

# THE DEMOCRATIC SKEETINER, AND HARRISON COUNTY FARMER.

VOLUME 19—NO. 7.]

CADIZ, OHIO, WEDNESDAY, JUNE 2, 1852.

[TERMS—\$1.50 IN ADVANCE]

## LAW OF OHIO. [PUBLISHED BY AUTHORITY.]

[No. 73.]  
AN ACT fixing the salaries of certain State Officers.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That the several officers hereinafter mentioned, shall be entitled to receive for their services, the following sums, annually: The Governor, eighteen hundred dollars; The Lieutenant Governor, five dollars per day during the sitting of the Legislature; The Judges of the Supreme Court, seven hundred dollars; The Judges of the Common Pleas Court, and the Judge of the Criminal Court of Hamilton county, five hundred dollars; The Secretary of State, four hundred dollars; The Treasurer of State, five hundred dollars; The Auditor of State, six hundred dollars; The State Librarian, six hundred dollars; The Attorney General, one thousand dollars, and three per cent. on all collections made for the State by him; Provided that the aggregate amount of his compensation, including said per cent. shall not exceed fourteen hundred dollars per annum, during his term of office. The members of the Board of Public Works, each, fifteen hundred dollars, and no more, in the form of traveling expenses or otherwise; all other salaries shall be payable in equal installments, at the state treasury, on the second Monday of May, second Monday of August, second Monday of November, and the second Monday of February.

Sec. 2. That the Judges of the Commercial and Superior Courts of Cincinnati, and the Judge of the Superior Court of Cleveland, shall each receive a salary at the rate of fifteen hundred dollars per annum, from the second day of February, 1852, for the time their respective courts shall continue in existence, which shall be payable in the same manner as provided for the payment of the Judges of the other Courts of the State.

Sec. 3. All laws and parts of laws fixing the compensation of officers named in the foregoing sections, so far as they refer to the officers herein named, be, and the same are hereby repealed.

JAMES C. JOHNSON,  
Speaker of the House of Representatives.  
WILLIAM MEDILL,  
President of the Senate.  
May 1, 1852.

[No. 74.]  
AN ACT to amend the act to provide for the appointment of Notaries Public, and prescribing their duties, passed March 15, 1852, and to repeal section 3 of said act.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That the third section of the act to which this is amendatory, be, and is hereby so amended as to read as follows, to wit: That each notary public, before entering upon the duties of his office, shall provide himself with an official seal, with which he shall authenticate his official acts, upon which shall be engraved the arms of this State, the words "Notary Seal," and the name of the county in which he resides; which seal, together with his official register, shall be exempt from execution; and on the death or removal from office of such notary public, his register shall be deposited in the office of the recorder of deeds in the county where such notary resides; Provided, that it shall be lawful for any notary public, duly commissioned as such, to use, in the authentication of his official acts, a seal of the similitude of those authorized by law previous to the passage of the act to which this amendatory is attached, and which were first designated.

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

JAMES C. JOHNSON,  
Speaker of the House of Representatives.  
WILLIAM MEDILL,  
President of the Senate.  
May 1, 1852.

[No. 75.]  
AN ACT to define the liability of townships, where the same have been altered or diminished.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That whenever any township in this state shall have been or may hereafter be altered, diminished, or in any way changed, by the formation of new townships, or additions to other townships, or otherwise, such original townships, and all parts and portions of the same, shall remain liable, to the same extent, on all contracts, engagements or liabilities, contracted by such township, prior to such change, as if no such alteration, diminution or change, had taken place.

Sec. 2. That the trustees of any township, in case of a division or change, as provided in the first section, which shall have retained the original name of such township, shall, in levying a tax for the payment of any legal or just claims, against such township, contracted prior to any change as aforesaid, procure a certified abstract from the auditor of the proper county, or in case parcels of such township shall have been attached to townships of different counties, then from the auditors of the counties to which any portion of such township shall have been attached, of all the taxable property situated in such attached portion or portions, together with the names of the persons owning the same; and in making the assessment and levy for the payment of any such indebtedness, or interest thereon, at the time now, or that may hereafter be provided by law for making such levy, the amount not exceeding the amount now limited, or that may hereafter be limited by law, for the payment of claims against townships, on all the taxable property in

the limits of such township as it was bounded before such change, and certify an abstract thereof to the county auditor of the proper county, or in case parcels of such township shall have been attached to territory in different counties, then said trustees shall certify an abstract of the tax levied upon the property of such parcels respectively, to the auditors of the respective counties, together with the names of the persons so assessed, and the amount assessed to each; and such auditor or auditors shall thereupon enter the same upon the duplicate, designating the persons so taxed, and for what purpose such levy has been made, and the taxes shall be collected thereon as in other cases.

Sec. 3. The treasurer of the county or counties collecting any tax as aforesaid assessed, shall, on demand, pay over to the treasurer of such township, on the order of the trustees thereof, after the first day of March of any year when the same may have been collected, as moneys that may have been collected for such township, and shall be entitled to the same fees, and subject to the same liabilities, for duties performed under this act, as in other cases.

JAMES C. JOHNSON,  
Speaker of the House of Representatives.  
WILLIAM MEDILL,  
President of the Senate.  
May 1, 1852.

[No. 77.]  
AN ACT to provide for collecting the statistics of Crime.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That the Prosecuting Attorney shall, between the tenth and twentieth days of December, in every year, report to the Attorney General a particular statistical account of all crimes prosecuted by indictment in his county, during the year next preceding, which account shall specify the number of persons prosecuted, the crime or crimes for which each person was prosecuted, the result of each prosecution, and the punishment (if any) awarded thereon, and also the amount of costs in each case, and what portion thereof has been, and what portion thereof is to be, collected; and that each prosecuting attorney shall report, likewise, in his opinion, committed under the influence of violent spirits.

Sec. 2. That the clerk of each court having cognizance of pleas of the state, as provided by indictment, shall, between the first and fifth day of December, in every year, make out and deliver to the prosecuting attorney of the county, an accurate statement of the costs taxed or taxable in each case, presented as aforesaid, and determined during the year next preceding; which statement shall specify the portion of costs collected by execution or otherwise, from the defendant or defendants, and in what cases execution has been issued.

Sec. 3. That each court having cognizance as aforesaid, shall make such allowances as aforesaid to the county treasury, for the clerk and prosecuting attorney, for performances of the services hereby required, as to the judge or judges thereof, may seem reasonable.

JAMES C. JOHNSON,  
Speaker of the House of Representatives.  
WILLIAM MEDILL,  
President of the Senate.  
May 1, 1852.

[No. 78.]  
AN ACT to regulate the liens of judgments.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That judgments by confession, and judgments on all suits rendered at the same term of the court at which said suits commenced, shall only have a lien on land from the day on which said judgments shall be rendered; Provided, that no such judgment shall have priority as to such lien, over any other such judgment rendered at the same time.

Sec. 2. That an act entitled "an act in relation to judgments by confession," passed February 14th, 1845, be, and the same is hereby repealed.

JAMES C. JOHNSON,  
Speaker of the House of Representatives.  
WILLIAM MEDILL,  
President of the Senate.  
May 1, 1852.

[No. 79.]  
AN ACT defining the powers of Plank and Turnpike Road Companies.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That it shall and may be lawful for any Plank road or Turnpike company heretofore chartered under the laws of this state, for the purpose of constructing any road authorized by their respective charters, and to provide for any present indebtedness which may exist against said companies respectively, to issue the bonds of such company, to the amount, including such indebtedness, of one half of the capital stock of said company actually paid in, and expended in the construction of such road; said bonds to be issued in such sums and in such forms, as the board of directors of said several companies may elect prescribe, and to bear interest, and be payable at such time or times, and place or places, as they may severally designate; and for the redemption of which, the faith of said several companies are hereby respectively pledged, together with the property, rights and franchises thereto belonging; and which said bonds shall not be subject to a higher rate of interest than that provided by law; Provided, that nothing herein contained shall be so construed as to authorize bonds to be issued of a less denomination than one hundred dollars, or in the similitude of bank notes, designed to circulate as money.

Sec. 2. That the stockholders of any company which shall issue bonds under the authority of this act, for the purpose of raising money with which to construct

the road of such company, or any part thereof, shall be each individually liable for the payment of such bonds, over and above the stock by such stockholders owned, to a sum at least equal in amount to the stock owned by each, at the time the indebtedness on account of said bonds shall be created.

Sec. 3. That any company that shall avail itself of the provisions of this act, shall be governed by and be subject to the provisions of any general law that may hereafter be passed, for the incorporation of Turnpike and Plank Road Companies.

JAMES C. JOHNSON,  
Speaker of the House of Representatives.  
WILLIAM MEDILL,  
President of the Senate.  
May 3, 1852.

[No. 80.]  
AN ACT to provide for filling vacancies in the Board of County Commissioners, and prescribing their powers and duties in certain cases.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That the county commissioners of the respective counties, shall have power to compound for, or release, in whole or in part, any debt, judgment, fine, or arrearment due to their county, and for the use thereof, except in cases where they, or either of them are personally interested; and whenever said commissioners shall compound for, or release, in whole or in part, any debt, judgment, fine or arrearment, as aforesaid, they shall enter upon their journal a statement of the facts in the case, and the reasons that governed them in making such release or composition.

Sec. 2. That the provisions of this act shall not extend to cases mentioned in an act entitled "an act restraining the power of county commissioners to remit fines, penalties and judgments, in certain cases, passed February eighth, one thousand eight hundred and forty-seven."

Sec. 3. That whenever there shall be a vacancy in the office of county commissioner, from death, resignation, removal, or any cause other than the expiration of the term for which he was elected, and the interest of the county shall require such vacancy to be filled before the next annual election, the Probate Judge, Auditor, and county Recorder, of such county, or a majority of them, shall meet at the seat of justice of the county, and appoint one or more commissioners, as the case may require, who shall continue in office until the next annual election, and until the commissioner or commissioners then elected, shall be qualified, and no longer; and the absence of any commissioner, from the county for six months in succession, shall be deemed a resignation of the office.

Sec. 4. That the fourth and twelfth sections of the act entitled "an act establishing boards of county commissioners," passed March fifth, one thousand eight hundred and thirty-one, and the fourth section of the act, passed February eighth, one thousand eight hundred and forty-eight, entitled "an act to extend the provisions of the act passed February twenty-eighth, one thousand eight hundred and forty-three, entitled an act to authorize the courts of common pleas to render judgments or recognizances in certain cases, and for other purposes, be, and the same are hereby repealed.

JAMES C. JOHNSON,  
Speaker of the House of Representatives.  
WILLIAM MEDILL,  
President of the Senate.  
April 30, 1852.

[No. 81.]  
AN ACT to authorize Guardians to release the interest of their Wards in tax titles to real estate.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That where any lands, town lots, or other real estate, have heretofore been, or hereafter may be sold for taxes, and the title thereon has become vested in any minor, it shall and may be lawful for the guardian of such minor to convey, in the name and on behalf of the minor, by deed of release and quit-claim, all the right, title and interest of said minor, in law or equity, in and to such lands, town lots, or other real estate, to any person or persons entitled to redeem or recover the same; Provided that such person or persons so entitled to recover or redeem said lands, town lots, or other real estate, shall pay to the guardian aforesaid, an amount of money not less than that for which the same was sold; and the taxes subsequently paid thereon by the purchaser, or those claiming under him, together with interest and fifty per centum on the whole amount so paid by such purchaser, or those claiming under him.

Sec. 2. If any guardian shall tender a deed of release and quit claim of the right and title of his ward or wards in and to any lands, town lots, or other real estate sold for taxes, to any person or persons entitled to redeem or recover the same, as aforesaid, and such person or persons shall refuse to accept such deed on the terms and conditions specified in the preceding section, he or they shall not recover costs accruing after such tender, in any proceeding that such person or persons may institute for the redemption or recovery of such lands, town lots, or other real estate.

JAMES C. JOHNSON,  
Speaker of the House of Representatives.  
WILLIAM MEDILL,  
President of the Senate.  
April 30, 1852.

[No. 82.]  
AN ACT to authorize County Auditors to place taxable lands upon the tax duplicate, in numerical order.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That the county auditor of any county in this state, may, in making out the duplicate of taxes of any such county, for this and each succeeding year, place each separate tract of real property, in each and every town-

ship in such county, according to their numerical order of the section in which said tract or tracts may be situate, and the same shall be placed on said duplicate, in a line or lines immediately opposite to, and after the name or names of the owner or owners of such tract.

JAMES C. JOHNSON,  
Speaker of the House of Representatives.  
WILLIAM MEDILL,  
President of the Senate.  
May 3, 1852.

[No. 83.]  
AN ACT further prescribing the duties of the Auditor of State.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That the auditor of state is hereby required to take immediate steps to secure to the State of Ohio, the title of all lands heretofore granted, or that may hereafter be granted to this state, by various acts of Congress, for the completion of the Ohio, Miami, and Wabash and Erie canals, or for other purposes.

Sec. 2. That the said auditor of state is further required, if it become necessary, to use such means as he may deem advisable, to obtain further legislation by Congress, to vest in the State of Ohio all or any of said lands, together with such other lands as this state may have sold, and to which said state has not hitherto secured a valid title; Provided, that no money or other compensation shall be paid, either directly or indirectly, by said auditor, to any person for securing such title, or procuring such further legislation.

JAMES C. JOHNSON,  
Speaker of the House of Representatives.  
WILLIAM MEDILL,  
President of the Senate.  
May 1, 1852.

[No. 84.]  
AN ACT to prescribe the duties of the Attorney General.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That each Attorney General elect, before entering upon the performance of his duties, shall take an oath or affirmation, before the supreme court or some judge thereof, to support the constitution of the United States, and the constitution of the State of Ohio, and faithfully to discharge the duties of his office; and shall also give bond to the state of Ohio, in the sum of five thousand dollars, with two or more sureties, to be approved by the Governor for the time being, conditioned that he will faithfully discharge his duties as aforesaid, and truly pay into the treasury or over, all public moneys which may come into his hands.

Sec. 2. That a certificate of the oath or affirmation so taken, shall be filed, together with the bond, in the office of the Secretary of State, and a record of the same shall be made and kept in the said secretary's office.

Sec. 3. That the Attorney General shall appear for the state, in the trial and argument of all cases in the supreme court, (whether of a civil, equitable, or criminal description,) wherein the state may be directly interested.

Sec. 4. That he shall, also, when required by the Governor, or General Assembly, appear for the state in any court or tribunal, in any cause to which the state may be directly interested.

Sec. 5. That he shall, upon the written request of the Governor, prosecute any person who may be charged with any indictable offense whatever.

Sec. 6. That he shall cause to be presented, the official bonds of all delinquent officers, in which the state may be interested, when the same are directed to be put in suit.

Sec. 7. That he shall cause to be prosecuted, all assessors and other officers connected with the revenues laws of this state, for all such delinquencies and offenses against those laws as may come to his knowledge.

Sec. 8. That he may present any action or suit at law, or in equity, authorized by the last two sections, in the court of common pleas of Franklin county, or in the court of common pleas of the county in which the defendants, or any one or more of the defendants, may reside or be found.

Sec. 9. That upon complaint made to him, that any incorporated company has violated the laws of the state, misused its corporate authority, or any of its franchises or privileges; assumed franchises or privileges not granted to it, or surrendered, abandoned or forfeited its corporate authority, or any of its franchises or privileges, he shall cause proceedings in the nature of quo warranto or writ of scire facias, to be instituted against it.

Sec. 10. That if it shall come to his knowledge otherwise, that any incorporated company has violated the laws of the state, misused its corporate authority, or any of its franchises or privileges, assumed franchises or privileges not conferred, or surrendered, abandoned or forfeited its corporate authority, or any of its franchises or privileges, he shall cause proceedings in the nature of quo warranto or writ of scire facias, to be instituted against it.

Sec. 11. That he shall likewise cause such proceedings to be instituted, and diligently prosecute the same, whenever directed so to do by the Governor, the Supreme Court, or either house of the General Assembly.

Sec. 12. That whenever any person shall usurp, intrude into, or unlawfully hold or exercise any public office, civil or military, or any franchise or privilege, within this state, or any office, in any corporation created by the authority of this state, or whenever any such public or corporate officer shall have done or suffered any act, which by law may work a forfeiture of his term of office, or whenever any person or number of persons shall act

or assume to act as a corporation within this state, without being legally authorized so to do, or shall exercise or assume to exercise any franchise or authority not warranted by law within this state, the Attorney General may, upon complaint made to him or upon his own motion, cause proceedings, in the nature of quo warranto, to be instituted, and the same diligently prosecuted to judgment; Provided, however, that he may refuse to institute proceedings as aforesaid, except when directed by the Governor, the Supreme Court or either house of the General Assembly, unless some responsible freeholder of said state will become relator in the cause, and liable for the costs thereof; but whenever the Governor, the Supreme Court, or either house of the General Assembly, may direct any such proceedings to be instituted, he shall cause the same to be commenced, and diligently prosecuted upon his own relation.

Sec. 13. That he may prosecute any information, writ, relation or other proceeding authorized by the last four sections in the supreme court of the state, the district court of Franklin county or the district court of any county wherein such company may have a place of business or such other officers, person or persons reside or may be found.

Sec. 14. That it shall be his duty to cause proper suits to be instituted, at law and in equity to enforce the performance of trusts for charitable and educational purposes, and restrain the abuse thereof whenever upon the complaint of others, or from his own knowledge he may deem that to be advisable, or whenever by the Governor, the Supreme Court or either house of the General Assembly, he may be directed so to do; which said suits may be brought in his own name, upon behalf of the state or the beneficiaries of the trust, in the court of common pleas of Franklin county, or in the court of common pleas of any county wherein the trust property may be situated or invested, and which suit shall not abate nor discontinue by any change of the officer, but shall be presented to final judgment, mandate or decree as if no such change had occurred; Provided, however that the Attorney General may refuse to institute proceedings as aforesaid, except when directed by the Governor, the Supreme Court or either house of the General Assembly, unless some responsible freeholder of the state will become relator in the cause, and liable for the costs thereof; but whenever the Governor, the Supreme Court or either house of the General Assembly, may direct any such suits to be commenced, and diligently prosecuted without any other relation.

Sec. 15. That he shall, when required by legal advice to the Governor, the Secretary of State, the Auditor of State, the Treasurer of State, the Board of Public Works, the Commissioners of the Sinking Fund, the Wardens and Directors of the Penitentiary and the Superintendent and Directors of the Reformatory Institutions of the state, in all matters relating to their official business.

Sec. 16. That he shall also give his written opinion upon any question of law, to either house of the General Assembly, when requested by them, in all matters appertaining to the duties of their offices.

Sec. 17. That he shall advise the Prosecuting Attorneys of the several counties, when requested by them, in all matters appertaining to the duties of their offices.

Sec. 18. That he shall prepare suitable forms of contracts, obligations, and other like instruments of writing for the use of the state officers, when requested by the Governor, Secretary, Auditor or Treasurer of State.

Sec. 19. That he may prosecute any suit, information, or other suit, either at law or in equity, in behalf of the state, or in which the state may be interested, (other than prosecution by indictment,) in the courts of appropriate jurisdiction in Franklin county or in the courts of appropriate jurisdiction in any county in which the defendant, any one or more of the defendants, may reside or be found; Provided, however, that no merely civil suit at law or in equity, other than that authorized by the eighth section, shall be commenced in Franklin county unless the defendant, or one more of the defendants, shall therein reside or be found, except the Attorney General shall certify on the writ, that he believes the amount in controversy to exceed five hundred dollars.

Sec. 20. That in all cases brought under the provisions of this act, the writ or writs may be sent to the sheriff of any county by mail, and returned by him in like manner for which the sheriff shall be allowed the same mileage and fees as if he had been personally returned thereto.

Sec. 21. That upon all information or other proceedings specified in the ninth, tenth, and eleventh sections, if the writ or writs, when process be returned, not found by the sheriff of the county in which the place of business, the clerk of the court in which such information or other proceedings may have been filed, shall make out a notice of the filing and substance thereof, and cause the same to be published for six consecutive weeks, in some newspaper printed in the county in which such company is authorized as aforesaid, to have its place of business, or if no newspaper printed in the county of Columbus; and an affidavit of such publication, together with a copy of the said notice shall be filed in the office of the clerk aforesaid; and if the company so made defendant, should fail to answer or plead to any such information or other proceeding, within thirty days from the filing of the affidavit and copy aforesaid, judgment shall be given upon the default, in like manner as if the writ or writs had been duly served and returned.

Sec. 22. That upon all appeals, writs of error, certiorari, supersedeas, procedendo, replevin, non est, injunction, attachment, mandamus, or prohibition, taken or sued out by the Attorney General upon

behalf of the state, or upon behalf of any other officer thereof, no security shall be required.

Sec. 23. That nothing in this act shall be construed to prevent either party to any cause brought under its provisions, from taking the depositions of such witnesses as reside out of the county in which the cause may be pending, or intend to leave the county before the time of trial, or are unable to attend the trial in person.

Sec. 24. That the attorney general shall keep an office in the city of Columbus, to be provided and furnished at the state's expense, and the account for postage upon his official correspondence shall be audited and allowed by the auditor of state, and paid out of any funds in the state treasury, not otherwise appropriated.

Sec. 25. That he shall keep in suitable books, to be provided for that purpose, at the state's expense, a register of all actions, demands, complaints, writs, informations, and other suits prosecuted or defended by him officially, together with all the proceedings had in respect thereof, and also a register of all written official opinions given by him, which said books he shall deliver to his successor at the expiration of his term.

Sec. 26. That he shall, in the report required of him, by article third, section twelfth, of the constitution, submit an abstract of the statistics of crime returned to him by the prosecuting attorneys of the several counties, with a general statement of the business under his immediate charge.

Sec. 27. That the act to create the office of attorney general and to prescribe his duties, passed the sixteenth day of February, in the year eighteen hundred and forty-six, and the act amendatory thereof, passed the 24th day of February, in the year eighteen hundred and forty-eight, and the nineteenth day of March, in the year eighteen hundred and forty-nine, be, and the same are repealed.

Sec. 28. That he shall, in the report required of him, by article third, section twelfth, of the constitution, submit an abstract of the statistics of crime returned to him by the prosecuting attorneys of the several counties, with a general statement of the business under his immediate charge.

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