed upon said duplicate, and the county treasurer is hereby authorized and required to collect said assessment in the same manner as other taxes collected by him, and when collected shall pay the same to the treasurer of said city, and for the purpose of enforcing the collection of said assessment, he shall have the same power and authority now allowed by law for the collection of state and county taxes.

SEC. 4. That in the construction of a main sewer in or through the streets, lanes or alleys of said district, it shall be lawful for the city council to assess and collect, upon and from all the lands or lots bounding or abutting upon said streets, lanes or alleys, so much of the expense of constructing said main sewer as would, in the opinion of the city council, be required to construct an ordinary street sewer or drain of sufficient capacity to drain or sewer said lots or lands bounding and abutting upon the streets, lanes or alleys in or through which said main sewer may be constructed.

SEC. 5. This act shall not apply to cities of the first class having a population exceeding eighty thousand inhabitants.

SEC. 6. This act to take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
Passed March 22, 1860. President of the Senate.

AN ACT

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

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village in this state is hereby authorized to purchase, for the use of such village, at a price not exceeding five thousand dollars, any lots or grounds therein, being formerly the site of any fort, or the scene of any important historical event worthy of commemoration, and for the payment of the purchase money thereof, such council is hereby authorized in addition to the other powers of taxation conferred on them by law, to levy a tax upon all the property of said village, as contained upon the tax duplicate of the county, not exceeding one mill on the dollar in any one year, and it shall be the duty of said council to cause said lots or grounds so purchased to be kept in good order at the expense of said village.

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

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
Passed March 21, 1860. President of the Senate.

AN ACT

To re-enact sections sixty-eight and fifty one of an act entitled "an Act to provide for the Organization of Cities and Incorporated Villages," passed May 3, 1852.

WHEREAS, The constitution of this state provides that the general assembly may establish other courts than those named in the constitution itself, whenever two-thirds of the members elected to each house shall concur therein. And whereas, the supreme court has decided that the sixty-eighth and fifty-first sections of the act to provide for the organization of cities and incorporated villages, which define the civil and criminal jurisdiction of mayors of cities of the second class, is within the purview of the constitutional provision referred to; and whereas, said act was not passed by a vote of two-thirds of the members elected to each house of the general assembly; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section sixty-eight of said act as amended by the third section of an act supplementary to said act passed April 5, 1856, be and the same is hereby re-enacted as follows: Section 68. The city council of the second class shall have power to provide by ordinance for the summoning and empanneling of juries by the mayor of such cities, and such jury shall have the qualifications of jurors in the Court of Common Pleas. Jurors and witnesses in all prosecutions before the mayor for violations of the city ordinances, shall receive the same fees that are allowed by law in civil actions before justices of the peace; the fees of the mayor and marshal in such cases shall be provided for by ordinance, all of which fees in case of conviction shall be taxed against the parties convicted, and in case of conviction shall be taxed against the city and (except the fees of the mayor and marshal) paid out of the treasury upon the certificate of the mayor. The mayor of the cities of the second class shall have within the limits of the same, all the jurisdiction and powers of a justice of the peace, in all matters criminal and civil, arising under the laws of this state, to all intents and purposes whatever, and for crimes and offenses his jurisdiction shall be co-extensive with the county; he shall give bond and security as is required of justices of the peace, to be approved by the city council; he shall have exclusive jurisdiction of all prosecutions for violation of the ordinances of the city; he may award and issue any process or writ that may be necessary to enforce the administration of right and justice throughout the city, and for the lawful exercise of his jurisdiction according to the usages and principles of law; and he shall in the discharge of the duties of justices of the peace, receive the fees and compensation allowed by law in such cases.

SEC. 2. That said section fifty-one of said act be and the same is hereby re-enacted as follows: Section 51. The mayor of the corporation shall be a conservator of the peace throughout its limits, and shall have within the same all the power and jurisdiction of a justice of the peace, in all matters civil and criminal, arising under the laws of this state, to all intents and purposes whatever; and for crimes and offences committed within the limits of the corporation his jurisdiction shall be co-extensive with the county: he shall give bond and security as required by law of justices of the peace, to be approved by the council; and the said mayor shall perform all the duties required of him by the laws and ordinances of the corporation, and appeal may be taken in the same manner as from the decisions of justices of the peace; he shall keep a docket, and shall be allowed and receive the same fees that justices of the peace are or may be allowed for similar services.

SEC. 3. Section 51 and Section 68 of an act to provide for the organization of cities and incorporated villages, passed May 3, 1853, be and the same are hereby repealed.

SEC. 4. This act shall take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
Passed March 24, 1860. President of the Senate.

AN ACT

To repeal the School Library tax.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fifty-eighth section of the act of May 4, 1853, to provide for the re-organization, supervision and maintenance of common schools, so far as it relates to the assessment of taxes for the purpose of furnishing and increasing school libraries and apparatus, be and the same is hereby repealed.

SEC. 2. This act shall take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House Representatives.
ROBERT C. KIRK,
March 10, 1860. President of the Senate.

AN ACT

To amend section four hundred and seventeen of an act entitled "An Act to establish a Code of Civil Procedure," passed March 11, 1853.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four hundred and seventeen of the above recited act be so amended as to read as follows: Section 417. If a judgment become dormant, it may be revived in the same manner as is prescribed for reviving actions before judgment, and when the plaintiff to such judgment, his agent or attorney, shall make an affidavit that the defendant is a non-resident of the state, and that such judgment remains unsatisfied, in whole or in part, with a statement of the amount owing thereon, a notice may be published for six consecutive weeks, as provided by section seventy-two, notifying him to appear at a day therein named, not less than ten days after publication is complete, and show cause why judgment shall not be revived against him; and if sufficient cause be not shown to the contrary, the judgement shall stand revived for the amount which the court shall find to remain due and unsatisfied upon such judgment; provided, that in all cases wherein service may be made by publication, personal service of a copy of the order may be made out of the state.

SEC. 2. Original section four hundred and seventeen is hereby repealed, and this act to take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
March 10, 1860. President of the Senate.

AN ACT

To punish Bribery in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person or persons shall directly or indirectly promise, offer to give, or cause or procure to be promised, offered to be given, any money, goods, right in action, present, reward, or any other valuable thing whatever, or any promise, contract, undertaking, obligation, or security, for the payment or delivery of any money, goods, right in action, present, reward, or any other valuable thing whatever, to any officer or public agent after his election or appointment, and either before or after he shall have been qualified as such, with intent

First—To influence his vote or decision upon any question, matter, cause or proceeding which may then be pending, or may by law be brought before him as such officer or agent, or

Second—To induce him to neglect or omit the performance of his duty as such officer or agent, or to perform such duty with partiality or favor, or in consideration of his having neglected or omitted the performance of such duty, or of his having performed it with partiality or favor, or

Third—To induce him to give, procure or assist to procure, or in consideration of his having given, procured or assisted to procure, by his act, interest, influence, other means whatever, any public appointment, office, place of trust or profit, or any preferment or emolument, or any public contract, or any false specification, plan, drawing, certificate or estimate under such contract, every such person and the officer or agent who shall in anywise solicit, accept or receive, any such money, goods, right in action, present, reward or any other valuable thing whatever, or any promise, contract, undertaking, obligation or security for the payment or delivery of any money, goods, right in action, present, reward, or any other valuable thing whatever, or any part thereof, shall on conviction thereof, be punished as provided in the second section of this act.

SEC. 2. That the officer, public agent, or other person so convicted, shall be fined not less than the amount or value of the thing so promised, offered or given, or so solicited, accepted or received, nor more than three times such value or amount, or be imprisoned in the county jail not more than thirty days, or both; and if a public agent or any officer other than a State officer be so convicted, he shall be immediately removed from office or employment by order of the Court; provided, that the execution of such order, when the court has signed a bill of exceptions, shall, on motion of the defendant, be suspended until the determination of an application for a writ of error, but not longer than thirty days, unless such writ be allowed.

SEC. 3. The word "officer" shall be held to include all State officers, including the senators and representatives in the General Assembly, all county, township, city, village, school and other officers deriving their authority under the constitution and laws of this State, and the deputies of all officers. The words "public agent" shall be held to include trustees, commissioners, architects, superintendents, engineers, surveyors, and all other persons acting in a subordinate capacity, excepting contractors, mechanics and laborers, in the purchase, laying out, construction, repair or management of any public ground, work, building, improvement or institution.

SEC. 4. All prosecutions under the provisions of this act shall be by indictment before the Court of Common Pleas in the county where the offense shall have been committed.

SEC. 5. This act shall be given specially in charge to the grand jury by the judges of the Courts of Common Pleas, but no prosecution shall be instituted under it unless it shall be commenced within one year from the commission of the offense.

SEC. 6. This act shall take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.
Passed March 19, 1860.

AN ACT

To amend sections five and six of an act entitled "an act regulating the mode of administering assignments in trust for the benefit of creditors," passed April 6, 1859.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five of said act be amended so as to read as follows: Section 5. The Assignee shall proceed at once to convert all the assets received by him into money, and to sell the real and personal property assigned, either for cash, or upon such other terms as the Probate Judge, in his discretion, may order, at public auction, at such time and place as may be designated in notice given by advertisement in some newspaper of general circulation within the county, for four successive weeks, and of which sale due return shall be made to the Judge, but all sales of real estate shall be made at not less than two thirds the appraised value thereof, being subject to re-appraisement as upon executions at law, and such sale shall be set aside or confirmed as the Probate Judge shall order, and if confirmed, deeds shall be made to the purchasers, conveying the title free from all liens on the same for all debts due the Assignor. Whenever the Probate Judge shall be satisfied that it would be for the advantage of the creditors of the Assignor to sell any part of the real or personal property assigned, at private sale, such Judge may authorize the assignee to thus sell the same, either for cash, or upon such other terms as the Probate Judge, in his discretion, may order, but such property shall in no case be sold for less than two-thirds its appraised value, nor shall such assignee become the purchaser thereof, and a return of such sale shall be made within the time prescribed by such Probate Judge, not to extend beyond six months, and such sale shall be confirmed by the Probate Judge before the same shall be completed and binding, and if confirmed, deeds shall be made of the real estate to the purchaser, conveying the title free from all liens on the same for all debts due by the Assignor. Should any property thus ordered to be sold at private sale, be not so sold within the time prescribed by the Judge, then such Judge shall order the same to be sold at public auction in the same manner as though a private sale had not been ordered.

SEC. 2. That section six of an act entitled "an act regulating the mode of administering assignments in trust for the benefit of creditors," passed April 6, 1859, be amended so as to read as follows: Section 6. Creditors shall present their claims within six months after the publication of the notice provided for in section four of this act, to the assignee for allowance, and the assignee shall endorse his allowance or rejection thereon, and claimants whose claims are rejected shall be required to bring suit against the assignee to enforce such claims within thirty days after the same shall have been rejected, in which, if he recover, the judgment shall be against the assignee, that he allow the same in settlement of his trusts, with or without the costs, as the court shall think right; provided, however, that the assignee may make any defense to such action as the assignor might have made to a suit instituted against him, before the assignment, for the same cause of action.

SEC. 3. Said original section six is hereby repealed.

SEC. 4. This act shall take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.
Passed March 26, 1860.

AN ACT

To enable Townships and Incorporated Villages to establish Cemeteries common to both.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the Trustees of any township, and the Council of any incorporated village therein, to unite in the establishment of a cemetery, common to the inhabitants of both, by the purchase of land therefor, not exceeding thirty acres in extent, at a cost not exceeding six thousand dollars, to be paid by such township and village, in such proportions as may be agreed upon by said trustees and council; and for the payment of such purchase money said trustees shall have power to levy upon the taxable property of such township including such village, and said council shall have power to levy upon the taxable property of such village, such tax, additional to other taxes authorized by law, as may be necessary for such purposes; but said tax shall not be so levied during a greater period of time than three years.

SEC. 2. The title to such cemetery shall be vested in such incorporated village, for the common use of the inhabitants of such township and village, for burial purposes therein. The said land shall be laid out, improved and regulated as a cemetery, in such manner as the council of such incorporated village may from time to time prescribe by ordinance; the inhabitants of such township shall possess therein the same rights and privileges as the inhabitants of such village, to be exercised in the same manner in all respects; and permission shall be granted by said council for the interment in said cemetery of all persons buried at the expense of such township.

SEC. 3. Said council may provide, by ordinance, for the sale and conveyance of burial lots and privileges of interment in said cemetery; and the proceeds of all such sales shall be used for the payment of the purchase money of said land, or for the improvement of the same as a cemetery, or for the creation of a fund, the interest or principal of which may be applied to the improvement and care of the same.

SEC. 4. In the establishment of cemeteries under this act, any township or incorporated village may make use of any cemetery which may or shall be held by such township or village, and of any land which such township or village may or shall have acquired by deed of gift or by devise, for burial purposes; but such cemetery, so held, or land so acquired, shall be part of the tract of land, not exceeding thirty acres, devoted to cemetery purposes, under this act; any funds which are or may be in the treasury of such township or village, applicable to cemetery purposes, may be, by said trustees or council, applied to the establishment, improvement and care of cemeteries created under this act, as if such funds were the proceeds of sales of burial lots therein.

SEC. 5. Any township adjoining one in which a cemetery may be established under this act, may, by consent of the trustees of each township, and of the council of such incorporated village, be admitted to an equal participation of the inhabitants thereof in right and privileges in said cemetery, upon such terms as may be mutually agreed upon; but the title and control of said cemetery shall continue vested in such incorporated village as herein above provided.

SEC. 6. All laws of this State, of a general nature, providing for the protection of cemeteries, or making criminal any acts done to the injury of anything appertaining in any way to the use thereof for burial purposes, shall apply to cemeteries established by virtue hereof.

SEC. 7. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
Passed March 17, 1860. President of the Senate.

AN ACT

Further to regulate the practice of the Supreme and District Courts in this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all cases of informations in the nature of a quo warranto, which are or may be pending in the Supreme or District Courts of this State shall, on the motion of the Attorney General or Prosecuting Attorney having charge of the same, have precedence over the civil business on the docket of said courts respectively, and it shall be the duty of said courts to require on motion of the officers aforesaid, as speedy trial of the merits of such information as may be consistent with the rights of the parties thereto.

SEC. 2. That in all cases where proceedings are or may be pending in any of the courts of this State having jurisdiction over the same in the nature of a quo warranto against any banking corporation, whether instituted by the Attorney General or by the Prosecuting Attorney under the provisions of the laws of this State, any stockholder or stockholders owning together not less than one-fourth of the capital stock of such company actually paid in, or entitled to the beneficial interest therein, may file in the courts in which such proceeding may be pending, a petition to enjoin the directors of such corporation from making any disposition of the assets of such corporation which shall be prejudicial to the interests of such stockholders, or which shall be inconsistent with their duties as directors of such corporation, and said court, or any judge thereof, in vacation, upon being satisfied that the directors in office of such corporation have been violating, or are about to violate any of the franchises thereof, may require them to give security to the stockholders thereof, to the satisfaction of said court or judge, for the proper discharge of their duties, and for the proper management and security of the assets of such corporation under their control, and the said court or judge shall have the power to enjoin such directors and the officers of such bank from paying out or issuing the notes of circulation of such bank, and from incurring any additional liabilities except for the payment of the necessary services of the officers and employees of such banking company, the amount of which while such proceedings are pending, shall be under the control of said court.

SEC. 3. That such court or judge shall also have the power, on petition of any stockholder or stockholders owning not less than one-fourth of the capital stock of such banking company actually paid up, or of the beneficial interests therein, to enjoin the directors and officers thereof from borrowing or issuing either directly or indirectly, any of the money or assets of such bank for their own individual benefit while such proceedings may be pending.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
Passed March 20, 1860. President of the Senate.

AN ACT

Further defining the duties of Supervisors of Roads and Highways.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Supervisors of roads and highways within this state, be and are hereby authorized to construct foot bridges over streams of water on said highways.

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

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
Passed March 21, 1860. President of the Senate.

AN ACT

Extending the time for enclosing Railroads by Fences and Cattle Guards.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time fixed in the act entitled "an act providing for enclosing railroads by fences and cattle guards," passed March 26, 1859, for enclosing railroads by fences and cattle guards, so far as relates to roads in operation at the time of taking effect of said act, be and the time is hereby extended so as to require said roads to build fences and cattle guards within three years from the passage of said above recited act.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate
Passed March 26, 1860.

AN ACT

To regulate the sale of real estate by religious socities.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any religious society shall desire to sell any real estate that may have been conveyed to such society, and is held in trust for a specified religious purpose, it shall be lawful for the trustees, wardens and vestry, or other officers entrusted with the management of the affairs of such society, to file in the Court of Common Pleas of the county where such real estate may be situated, a petition stating that such society desires to make such sale for the purpose of investing the proceeds in other real estate to be held and used for a like purpose, and if upon the hearing of such case it shall appear that such sale and re-investment are desired by the members of such society, and that there is a necessity for the same, the court may authorize the trustees or other officers holding the title in trust, to sell said real estate in such manner and upon such terms as the court shall deem reasonable.

SEC. 2 The trustees, or ther officers authorized to make such sale, shall make return thereof to the court ordering the same, at such time as the court shall order, and thereupon, if the court shall be satisfied that the same has been made in all respects according to its order, and that the proceeds have been invested in other real estate for the use of such society, in trust for the same objects and purposes as provided in the deed by which the real estate ordered to be sold was conveyed to such society, or that a contract has been made securing such investment, the said sale shall be confirmed, and a deed authorized to be made to the purchaser.

SEC. 3. The petitioners shall cause notice of the pendency and prayer of the petition to be published for four consecutive weeks in some newspaper of general circulation in the county where the real estate proposed to be sold is situate, before the term of the court at which the order of sale will be asked.

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

RICHAD C. PARSONS,
Speaker of the House of Representatives,
ROBERT C. KIRK,
President of the Senate.
Passed March 24, 1860.

AN ACT

Supplementary to "an act to relieve District Courts, and to give greater efficiency to the judicial system of the State," passed April 12, 1858, and of the act amendatory thereof, passed March 31, 1859.

SEC. 1 *Be it enacted by the General Assembly of the State of Ohio*, That in all cases in which a second trial has been, or shall be allowed, and an undertaking entered into by the party demanding the same, as provided in sections one and two of the said act "to relieve the District Courts, and to give greater efficiency to the judicial system of the State," and the surety in the undertaking shall have removed from the county, or [the undertaking] is insufficient in form or amount, the court shall, on motion, order a new undertaking to be executed, with security to the satisfaction of the clerk of such court, and if such order shall not be complied with in such reasonable time as the court determined, it shall be the duty of such court, on motion, to render judgment in such cause against the party demanding the second trial for the amount of the judgment rendered upon the first trial, together with the interest accrued thereon and for costs of suit, and to award execution thereon as in other cases.

SEC. 2 This act to be in force on and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.
Passed March 10, 1860.

AN ACT

To prevent and punish child stealing.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That every person who shall maliciously, or forcibly, or fraudulently, lead, take or carry away, or decoy or entice away, any child under the age of ten years, with intent unlawfully to detain or conceal such child from its parent or parents, or guardian, or other person having the lawful charge of such child, shall upon conviction thereof, be imprisoned in the penitentiary and kept at hard labor not more than seven years nor less than one year.

SEC. 2. Every person who shall aid, abet or procure the commission of the offense defined in the preceding section of this act, or shall knowingly harbor or conceal, with intent to detain from its parent or parents, or guardian, any child under the age of ten years so led, taken, carried, decoyed or enticed away as in the preceding section specified, shall upon conviction thereof, be imprisoned in the penitentiary and kept at hard labor not more than seven years nor less than one year.

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

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.
Passed March 24, 1860.

AN ACT

To provide for the final payment and redemption of the Public Funded Debt of the State of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the sinking fund, for the time being, be and they are hereby authorized, empowered and required, at periods previous to and near the time at which any portion of the funded debt of this state shall become payable according to the terms expressed upon the face of the certificates thereof, to make and issue in due form agreeably to the laws of the state in such cases made and provided, certificates of the funded debt of the state of such numbers and amount as shall be sufficient, from the proceeds thereof to redeem so much of said debt then about to become payable as shall not have been paid or fully provided for, by the application thereto of the sinking fund established and fixed by the constitution of the state and raised by law. And such certificates shall be made redeemable and payable at such time and times, after being issued, as in the judgment of the said commissioners may be most convenient and advantageous for the final redemption and payment of the same by the appropriation to that purpose of the sinking fund, established and raised as aforesaid. The time and place of the final redemption and payment of the principal and the payment of the interest thereon by the state, and the rate of interest, shall be clearly expressed on the face of each certificate; but no certificate shall be issued or made payable after the first day of January, eighteen hundred and ninety two, except at the pleasure of the state; and the faith of the state is hereby irrevocably pledged that the value of the certificates of the funded debt herein authorized to be issued shall in no wise be impaired or diminished by any act of the legislature, or other authorities of this State.

SEC. 2. All or any portion of such certificates of the funded debt of this state, as herein authorized and described, may be made and issued as a domestic debt, the principal and interest thereof to be payable at the treasury of the state at the seat of the state government, or as a foreign debt, the principal and interest of which shall be payable at the office of the agency of the state in the city of New York, and at no other place or places whatever; and the certificates so issued as a domestic debt shall be issued and made transferable on the books of said commissioners at their office at the seat of government; an othe certificates issued as a foreign debt shall be transferable on the books of the commissioners in the manner prescribed by law.

SEC. 3. The interest on all such certificates as may be issued as a domestic debt, as aforesaid, shall be made payable semi-annually on the first day of February and on the first day of August, in each year, after the issuing thereof until the final redemption and payment of the principal; and the interest on all such certificates as shall be issued as a foreign debt shall be made payable semi-annually—on the first day of January and the first day of July, in each year, after the issuing of the same until the final redemption of the principal thereof.

SEC. 4. Whenever it shall become necessary to issue certificates of the funded debt of the state, as authorized and directed in the first section of this act, the same shall be offered by the commissioners of the sinking fund for sale in the city of New York; and for that purpose the said commissioners shall advertise for bids or proposals for the taking of the same, in at least two newspapers of general circulation published in the city of New York, for a term of at least sixty days next preceding the day for the closing the reception of bids or proposals for taking the same, and such certificates shall be issued to the party and parties who shall agree to take the sum, or any part thereof, as the highest rate of premium and at a rate of interest not exceeding six per cent. per annum, or at par, at the lowest rate of interest under six per centum per annum, as the said commissioners shall judge to be best for the interest of the state. No portion of said certificates shall be sold or disposed of at a rate or price less than the amount expressed on the face thereof; nor shall any commissions, expenses or charges be allowed on the sale and conversion thereof into money, so as to reduce the nett amount realized therefor below the amount expressed on the face of the certificate or certificates so issued; and no certificate shall be issued bearing a rate of interest exceeding six per centum. In all cases where there shall be more than one bid or proposal to take all or any portion of the certificates so to be issued as aforesaid, at a rate equal to each other, and most to the interest of the state said commissioners shall apportion the amount equally and fairly among the parties making such bids or proposals; and the commissioners may adopt such other regulations in relation to the form and reception of bids or proposals as they may deem advantageous to the state. Provided, however, that whenever, certificates of the funded debt of the state, to be issued as authorized by the first section of this act, and which shall bear a rate of interest not exceeding five per centum per annum, can be sold at a price equal to or greater than the par value thereof, or exchange for an equivalent amount at its par value, of the then outstanding funded debt of the state, the commissioners of the sinking fund are hereby authorized and permitted so to sell or exchange such certificates or any part thereof, without advertising for bids or proposals for the same, and at any place or places where such sale or exchange can be effected.

SEC. 5. The nett proceeds of the sale of the certificates of the funded debt of the state, issued under the authority of this act, shall be applied to the redemption and payment of the principal of the funded debt of the state now existing, and to no other purpose whatever; provided, however, and it is hereby expressly declared, that this act shall not apply to or include in its provisions the temporary debt of seven hundred thousand dollars, created to reimburse the treasury, and authorized by the act of April 12, 1858, the payment of which is provided for by a special tax levied by that act.

SEC. 6. Any holder of any portion of the foreign debt of the state may at any time surrender the same to the commissioners of the sinking fund, and receive in lieu thereof a certificate or certificates of an equal amount of the domestic debt authorized by this act, and said commissioners shall make the necessary transfers, registries, entries and cancellations in their books. Upon the surrender of any of the now outstanding certificates of the domestic debt of the state, the commissioners of the sinking fund may issue in lieu thereof transferable certificates as authorized by this act, the principal and interest of which shall be payable at the state treasury, and at the time and times specified in the certificates so surrendered; the certificates surrendered shall be immediately cancelled, and the proper entries thereof made in the books of the commissioners.

SEC. 7. The commissioners of the sinking fund shall keep accurate accounts and registries of the issue and transfers, payment of the interest and of the final redemption and payment of the principal of said certificates. Said commissioners are hereby required to report to the governor at the time of making their semi-annual reports, and at such other times as the governor may require, and to the general assembly, or either branch thereof, when so required by resolution, all their acts and proceedings done under and by authority of this act, and the governor shall communicate the reports made to him to the general assembly, if in session, and if not in session, then at the commencement of the next session thereafter; and if such report be made more than two months before the meeting of the general assembly, the governor shall cause such report to be published in at least two newspapers of general circulation published in each of the cities of Cincinnati, Columbus and Cleveland.

SEC. 8. The act to provide for the renewal and to regulate the final payment of the funded debt of this state, passed April 2, 1859, is hereby repealed.

SEC. 9. This act shall take effect and be in force on and after its passage.

RICHARD C PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.
Passed March 26, 1860.

AN ACT

To amend an Act entitled "an Act regulating the mode of administering Assignments in trust for the benefit of Creditors," passed April 6, 1859.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act regulating the mode of administering assignments in trust for the benefit of creditors," be so amended as to read as follows. Section 1. That when any person shall make an assignment to a trustee of any property, money, rights or credits in trust for the benefit of creditors, it shall be the duty of said trustee, within ten days after the delivery of the assignment to him, and before disposing of any property so assigned, to appear before the probate judge of the county in which the assignor resided at the time of executing the said assignment, produce the original assignment or a copy thereof, cause the same to be filed in the probate court, and enter into an undertaking, payable to the State of Ohio, in such sum and with such sureties as shall be approved by the judge, conditioned for the faithful performance by said trustee, of his duties according to law; on which undertaking, any person injured by the misconduct or neglect of duty of the assignee in regard to said trust, may bring an action thereon, in his own name, against the assignee and his sureties, to recover the amount to which he may be entitled by reason of the delinquency. A judgment in favor of a party for one delinquency shall not preclude the same party from an action in the same undertaking for another delinquency, nor shall such judgments preclude any other party from bringing actions on such undertaking. The probate judge shall have the power to require the assignee to execute an additional undertaking whenever the interests of the creditors of the assignor demanded the same, and action may be brought thereon as upon an original undertaking.

SEC. 2. That section one of the act to which this is an amendment be and the same is hereby repealed; provided, however, that such repeal shall not affect any undertaking heretofore executed in persuance of said section one, nor any action founded thereon, which is now pending.

SEC. 3. That in all cases of assignments of personal property made after the taking effect of this act, which shall come within the provisions of the act to which this is an amendment, all taxes of every description assessed against the assignor, upon any personal property held by him before his assignment, shall be paid by the assignee out of the proceeds of the sale of the personal property assigned, in preference to any other claims against the assignor.

SEC. 4. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.
Passed March 16, 1860.

AN ACT

To amend an act entitled "an Act for opening and regulating Roads and Highways," passed January 27, 1853.

SEC. 1. *Be it enacted by the General Assembly of the state of Ohio*, That when the route of a proposed township road is along a dividing line between two townships, or crosses such dividing line, the person or persons intending to apply for said road shall