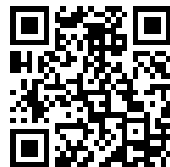


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# ACTS

PASSED

AT THE FIRST SESSION

OF THE

Seventeenth General Assembly,

OF THE

STATE OF OHIO,

BEGUN AND HELD IN THE TOWN OF COLUMBUS,

DECEMBER 7, 1818;

And in the seventeenth year of said state.



VOL. XVII.

.....  
PUBLISHED BY AUTHORITY.  
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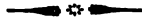
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.....  
1819.





# L A W S



## CHAPTER I.

An act for the relief of Oliver Walker and others.

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That the lots laid out and sold by J. Cleves Short, in section number five, township one, and range seven, near Dayton, and north of Mad river, and by him ordered to be recorded, in the office of the recorder of Montgomery county, be and the same are hereby declared exempt from taxation, as town lots, and only liable to be taxed as other lands; any law to the contrary notwithstanding.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

December 22, A. D. 1818.



## CHAPTER II.

An act, to attach part of the county of Gallia to the county of Lawrence.

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That so much of the county of Gallia, that is contained in the second fractional township, in range fifteen, be and the same is hereby attached to the county of Lawrence; and all justices of the peace, within that part of the county of Gallia, so to be attached

to the county of Lawrence, shall continue to exercise the duties of their office, until their term of office expires; and all suits or actions, whether of a civil or criminal nature, which may have been or shall be commenced previous to the taking effect of this act, shall be prosecuted to final judgment and execution in the county of Gallia; and the sheriff, coroner and constables of said county, shall execute all such process as shall be necessary to carry into effect such suits, prosecution and judgments; and the collectors of taxes, shall collect all such taxes, as shall have been levied, and are unpaid within that part of Gallia county, previous to the taking effect of this act.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

December 22, A. D. 1818.

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### CHAPTER III.

An act making further provisions for cases of Lunatics.

*Proceedings of the state of Ohio,* Sec. 1. *Be it enacted by the general assembly* That in case of any person when a Lunatic resides in another state or country, being adjudged a Lunatic, according to the laws of the state or country, where such person resides, the committee or guardian of such Lunatic, appointed according to the laws of the state or country where the Lunacy is declared, may obtain possession of and dispose of the real or personal estate of such Lunatic, within this state, in the man-

owns land in this state.

per following: Such committee or guardian shall present to the court of common pleas of the county where any part of the property may be, a transcript of the judgment or commission of Lunacy, and of the appointment of such committee or guardian to take charge of the Lunatic's estate, which transcript shall be authenticated in the manner prescribed by the laws of the United States for authenticating records and judicial proceedings; and upon the court being satisfied, that the Lunacy still continues, and that the applicants are the same persons named in the proceedings, they shall make an order for such persons to take charge of the Lunatic's estate, whether real or personal, which may be found in this state; and may authorize such committee or guardian, to sell and convey the real estate of the Lunatic, upon such terms and conditions as the court may think proper. And such committee or guardian may sustain in his or their character of committee or guardian, any proper action for the recovery of all or any part of the estate of such Lunatic in any county within this state.

Proceedings  
continued.

Sec. 2. *And be it further enacted,* That when a person declared a Lunatic, before his visitation shall have sold real estate, within this state, and shall not have conveyed the same, or when the committee or guardian of a Lunatic in any other state, or country, appointed according to the laws of such state or country, have already sold the real estate of such Lunatic lying within this state, in either case the court of common pleas of the county wherein the lands may be situate, may authorize such committee or guardian to complete the sale, by making a conveyance upon such terms and conditions, as the court shall deem just, upon the ap-

Sales made  
before visi-  
tation how  
to be com-  
plete.

licants producing the documents and making the proof required by the first section of this act.

Commencement.

This act to take effect and be in force, from and after the passage thereof

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate

December, A. D. 1818.

#### CHAPTER IV.

An act to amend the act, entitled 'An act, authorising Isaac Stubbs, Robert Whitacre, and their associates, to build a toll bridge, over the Little Miami river, above the mouth of Toddsfork, in the county of Warren.'

Foot passengers to pay six and one fourth cents each.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the said Little Miami Bridge company, be and their heirs and successors are hereby authorised to ask demand, and receive from every foot passenger that may cross said bridge, after said bridge is completed agreeably to the provisions of the act to which this is an amendment, six and one-fourth cents toll.

Repealing clause.

Sec. 2. *And be it further enacted*, That so much of the third section of the act that relates to foot passengers, to which this is an amendment, be and the same is hereby repealed.

Commencement.

This act to take effect and be in force from and after the passing thereof.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

December 25, 1818.

## CHAPTER V.

## An act for the relief of John Twaddle.

Whereas it is represented to this general assembly, that John Twaddle, of Jefferson county and his wife Mary, are the parents of nine children, six of whom were born and still remain blind; and whereas the said John Twaddle is a poor man, unable to provide for a family so helpless, and has just claim on the charity of the community: Therefore,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the commissioners of Jefferson county, be and they are hereby required to cause to be paid to the said John Twaddle, to aid him in the support of his family, such annual allowance as they at their June meeting in each year shall deem reasonable, to be paid to the said John Twaddle, or his order, at the county Treasury, upon the order of the commissioners, in such sums, and at such times, as the commissioners may decide.

JOSEPH RICHARDSON.

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

December 28th, A. D. 1818.

## CHAPTER VI.

## An act for organizing the county of Morgan.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the county of Morgan, be and the same is hereby organized into a separate county. Organization clause

**Provision as to suits which may be pending.** **Sec. 2. *Be it further enacted,*** That all suits and actions, whether of a civil or criminal nature, which shall be instituted prior to the taking effect of this act, shall be prosecuted to final judgment and execution, in the counties of Washington, Muskingum & Guernsey; and the sheriff and coroners of the counties of Washington, Muskingum and Guernsey, shall execute in such parts of the county of Morgan, as belonged to their respective counties previous to the taking effect of this act. such process as shall be necessary to carry into effect such suits, prosecutions and judgments; and the collectors for the counties of Washington, Muskingum and Guernsey, shall collect all such taxes as shall have been levied and imposed and remain unpaid within such parts of the county of Morgan, as belonged to their respective counties previous to the taking effect of this act, in the same manner as though the county of Morgan had not been organized.

**Provision as to taxes which may be due.**

**Justices of peace and constables to continue in office.**

**Sec. 3. *Be it further enacted,*** That all justices of the peace and constables, within those parts of the counties of Washington, Muskingum and Guernsey, which by this act are organized into a new county, shall continue to exercise the duties of their offices until their term of service expires, in the same manner as if no division of said counties had taken place.

**First election to be the 1st Monday in April 1819.**

**Sec. 4. *Be it further enacted,*** That on the first Monday of April next, the legal voters residing in the county of Morgan, shall assemble in their respective townships, at the usual place of holding elections in said townships, and elect their several township and county officers, who shall hold their offices until their next annual election: *Provided,* That when any township shall be divided in consequence of establishing the

**Proviso as to fractional**

county of Morgan, in such manner that the place townships of holding township elections shall fall within the counties of Washington, Muskingum or Guernsey, then and in that case, the electors of such fractional townships, shall elect in the next adjoining township or townships, in said county of Morgan.

This act to take effect from and after the first day of March next. Commencement.

**JOSEPH RICHARDSON;**

Speaker of the house of representatives:

**ROBERT LUCAS,**

Speaker of the senate.

December 28, A. D. 1818.

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## CHAPTER VII.

An act authorizing the commissioners of Fairfield county, to set off twenty-four square miles of the seventeenth range and seventeenth township, in Fairfield county, into a separate incorporated township.

Whereas, in establishing the county of Perry, twelve sections constituting part of the township of Richland, in the county of Fairfield, were included in the county of Perry, by reason whereof twenty-four square miles only remained of said township within the county of Fairfield; and whereas the people of said township of Richland wish to remain a separate township:

Therefore,

*Be it enacted by the general assembly of the state of Ohio,* That the commissioners of Fairfield county, be and they are hereby authorized and empowered to establish twenty four square miles in the seventeenth township, of the seventeenth range, into a separate incorporated

B



township; any thing in the law for the incorporation of townships to the contrary notwithstanding.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

December 28, A. D. 1818

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### CHAPTER VIII.

An act making a temporary appropriation of money for certain purposes.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the sum of ten thousand dollars, be, and the same is hereby appropriated for the payment of the members, and officers of the general assembly, in part of their wages, for the present session, on the certificates of the speaker of their respective houses; also, a sum of five hundred dollars, to be paid to the public printers, on the certificate of the secretary of state, agreeably to contract; and the auditor of public accounts, is hereby directed to issue bills, payable at the treasury of state, to the amount of said certificates.

Sec. 2. *Be it further enacted,* That the sum of one hundred and eighty four dollars, be and the same is hereby appropriated to defray the expences incurred in summoning and attendance of witnesses upon the inquiry into the official conduct of Orris Parish, president of the sixth judicial district, to be paid to the persons entitled to the same, upon the certificate or order of the select committee appointed to investigate said enquiry, drawn upon the auditor, who shall

One hundred & eighty-four dollars, for witnesses.

draw bills upon the treasury for the amount, as in other cases.

Sec. 3. *And be it further enacted*, That a sum not exceeding two thousand six hundred dollars, be, and the same is hereby appropriated, <sup>\$2,600 for</sup> for the payment of adjutants of the militia of <sup>Adjutants.</sup> this state, in conformity to the provisions of the twenty sixth section of the act of last session, entitled 'An act, for disciplining the militia of the state of Ohio;' and the auditor of public accounts is hereby directed to issue bills, payable at the treasury of state, to the amount of the certificates which the aforesaid adjutants may have received, in conformity to the provisions of the above recited act.

This act to take effect and be in force from <sup>Commence</sup> and after the passing thereof. <sup>ment.</sup>

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

January 2, A. D. 1819.

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## CHAPTER IX.

### An act regulating Taverns,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That all applications to license taverns shall be made to the court of Common Pleas, of the proper county, in the manner <sup>Manner of</sup> following: The applicant shall produce a re. <sup>petitioning</sup> commendation, in writing, subscribed by twelve <sup>for license</sup> or more reputable land holders, residing in the neighborhood of the place where it is proposed to establish a tavern. setting forth, that a tavern <sup>to keep a</sup> is needed at such place, and that the applicant <sup>tavern.</sup>

**Proceedings on petition.** is a suitable person to be licensed to keep a tavern; and upon such application and recommendation being read in open court, and no objection being made thereto, the court, if they are satisfied that a tavern is needed at the place proposed, and that the applicant is a proper person to be licensed to keep a tavern, shall order a license to be granted to such applicant for the term of one year, upon his producing the county treasurer's receipt for such sum as the court may direct him to pay, which shall not be less than five nor more than thirty dollars; and no license shall be renewed, except in the same manner hereby prescribed for granting an original license; and where any license shall expire in vacation, the clerk of the court of common pleas shall have authority to grant a permit to continue such tavern, until the next sitting of the court of common pleas for the county.

**Manner of renewing license.**

**Clerk of court to grant a permit in certain cases.**

**Qualifications necessary to obtain a license.**

**Sec. 2. *Be it further enacted*** That no person shall be licensed to keep a tavern, within the limits of any town or within two miles thereof, unless such person shall make it appear to the satisfaction of the court, that he is provided with a good house, containing at least four rooms and three fire places, and furnished with at least four beds; and that he is moreover provided with a good stable, divided into at least six stalls.

**Tavern keeper not to credit any person more than 50 cts**

**Sec. 3. *Be it further enacted,*** That it shall not be lawful for any tavern keeper to sell upon credit, to any person resident of the county, where such tavern is kept or within ten miles of such tavern, liquor of any kind to a greater amount than fifty cents, and no tavern keeper or his assigns, shall recover in any action whatever, a greater sum than fifty cents, for liquor sold to any person resident of the county where the

tavern was kept: *Provided*, That the provisions of this section shall not be construed to prohibit Proviso, any tavern keeper, who may be a distiller or a store keeper, from selling liquors at his distillery or store upon credit as heretofore.

Sec. 4. *Be it further enacted*, That it shall not be lawful for a justice of the peace to hold his court at a tavern; and every tavern keeper permitting a justice of the peace to hold his court at his tavern, shall forfeit and pay, for every sitting of the justice, any sum not exceeding twenty dollars. Penalty for holding a justices court at a tavern.

Sec. 5. *Be it further enacted*, That if any licensed tavern keeper, shall permit or allow, any kind of rioting, revelling, or drunkenness, in or about his house, every such tavern keeper, shall, for every such offence, forfeit and pay, a sum not exceeding fifty dollars; and the license of such tavern keeper, shall be suspended for the space of four months. Penalty for suffering drunkenness at taverns.

Sec. 6. *Be it further enacted*, That if any person other than a tavern keeper, shall sell or retail any kind of spiritous liquors, to be drank at the place where sold, every person so offending, shall forfeit and pay any sum not exceeding twenty dollars; and every person keeping a house of private entertainment and furnishing or supplying their guests with spiritous liquors, to be drank at the house, shall be considered a retailer within the provisions of this section. Penalty for retailing spirits without license.

Sec. 7. *Be it further enacted*. That nothing in this act contained, shall be construed to take from any incorporated town, the privilege of licensing taverns conformably to its charter: *Provided*, That no license shall be granted in such town, except the person licensed shall be recommended and provided in the manner prescribed by this act; and when in a county town there Proviso in favour of incorporated towns. Further provision.

shall be no house completed and furnished as required by this act, it shall be lawful for the court to license a tavern in such town, without reference to the house, furniture or stable.

**Prosecutions to be by indictment.** Sec. 8. *Be it further enacted,* That all prosecutions under this act shall be by indictment, or presentment, and at every term of the court of common pleas, the clerk shall furnish the grand jury with a list of licensed tavern keepers within the county, and the presiding judge shall give this act specially in charge to the grand jury.

**Repealing clause** Sec. 9. *And be it further enacted.* That so much of the act entitled, 'An act for granting license, and regulating ferries, taverns and stores,' as respects taverns, be and the same is hereby repealed.

**Commencement.** This act to take effect, and be in force, from and after the first day of July next.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

January 5, A. D. 1819.

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## CHAPTER X.

An act concerning Mill-dams.

**Conditions on which any person may file his petition in the court of common-pleas.** Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That when any person or persons shall propose to erect a water grist mill, or other manufactory propelled by water, upon any water course, and shall own the bed thereof, and the land upon both sides, at the place such person or persons propose to erect a dam, but cannot erect one of sufficient height, without flowing back the water upon the land of others,

such person or persons may proceed to obtain leave to erect a dam in the manner following: he, she or they shall file in the office of the clerk of the court of common pleas, of the county wherein the mill house is to stand, an application in writing, specifying the place where and the name of the water course upon which such applicant or applicants propose to erect a water grist mill, or other manufactory propelled by water, and also the name of the person or persons whose lands, such applicant or applicants apprehend may be overflowed, and praying process to examine and enquire, as herein after directed.

Sec. 2. *Be it further enacted*, That upon such application being filed the clerk shall issue a writ, in the nature of a writ of ad quod damnum, directed to the sheriff of the county, commanding him to summon twelve disinterested free holders of the county, in no ways related to either of the parties, to meet upon the land it is supposed will be overflowed, upon a day certain, to be named in the writ, and which shall not be earlier than ten days after the date thereof; and the clerk shall also issue a summons to the opposite party, or parties, notifying him her or them, of the time and place where the freeholders are to meet; which summons shall be served by the sheriff at least five days before the day of meeting, by personal service upon the owner or owners, his, her or their agents.

On petition being filed to the clerk to issue writ & summons to the party

Sec. 3. *Be it further enacted*, That the freeholders called, when they meet upon the ground, shall be sworn or affirmed, well and truly to make the examination and enquiry for which they are called, and shall be charged by the sheriff, impartially and to the best of their skill and judgment, to examine said mill seat, and the land of the other parties above said proposed

Twelve freeholders, to be summoned & sworn by the sheriff.

Duty of freeholders in making examination.

mill dam, and say, to what extent they may probably be overflowed by the erection of a dam to the height proposed; whether the health of the neighborhood will be materially injured by the stagnation of the waters; whether the waters will flow out of the banks of the stream; and if so, whether the mansion house, out house, orchard or garden of any proprietor or proprietors will be overflowed, and what damage any proprietor or proprietors may probably sustain thereby; and the inquest so made, and reduced to writing shall be sealed by the said sheriff and freeholders and together with the writ returned to the next succeeding court of common pleas.

Proceedings on return of the writ

Sec. 4. *Be it further enacted.* That upon the return of said writ, the parties shall be considered in court and the persons originally summoned to attend the examination, shall be entitled to appear and object to the legality of the proceedings and returns; all or any of which, may be quashed upon motion, for any irregularity or misconduct of the sheriff or freeholders, in conducting the same.

Condition on which the court may grant leave to the applicant to erect his dam.

Sec. 5. *Be it further enacted,* That if on the return of such inquest, or upon such other evidence as the parties may adduce in court, it shall appear to the court that the health of the neighborhood will not be materially injured by the stagnation of the waters; and that the mansion house, out houses, gardens or orchard of the proprietor or proprietors, will none of them be overflowed, they shall give leave to the applicant or applicants, to erect his, her or their dam, to the height proposed, upon such applicant or applicants, paying to the proprietor or proprietors injured, the damages assessed by the freeholders, and upon his payment of the fees of the clerk, sheriff and freeholders, no action shall

lie against such applicant for any injury contemplated and decided upon by the freeholders, in their inquest as aforesaid.

**Sec. 6** *Be it further enacted*, That all owners of water grist mills, or other manufactory propelled by water, now erected, may obtain leave to raise, or continue their dams, in the manner and upon the conditions herein prescribed, for an original application to erect a dam: *Provided*, That no such raising or continuing, shall interfere with, or impede the operations of any water works previously erected.

**Sec. 7.** *Be it further enacted*, That in all cases where, after the erection of a dam, the water shall be in danger of breaking through the banks, or shall actually so break through the same, in a manner to injure said dam, or render the mill of less value, it shall and may be lawful for the owner or occupier of the mill to enter upon the land of others, to prevent or repair such breach, doing no other injury to the soil, than may be unavoidable in the perfecting the repairs contemplated.

**Sec. 8.** *And be it further enacted.* That the sheriff shall be allowed the sum of five dollars, for summoning the freeholders, and taking the inquest hereby directed; and each freeholder shall be allowed one dollar per day for his attendance; and the clerk shall be entitled to the same fees as allowed for like services in other cases; and in all cases the applicant or applicants shall pay the costs of the inquisition, for which judgment shall be rendered against him, her or them.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

January 5th, A. D. 1819.

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## CHAPTER XL.

## An act to incorporate the Dover Tuskarawas Bridge Company.

- Proprietors names.** *Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That Christian Deardoff and Jesse Slingluff, their associates, and their successors, are hereby constituted and made a body politic and corporate, with perpetual succession, to be known and distinguished by the name of Dover Tuskarawas Bridge Company; and by that name they and their successors shall be capable in law of suing and being sued, contracting and being contracted with, of pleading or being impleaded in any court of law or equity, in this state; and shall be capable in law of purchasing, holding and enjoying, and of granting, selling and conveying any estate real or personal, necessary for promoting the object of the corporation, which object is hereby declared to be the building and keeping in repair a permanent bridge across the Tuskarawas river near the town of Dover, in the county of Tuskarawas: *Provided,* The land on both sides of the river be owned by said company.
- Style of the company.**
- May sue & be sued.**
- Site of the bridge.**
- Officers to be elected annually on 1st Monday in April.** *Sec. 2. Be it further enacted,* That for the better managing the concerns of said company, the stockholders shall meet on the first Monday in April next, and on the first Monday of April annually, at the town of Dover, and elect out of their own body, a President, Secretary and Treasurer, who shall hold their offices for one year, and until their successors are elected and qualified; and may appoint at any time thereafter a toll gatherer, and such other assistants as they may deem necessary, and may require security
- Toll gatherer to be appointed.**

for the faithful performance of their trust from such persons respectively.

**Sec. 3. *Be it further enacted,*** That the afore-<sup>Rates of toll.</sup> said company is hereby authorised to ask, demand and receive from travellers or passengers that may cross the said bridge, the following rates of toll, to wit: For every foot passenger, six and a fourth cents; for every horse, mule or ass, six and a fourth cents; for each horse and rider, twelve and a half cents; for each waggon or four wheeled carriage drawn by two horses or oxen, including the driver, fifty cents; for each horse or ox in addition, six and one-fourth cents; for each cart, sled or sleigh drawn by one horse or ox, including the driver, thirty one and a fourth cents; and for every horse or ox in addition, six and one fourth cents; for each head of neat cattle two cents; for each head of hogs, one cent; all sheep shall pass free: *Provided always,* That all public mails, expresses and passengers which are exempt from the payment of ferriages within this state, or which may hereafter be ex-<sup>Proviso, as to exempt.</sup> empted, shall pass on said bridge free from toll, together with all the troops of the United States or of this state with all their artillery, baggage and stores; also all persons attending public worship, and all persons attending funerals or elections: *Provided also,* That if the said company shall demand and receive any higher or greater toll than is by this act provided, they shall be sub-<sup>Proviso, as to receiving improper toll.</sup> ject to the like fines and forfeitures as are or may be provided in the case of ferries.

**Sec. 4. *Be it further enacted,*** That the said<sup>Continuation of this act.</sup> company shall enjoy all the privileges and emoluments secured to them by this act, so long as they shall keep said bridge in complete repair: *Provided,* That any future legislature may regu-<sup>Proviso as to altering the rates of toll.</sup> late the toll after the year eighteen hundred and

Further proviso. forty: *Provided also*, That the navigation of said river shall in no wise be obstructed by said bridge, nor the fording, nor any road leading thereto be in any wise impeded so as to prevent travellers or citizens from passing and repassing when said river is fordable.

Rates of toll to be posted up. *Sec. 5 Be it further enacted*, That the aforesaid company shall, previous to receiving toll, set up and keep on each margin of said river, near the aforesaid bridge, a post and board on which shall be printed or painted in a conspicuous manner the aforesaid rates of toll.

No funds of said company to be used in banking. *Sec. 6. Be it further enacted*, That no part of the stock or funds of said company shall at any time be applied to the use of any banking institution, or the striking or issuing of bank paper; and if the said company shall at any time apply any part of their funds in banking, or shall strike or issue bank paper; or if the said company shall in any way obstruct or impede the fording or navigation of said river, then, and in either of those cases, all the rights, privileges and immunities granted by this act shall cease and determine.

3 weeks notice of company meetings to be given. *Sec. 7. Be it further enacted*, That the president shall give three weeks previous notice by advertisement in some public newspaper printed in some of the adjoining counties, or in three of the most public places in said county, of the time and place of holding all elections or meetings of said company subsequent to the first election; and it shall be the duty of the secretary to keep a record of all the proceedings of said company in the town of Dover, open at all times for the inspection of any of the said company.

Secretary to keep a record. *Sec. 8. And be it further enacted*, That Company may sell the the company be and they are hereby authoris-

ed, at any time to sell, dispose of and trans-<sup>bridge.</sup>fer either jointly or severally, their interest in said bridge. subjecting their assignee or assignees to the same restrictions as are set forth in this act.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate.

January 7th, A. D. 1819.



## CHAPTER XII.

An act to erect the county of Shelby.

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That so much of the county of Miami, as lies north of the line beginning <sup>Boundaries,</sup> on the line dividing Miami and Dark counties, between sections twenty-seven and thirty-four in township ten, range four, and running east, with said line to the Great Miami river; thence across said river; thence down said river to the middle of the twelfth range, township one, east of the Miami river, to the section line between sections twenty-one and twenty-two; thence east with said line to Champaign county line; thence north with said line dividing the counties of Miami, Champaign and Logan, to the Indian boundary line; thence north six miles; thence west to a point so that a line drawn from said point due south, will strike the Indian boundary line, at the point where the line between the counties of Miami and Dark strikes said line; thence south with said line between the counties of Dark and Miami to the place of be-

ginning; and also including the United States reservations at forts St. Mary's, Amanda and Defiance; which shall be known by the name of Shelby: *Provided* That the jurisdiction of the said county of Shelby shall extend over all that territory, lying north of said county and which at this time is included within the jurisdiction of the county of Miami; and all crimes that shall be committed within the territory aforesaid shall be considered as having been committed within the said county of Shelby.

Proviso as to jurisdiction.

*Sec. 2. Be it further enacted,* That all suits or actions, whether of a civil or criminal nature, which shall be pending, and all crimes which shall have been committed within the limits of that part of Miami county, so to be set off and erected into a new county, previous to the organization of the said county of Shelby, shall be prosecuted to final judgment and execution within the county of Miami, in the same manner as they would have been if no such division had taken place. And the sheriff and constables of the county of Miami shall execute all such process as shall be necessary to carry into effect such suits, prosecutions and judgments. And the collectors of taxes for the aforesaid county, shall collect all such taxes, as shall have been levied and unpaid within the above described part of the county of Miami, previous to the taking effect of this act.

Suits and actions not to be affected hereby.

Duty of sheriffs &c.

Duty of collectors.

*Sec. 3. Be it further enacted,* That all justices of the peace within that part of Miami county, which by this act shall be erected into a new county, shall continue to exercise the duties of their offices until their term of service expires, in the same manner as if they had been commissioned for the said county of Shelby.

Justices to continue in office.

**Sec. 4.** *Be it further enacted,* That the electors within the fractional townships that may be occasioned by the erection of the county of Shelby, shall elect in the adjoining townships.

Fractional townships to elect in other townships.

**Sec. 5.** *Be it further enacted,* That on the first Monday of April next, the legal voters residing within the county of Shelby, shall assemble in their respective townships, at the usual place of holding election, and shall proceed to elect their several county officers who shall hold their offices until the annual election.

Officers to be elected on 1st April next.

**Sec. 6.** *Be it further enacted,* That the courts of said county of Shelby shall be holden at the house of Joseph Aldrick, or some other suitable place in the town of Hardin, until the seat of justice shall be established for the said county of Shelby.

Courts when to be holden.

**Sec. 7.** *Be it further enacted.* That commissioners shall be appointed agreeably to the provisions of an act, entitled 'An act establishing seats of justice,' to fix upon a permanent seat of justice for said county of Shelby, and make report thereof to the court of common pleas in and for said county, agreeably to the provisions of the above recited act; and the commissioners aforesaid shall receive for their services a compensation out of the treasury of said county of Shelby.

Commissioners to be appointed to fix seat of justice.

Commencement.

This act shall be in force, from and after the first day of April next.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
speaker of the senate.

January 7th, A. D. 1819.

## CHAPTER XIII.

An act, supplementary to the act, providing for the election and resignation of justices of the peace.

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That when a vacancy is about to happen in the office of a justice of the peace, and the trustees of the township shall be notified thereof, according to the provisions of the tenth section of the act to which this act is supplementary, it shall be lawful for the trustees to advertise and hold an election to supply such vacancy, before the vacancy actually happens, any thing in the second section of the before recited act to the contrary notwithstanding.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

January 7th, A. D. 1819.



## CHAPTER XIV.

An act to amend the act, entitled 'An act fixing the ratio of representation within the state of Ohio.'

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That the county of Perry, established during the last session of the legislature, shall be entitled to one representative, and the county of Fairfield to two representatives only. until the next ratio be fixed, any thing contained in the act to which this is supplementary to the contrary notwithstanding.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

January 7th, A. D. 1819.

## CHAPTER XV.

An act to amend an act, entitled 'An act, defining the duties of Sheriffs and Coroners in certain cases.'

**Sec. 1.** *Be it enacted by the general assembly of the state of Ohio;* That whenever any person, or persons, charged with the commission of any offence, shall be in custody in any county in this state, having no jail or one which is deemed insufficient, the sheriff of such county shall forthwith convey the person or persons so charged, to the jail of that adjoining county which in the opinion of the sheriff, shall be the most convenient and secure.

Prisoners may be conveyed to another county for confinement in certain cases.

**Sec. 2.** *Be it further enacted,* That the said sheriff be, and he is hereby vested with authority, to call as many men as he may deem necessary, to aid in guarding and transporting the person or persons so charged; and the commissioners of the county from which the person or persons so charged are taken, shall allow the sheriff and guard an adequate compensation for their services, to be paid out of the county treasury, upon the order of the said county commissioners. And if any person shall neglect or refuse to obey the summons of the said sheriff, or shall neglect or refuse to perform the duties required of him, in guarding and transporting the person or persons so charged, every such person shall, for every such offence, forfeit and pay ten dollars, to be recovered by action of debt, before any justice of the peace having jurisdiction thereof; and it is hereby made the duty of the said justice to pay over the said sum to the county treasurer for the use of the county.

Duty and compensation to sheriff for conveying prisoners.

**Sec. 3.** *Be it further enacted,* That it shall be the duty of the sheriff of each county, adjoining

Sheriff of county to re-

D



ceive prison- a county having no jail or an insufficient one, upon being furnished with the commitment, directed to the sheriff of the county having no jail or an insufficient one, to retain the said commitment, as evidence of his authority to receive into his care and custody such person or persons as may be transported to his jail, according to the provisions of this act; and he shall be liable for escapes as in other cases: the sheriff so receiving a prisoner or prisoners shall be paid out of the treasury of the county whence the said prisoner or prisoners were transported, upon the order of the commissioners of the said county, such fees as he would by law be entitled to receive for similar services in other cases.

Sheriff to re-  
deliver pri-  
soner on writ  
of Habeas  
Corpus

Sec. 4. *Be it further enacted,* That the sheriff in whose custody the said prisoner or prisoners may be placed, shall forthwith deliver over such prisoner or prisoners, to the sheriff of the county whence such prisoner or prisoners were sent, on being served with a writ of Habeas Corpus, to him directed, under the seal of the court of common pleas or supreme court, which writ it is hereby made the duty of the clerk of the court of common pleas or supreme court to issue, on a precipe being filed by the prosecuting attorney for such county, for which services the clerk shall receive the same fees as he is entitled by law to receive for similar services.

Sheriff how  
compensa-  
ted.

Sec. 5. *Be it further enacted,* That the sheriff shall be allowed the same fees, and be paid in the same manner, for transporting such prisoner or prisoners on Habeas Corpus, as he is entitled to receive for conveying them to prison under the provisions of the second section of this act.

Sec. 9. *And be it further enacted,* That

whenever the office of sheriff shall become vacant in any county, either by death, resignation or otherwise, or where the sheriff is a party or related to the prisoner or prisoners, the coroner of said county shall be bound to perform all the duties required of the sheriff by this act, and for that purpose, shall be vested with all the power and authority hereby vested in the sheriff.

The coroner  
to act as  
sheriff in cer-  
tain cases-

This act to take effect and be in force from and after the passage thereof.

JOSEPH RICHARDSON.

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

January 7, A. D. 1819.

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## CHAPTER XVI.

An act making an appropriation of money for the purposes therein named.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the sum of eighteen thousand dollars be, and the same is hereby appropriated, for the purpose of completing the work begun at the Penitentiary; and the sum of fifty seven dollars and fifty cents, for the purpose of paying D. W. Deshler for book case for the public Library, and repairs done to the state house; which the treasurer is hereby directed to pay, on the order of the auditor as in other cases.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

January 11, A. D. 1818.

## CHAPTER XVII.

An act, further to amend the act, entitled 'An act to authorise Timothy Buell and others, to erect toll bridges, over Duck creek and Little Muskingum river, in the town of Marietta and county of Washington.'

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That the said Timothy Buell and his associates, shall be allowed a further time of two years from and after the first day of January, one thousand eight hundred and nineteen, to complete the bridges over said rivers, in the same mode and under the same privileges and restrictions, as are contained in the above recited act.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

January 11, A. D. 1819.

## CHAPTER XVIII.

An act, to amend the act, entitled 'An act, regulating county levies.'

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That where the ordinary revenue of any county, shall be sufficient to pay the current expence of such county, and discharge any debts contracted by such county, for the crection of suitable public buildings, then and in that case, it shall be lawful for the county commissioners of every such county, to exempt improvements on town lots from taxation; in which case, the appraisers of property shall appraise the lots without including the improve-

Houses in towns may be exempt from taxation in certain cases.

ments thereon: *Provided, however,* That houses in town shall be equally subject to taxation with houses in the country.

Sec. 2. *And be it further enacted,* That so much of the act, entitled 'An act, regulating county levies,' as comes within the purview of and is contrary to this act, be and the same is hereby repealed.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

January 11th, A. D. 1819.



## CHAPTER XIX.

An act to confirm and legalize the official acts of William A. Beaty, a director of the town of Xenia, in the county of Green; and to authorise the court of common pleas for the county of Green, to appoint another director, and for other purposes.

Whereas it has been represented to the general assembly of the state of Ohio, that doubts have and do exist, as to the power of the courts of common pleas in this state, to appoint a director to fill any vacancies in that office, under the provisions of an act, entitled 'An act, to establish seats of Justice,' passed the 28th day of March, one thousand eight hundred and three; and that the court of common pleas in and for the county of Green, have heretofore appointed William A. Beaty to fill a vacancy in the office of director for the town of Xenia, in the county of Green, occasioned by the removal of Joseph C. Vance, the former director of said town of Xenia, to the county of Champaigne, and also that the said William A. Beaty since his ap-

pointment, has removed to the state of Indiana, before the sales of the lots in the town of Xenia have been completed, and before the purchasers of those which were sold have got their deeds:

Therefore,

**Legalizing  
clause.**

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That all and singular the official acts of the said William A. Beaty, director for the town of Xenia, in the county of Green, are hereby declared as legal and valid in law, as if the court of common pleas for the county of Green, had by law been authorised to make such appointment and to fill such vacancy

**Courts of  
com. pleas  
authorised to  
fill vacancies.**

*Sec. 2. Be it further enacted,* That it shall and may be lawful for any of the courts of common pleas within this state, whenever they may deem it necessary, when there shall be a vacancy in the office of director, for any town within this state, occasioned by death, removal, resignation or otherwise, to appoint for the towns in their proper counties, a director from time to time to fill such vacancy, in the same manner and under the same regulations as are required in the appointment of directors under the law establishing seats of justice.

**Commence-  
ment.**

This act to take effect and be in force from and after the passage thereof.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

January 15th, A. D. 1819.

## CHAPTER XX.

An act for the relief of Jeremiah R. Munson.

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That the leases executed by Stephen M'Dougal, acting in behalf of the state of Ohio, to J. R. and A. Munson of the following tracts of land, to wit: Lot No. eight in the eleventh range, third township and fourth quarter, in the United States military tract, in the county of Licking, leased to said Jeremiah R. Munson; and lot No. twenty-one, of the aforesaid range, township and quarter, leased to J. R. and A. Munson, each lot containing one hundred and sixty acres, be cancelled, annulled and of no effect.

Certain leases given by S. M'Dougal cancelled;

*Sec. 2. Be it further enacted,* That the same privileges shall be extended to and the same requirements be exacted from the said Jeremiah R. Munson, on the above recited tracts of land, as were extended to and exacted of David Moore, James W. Patterson, and Asmond Wells, in and by an act, entitled 'An act for the relief of David Moore, James W. Patterson and Asmond Wells,' passed February 14th, eighteen hundred and fifteen, as are embraced and contained in the second, third, fourth, fifth and seventh sections of the above recited act; and that Jacob Wilson, Alexander Holmes and Isaac Statton, proceed to value the before mentioned two lots of land, agreeably to the provisions of the third section of the before recited act, and shall make return of the same to the recorder of Licking county, on or before the first day of June next.

Certain sections of a former act referred to.

Three appraisers appointed.

*Sec. 3. Be it further enacted,* That this act

shall be in force and take effect from and after  
 the passage thereof.

JOSEPH RICHARDSON,  
 Speaker of the house of representatives.  
 ROBERT LUCAS,  
 Speaker of the senate.

January 15th, A. D. 1819

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## CHAPTER XXI.

An act to authorise Henry Neville and Daniel Dresbach, to erect a toll bridge across the Scioto river.

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That Henry Neville and Daniel Dresbach, and their successors be and they are hereby authorised, to erect a toll bridge across the Scioto river, at or near the place where the Westfall road (so called) crosses the same: *Provided,* They own the land on both sides of said river: *And provided also,* That the navigation of said river, shall not be obstructed by the erection of said bridge, nor the fording, or any road leading thereto, be in any wise impeded, so as to prevent travellers or citizens from passing and repassing when said river is fordable.

*Sec. 2. Be it further enacted,* That if the said Henry Neville and Daniel Dresbach, shall erect and complete said bridge, in a sufficient manner, made of a proper width, having a convenient footway, with hand railing and cart way and in other respects of sufficient strength and dimensions, so as to admit of the safe passage of passengers, carriages, waggons, carts, &c. within five years from the passage of this act, they shall enjoy all the privileges and emoluments secured to them by this act, so long as they shall keep the same in complete repair.

Scite of the bridge.

Proviso.

Construction of the bridge which must be erected in five years.

**Sec. 3. *Be it further enacted,*** That after the completion of the bridge as aforesaid, the said Henry Neville and Daniel Dresbach, their heirs or successors, are hereby authorised to ask, demand and receive from passengers, who may cross said bridge, the following rates of toll, to-wit: For every foot passenger, three cents; for each horse, mule or ass one year old and upwards, six and one fourth cents; for each horse and rider twelve and one half cents; for each waggon or four wheeled carriage, drawn by two horses or oxen, including the driver, thirty seven and one half cents; for every horse or ox in addition, six and one fourth cents; for each cart, sled, or sleigh, drawn by one horse, including the driver, twenty five cents; and for every horse or ox in addition, six and one fourth cents; for each head of neat cattle, six months old and upwards, two cents; and for each head of sheep or hogs one cent: *Provided always,* That all public mails, expresses and passengers, which are exempt from the payment of ferriages within this state, or which hereafter may be exempt, shall pass on said bridge free from toll, together with all the troops of the United States or of this state, with their artillery, baggage and stores, all persons going to and returning from public worship, on the first day of the week or going to and returning from funerals, all persons going to and returning from elections: *Provided also,* That if the said Henry Neville and Daniel Dresbach, or their successors, shall at any time demand and receive any higher or greater toll than is by this act provided, they shall be subject to the like fines and penalties as are provided in case of ferries.

Rates of  
toll

Provided as  
to exempt.

Penalty for  
receiving  
improper  
toll.

**Sec. 4. *Be it further enacted*** That any future legislature may regulate the toll aforesaid, after

Toll may be  
regulated.

L.



the year one thousand eight hundred and forty.

*Rates of toll to be posted up.* **Sec. 5. Be it further enacted,** That the said Henry Neville and Daniel Dresbach, their heirs or successors, shall previous to receiving toll, set up and keep on the margin of said river, near said bridge, a post and board, on which shall be printed or painted, in a conspicuous manner, the rates of toll allowed by this act.

*Conditions on which this act to be void.* **Sec. 6. And be it further enacted,** That if the said Henry Neville and Daniel Dresbach, shall not complete said bridge, in the time and manner aforesaid, or if completed, shall at any time use their funds for banking purposes, or strike and circulate any bank paper, in either case all the privileges hereby granted shall cease and determine, any of the provisions of this act to the contrary notwithstanding.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate.

January 16th, A. D. 1819.

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## CHAPTER XXII.

An act, to change the name of the town of New-Lebanon, in the county of Perry.

**Sec. 1. Be it enacted by the general assembly of the state of Ohio,** That the name of the town of New Lebanon in the county of Perry, be and the same is hereby changed, and shall here-

after be known and designated by the name of  
Thornville.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate.

January 16th, A. D. 1819.

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### CHAPTER XXIII.

An act, for the relief of the purchasers of the Virginia  
Military School Lands.

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That a further time for completing all payments which may now be due, or which may become due, before the first day of August, eighteen hundred and nineteen, shall be allowed to the lessees, their heirs and assigns, until the said first day of August, eighteen hundred and nineteen, at which time and not before, the Register shall enter upon and make sale of the lands of delinquents, in the manner stipulated in the lease and prescribed by law.

Time for completing payments extended to 1st August 1819

Register to make sale of lands after 1st August.

*Sec. 2. Be it further enacted* That the Register shall forthwith proceed to make and execute leases for all lands already sold, agreeably to the laws in force at the time such sales were made, and where leases have not been made and executed; and shall proceed to record all leases not recorded as the law directs; and for every lease, executed when a sale was made and completed, in the time of any former Register, the Register executing the same shall be entitled to one dollar; and for every lease recorded which was made and executed in the time of any for-

Register to execute and record leases in certain cases.

Register fees for leases.

mer Register, the Register recording the same shall be entitled to ten cents for every hundred words; and in both cases the Register performing the service shall charge the fees aforesaid, to the Register who ought to have performed the service, and shall be entitled to recover the amount in any proper action, before any justice of the peace, or other court having jurisdiction, of the whole sum due for the service performed under this act.

**Register's fee: for recording lease**  
**Register's fees how recovered.**  
**Leases may be assigned by deed, &c.**  
**Assignments to be recorded.**  
**Costs to be paid by grantor.**

*Sec. 3. Be it further enacted,* That it shall and may be lawful for the lessees, to assign the whole of a quarter section by them leased, and such assignment shall be by deed in writing, made and executed as other deeds are made for said lands, which deeds shall be produced to the Register, and by him recorded in a book of transfers to be kept for that purpose: after the recording of such deed, the Register shall open an account with the purchaser & charge him with the amount of rent stipulated in the deed to be paid to the Register; and all the costs and expences of making and recording the transfers aforesaid, shall be paid by the grantor in deed of transfer.

**Former leases confirmed and credit given for monies paid in certain cases.**

*Sec. 4. Be it further enacted,* That each and every lease, that hath been granted by William W. Cotgreve, since the appointment of the present Register, and prior to his delivering the books of the office to the present Register, be and the same is hereby confirmed, in all cases where the leases have been granted in conformity to the laws in force, at the time the same was granted, and where such lease is defective only upon account of the authority of the said William W. Cotgreve to grant the same; and the lessees shall have a credit on the books of the office, for all monies paid to William W. Cotgreve, for the use of the office, during the

term aforesaid, on their producing a receipt or other satisfactory proof to the present Register for the payment of the same: *Provided*, no fraud shall be made to appear on the part of the lessee obtaining such lease or receipt. Proviso,

Sec. 5. *And be it further enacted*, That in all cases where the Register is required to give notice of sales of lands &c. he shall hereafter give such notice at two of the most public places in the towns of Wooster and Mansfield, or in a newspaper printed in each of the aforesaid places; and that the Register shall make no sale of any of the land, which has not been entered previous to the first day of May next, until provided for by law. Notice of sales how to be given  
No entries to be made after 1st May, 1819.

JOSEPH RICHARDSON,  
Speaker of the house of representatives,

ROBERT LUCAS,  
Speaker of the senate.  
January 16th, A. D. 1819.

#### CHAPTER XXIV.

An act, to authorise the establishment of a Medical College.

Whereas, society at large is deeply interested in the promotion of Medical and Surgical knowledge; and whereas, the students of Medicine, in the state of Ohio, are so distant from any well regulated college, as to labour under serious disadvantages in the prosecution of their studies: Therefore, Preamble.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*. That there shall be established in Cincinnati, a college for instruction, of. Style there-

in physic, surgery, and the auxiliary sciences, under the style and title of 'The Medical College of Ohio.'

**The faculty named.** *Sec. 2. Be it further enacted,* That Samuel Brown, Coleman Rogers, Elijah Slack and Daniel Drake, with their associates and successors, shall constitute the faculty of professors of said college, and as such are hereby created and declared a body corporate and politic, in perpetual succession, with full power to acquire, hold and convey property, for the endowment of said college; contract and be contracted with; sue and be sued; plead and be impleaded; answer and be answered unto; defend and be defended in all courts and places, and in all matters whatsoever: *Provided,* That no part of the estate, either real or personal, which said incorporation may at any time hold, shall be employed for any other purposes, than those for which it is constituted: *And provided also,* That the revenues arising from the property, which the said incorporation shall be entitled to hold, shall never exceed the sum of five thousand dollars per annum.

**Their powers defined.**

**Proviso.**

**May have & use a common seal.** *Sec. 3. Be it further enacted,* That the faculty of said college, may devise and keep a common seal, which may be altered and renewed at pleasure.

**Officers enumerated.** *Sec. 4. Be it further enacted,* That the officers of said college, shall be a president, vice president, register and treasurer, who shall be elected by the professors out of their own body, once in two years, at such times, and in such manner, as they may appoint; which officers shall hold their places until their successors are chosen.

Sec. 5. *Be it further enacted,* That two thirds of the members of the faculty of said college, shall constitute a quorum for every kind of business, and when thus assembled, shall have full power and authority to make, ordain and resolve all by-laws, rules and resolutions, which they may deem necessary for the good government and well being of said college; and the same when deemed expedient, to alter, change, revoke or annul, provided they be consistent with the laws of this state and the United States; also to establish such additional offices, and appoint such officers and servants, as they may think requisite for the interest of said college: also, to create, alter or abolish all such professorships, and appoint or dismiss all such professors and lecturers, as they may see proper; which professors or lecturers, when thus dismissed, shall cease to be members of the corporation: *Provided,* That no professorship shall be created or abolished, nor any professor or lecturer, be elected or dismissed, without the concurrence of three fourths of the whole faculty.

Two thirds of the members a quorum to make & establish by-laws, &c.

Provide:

Sec. 6. *Be it further enacted,* That the faculty of said college, shall have power and are hereby authorized to confer the degree of Doctor of Medicine, and grant diplomas for the same under the seal of the corporation.

Certain degrees may be conferred.

Sec. 7. *Be it further enacted,* That until the faculty of said college, shall direct it otherwise, there shall be established the following professorships: first, a professorship of the institutes and practice of Medicine; second, a professorship of Anatomy; third, a professorship of Surgery; fourth, a professorship of Materia Medica; fifth, a professorship of Obstetrics and the

Six professorships to be established.

diseases of women and children; sixth, a professorship of Chemistry and Pharmacy.

**First profes-**  
**sors appoint**  
**ed.**

Sec. 8. *Be it further enacted.* That until the faculty of said college shall make a different arrangement, the following persons shall be, and are hereby appointed professors, viz: Daniel Drake, professor of the Institutes, and practice of Medicine; Samuel Brown, professor of Anatomy; Coleman Rogers, professor of Surgery; Elijah Slack, professor of Chemistry and Pharmacy; and until the said faculty shall hold an election

**First officers**  
**appointed.**

for officers, the following are hereby appointed, to-wit: Daniel Drake, President, Coleman Rogers, Vice President, and Elijah Slack, Register and Treasurer.

**Alterations**  
**may be made**

Sec. 9. *And be it further enacted,* That this law shall be subject to such alterations and amendments as any future legislature may think proper.

JOSEPH RICHARDSON,  
Speaker of the house of representatives  
ROBERT LUCAS,  
Speaker of the senate.

January 19th, 1819.

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## CHAPTER XXV.

An act, to erect the county of Meigs.

**Boundaries.**

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That so much of the counties of Gallia and Athens, as is included in the following boundaries, be, and the same is hereby erected into a separate county, which shall be known by the name of Meigs, to-wit: beginning on the bank of the Ohio river, on the

sectional line between the thirteenth and fourteenth ranges; thence north to the south east corner of section number six, of township five, of range fourteen; thence west to the south west corner of section number thirty six, of township seven, of range fifteen; thence north on township line, to the north west corner of section number thirty six, of township nine, of range fifteen; thence east to the Ohio river; thence down the river with the meanders thereof to the place of beginning, be, and the same is hereby erected into a separate county by the name of Meigs.

Sec. 2. *Be it further enacted*, That all suits <sup>Suits &c. not</sup> or prosecutions which shall be pending, and be affected <sup>by this act.</sup> all crimes which shall have been committed within the counties of Gallia and Athens, previous to the organization of the said county of Meigs, shall be prosecuted to final judgment and execution, within the counties in which such suits or prosecutions shall be pending, or such crimes shall have been committed, in the same manner they would have been, if no division had taken place; and the sheriff, coroner and constables of the counties of Gallia and Athens, shall execute in such parts of the county of Meigs, as belonged to their respective counties, previous to the taking effect of this act, such process as shall be necessary to carry into effect such suits, prosecutions and judgments; and the collectors for the counties of Gallia and Athens, shall collect all such taxes as shall have been levied, imposed and unpaid, within such parts of the county of Meigs, as belonged to their respective counties previous to the taking effect of this act.

Sec. 3. *Be it further enacted*, That all jus- Justices to tices of the peace and constables, within those <sup>continue in</sup> parts of the counties of Gallia and Athens, <sup>office.</sup>



which is by this act erected into a new county shall continue to exercise the duties of their respective offices, until their term of service expires, in the same manner as if no division of said counties had taken place; and that the whole of the county of Meigs be and is hereby attached to the sixth Brigade, in the second Division of Militia.

Militia provision.

Election to be holden on next April next:

Proviso as to fractional townships:

Courts where holden.

Commissioners to be appointed to fix seat of justice.

Sec. 4. *Be it further enacted*, That on the first Monday of April next, the legal voters, residing within the limits of the county of Meigs, shall assemble in their respective townships, at the usual place of holding elections, and elect their several county officers, who shall hold their offices until the next annual election: *Provided*, That where any township shall be divided, in consequence of establishing the county of Meigs, in such manner, that the place of holding township elections shall fall within the counties of Gallia or Athens, then and in that case, the electors of such fractional township or townships, shall elect in the next adjoining township or townships, in said county of Meigs.

Sec. 5. *Be it further enacted*, That the court of the county of Meigs, shall be holden at the meeting house in Salisbury township, until a permanent seat of justice shall be established for said county of Meigs.

Sec. 6 *Be it further enacted*, That commissioners shall be appointed agreeably to the provisions of an act, entitled 'An act for establishing seats of justice,' to fix upon a permanent seat of justice for said county of Meigs, and make report thereof to the court of common pleas in and for said county, agreeably to the provisions of the above recited act; and the commissioners shall receive a compensation

for their services out of the treasury of said county of Meigs.

This act to take effect from and after the first Commencement day of April next.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

January 21, A. D. 1819.

CHAPTER XXVI.

An act, to amend an act, entitled 'An act, to amend an act, entitled 'An act for the inspection of certain articles therein enumerated, and for other purposes.'

Sec. 1. *Be it enacted by the general assembly of the state of Ohio.* That all fish barrels shall be made of good sound seasoned white oak timber clear of sap well bound with twelve sufficient hoops, or eight flat hoops at least two inches broad; secured in all cases with four nails at least in each chine hoop and four wooden pins in each outward bilge hoop; and shall contain at least two hundred pounds weight of clean fish in each barrel; and that only one species of fish shall be packed in the same barrel, and that the quantity of salt shall be at least fifty pounds weight to each barrel.

Description  
of barrels.

Quantity of  
fish and salt  
in each bar-  
rel.

Sec. 2. *Be it further enacted,* That it shall be the duty of any person or persons, who shall hereafter take any fish to the amount of three barrels, within any of the waters of this state, to bury the offals a depth not less than two and a half feet beneath the surface of the earth, or burn the same within two days after said fish are taken and cleaned; and any person or persons

Offal of fish  
how to be  
disposed of.

Penalty for

neglecting to dispose of offal.	refusing to comply with the provisions of this section, shall be fined in any sum not exceeding fifty dollars nor less than one dollar; and if any person shall put up in barrels any fish for sale or exportation, contrary to the provisions of the first section of this act, every such person shall be fined in a sum not less than one nor more than twenty dollars for each barrel; to be recovered by action of debt, before any justice of the peace having jurisdiction thereof, at the suit of the trustees of the township in which the offence shall be committed, which sum when collected, shall be paid over by said justice of the peace, into the county treasury to and for the use of the county.
Manner of recovery.	
Repealing clause.	Sec. 3. <i>Be it further enacted</i> , That the third section of the act to which this is an amendment, be and the same is hereby repealed.
Commencement.	This act to take effect and be in force, from and after the first day of March next.

JOSEPH RICHARDSON,  
Speaker of the house of representatives  
ROBERT LUCAS,  
Speaker of the senate.

January 21, A. D. 1819.

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## CHAPTER XXVII.

An act, extending for the term of two years the grant of lands heretofore made to Joseph Eaton.

Whereas by an act passed the 27th January, 1817, a certain portion of the first quarter of the fifth township, in the eighteenth range of United States military land, was granted to Joseph Eaton, upon certain terms and conditions in said act specified; and whereas the said Joseph Ea-

ton has perforated the rock to the depth of three hundred one feet, instead of two hundred feet, as required by said act, and hath not found the quantity of salt water required by said act; and whereas it is just that the said Joseph Eaton should be compensated for his extra labour aforesaid, and encouraged to continue his exertions in search of salt water: Therefore,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the grant aforesaid to the said Joseph Eaton, of the tract of land in the said act described, shall be, and the same is hereby extended for the term of two years, beyond the expiration of the ten years granted by the said act, subject to the provisions of the second, third and fourth sections of the said act,

JOSEPH RICHARDSON,  
Speaker of the house of representatives,  
ROBERT LUCAS,  
Speaker of the senate.

January 21st, A. D. 1819



## CHAPTER XXVIII.

An act, to amend the act regulating Elections.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That at all elections here- Manner of  
after to be held, for senators and representatives making out  
for the General Assembly of this state, and for and return-  
county officers, in any county which hath been, ing poll  
or may hereafter be laid off and organized, books in  
which hath been, or may be taken from one new coun-  
or more counties, since the last ratio for repre- ties.  
sentatives was fixed by law, there shall be pro-  
vided at the expence of the township, two sets  
of poll books: the votes for senator or repr-  
sentative shal, in the manner prescribed by the act

to which this is an amendment, be set down in one set of the said poll books, and one of the poll books of such set, shall be carried to the clerk's office of the old county from which such part of the new county was taken, within the same time, and under the same regulations, as are required by the act to which this is an amendment, in the same manner as though such new county had not been laid off. In the second set of poll books the votes for county officers shall be set down, and the judges of the election shall have one of the poll books of the last mentioned set carried to the clerk's office of the new county, in the same manner, within the same time, and under the same regulations, as are required by the act to which this is an amendment,

Special pro-  
visor of  
Cincinnati  
& St. Clair  
township

*Sec. 2. And be it further enacted,* That in the township of Cincinnati, in the county of Hamilton, and St. Clair township, Columbiana county, the judges of every election held therein, under the provisions of the act to which this is an amendment, shall open the poll between the hours of eight and ten in the morning, and close it at six in the afternoon of the same day,

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

January 21st, 1819.

## CHAPTER XXIX.

An act to incorporate the Cincinnati College.

Names of persons com- *Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That Jacob Bumet, Fran-

as Dunlavy, Samuel Johnston, William Lytle, Zaccheus Biggs, Joshua L. Wilson, O. M. Spencer, John Thompson, W. H. Harrison, Joseph H. Crane, Joshua Collett, Samuel W. Davis, Daniel Drake, William Cory, Jesse Hunt, Samuel Burr, John Reynolds, James Galoway, Martin Baum and Levi James, and their associates, be, and they are hereby created and made a body corporate and politic, with perpetual succession, who shall be known and distinguished by the name and style of "The President, Trustees and Faculty of the Cincinnati College;" and by that name and style, they and their successors shall be a body in law, capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, as natural persons are or may be, in all courts and places, and in all manner of suits, complaints, bills, causes and matters whatsoever. They shall have and use a common seal; they shall be capable of purchasing, receiving, holding and enjoying, and of granting, selling and conveying any estate or property, real or personal, necessary for promoting the object of this act of incorporation; which object is hereby declared to be the erection and maintenance of a college: *Provided*, That the annual income, rents or receipts arising therefrom, shall not exceed eleven thousand dollars.

posing the corporation.

Style thereof

Their powers defined.

Proviso.

**Sec. 2.** *Be it further enacted*, That the funds or stock of said College, shall consist of five thousand shares, of twenty-five dollars each; which funds or stock shall be subscribed for in such manner, and paid in at such times, in such proportions and under such regulations, as may be prescribed by the by-laws and rules of said company.

Stock to consist of 5000 shares.

**Board of trustees to manage the concerns when elected.** **Sec. 3. *Be it further enacted.*** That the affairs of said Cincinnati College, shall be under the management of a board of trustees which board shall consist of not less than thirteen, nor more than twenty members, to be elected by the shareholders, on the last Friday of March annually, between two and six o'clock in the afternoon, at the College edifice; and it shall be lawful for the trustees to continue in office, and to discharge the duties appertaining thereto, until their successors are elected and qualified.

**Elections how conducted.** **Sec. 4. *Be it further enacted,*** That all elections shall be by ballot: at every election each shareholder shall be entitled to one vote for every share of twenty-five dollars, until the number of shares shall amount to five, and one vote for every five shares above five he or she may hold at the time of the election; but no trustee of the Miami University shall discharge the duties of trustee of the Cincinnati College.

**Officers to be elected by trustees.** **Sec. 5. *Be it further enacted,*** That the board of trustees shall, at their first meeting after their election. elect a president and secretary of the board from their own body: they shall have the power of filling vacancies that may happen in the board during the period of their own appointment: they shall appoint a treasurer, who shall give bond and security for the faithful performance of his duty: they may elect a president and vice president of the College, and may appoint such professors and tutors as they shall think necessary; which president, vice president, professors and tutors may be removed at the pleasure of the board: they may from time to time make and enforce such rules, regulations and by-laws for the government and well being of the College as may seem to them proper: *Provided,* They be con-

**Further duty of trustees.**

**Dispositio**

sistent with the laws of the United States and of this state: they may appoint a faculty, to consist of the president, vice-president, professors, and such other persons as they may judge necessary, and may vest in the faculty so appointed, such powers as they may think expedient for the preservation of good order, and for enforcing obedience to the rules regulations and by-laws of the institution: they may cause the principles of morality and of the christian religion to be included but the religious tenets that may be peculiar to any particular sect or denomination, shall never be taught or enforced in the college: they may hold their meetings at such times and places as they may designate and appoint: the president of the board may call a meeting at any time, when, in his opinion, it may be expedient: at any stated or special meeting of the board, seven members shall constitute a quorum for transacting business: the property and funds of the college shall be under the management and at the disposal of the board of trustees, by whom or by whose authority, all contracts, purchases and sales shall be made; and generally, the said board of trustees shall have power to do and perform all such matters and things as they may judge necessary for the benefit of said college: *Provided* That the funds of the institution shall not be applied to any use, or for any purpose not herein expressed or intended.

Duty of Trustees continued.

President may call meetings.

Proviso.

Sec. 6. *Be it further enacted*, That the board of trustees of the said college, may grant and confer on any candidate, in such form as they may direct, all or any of the degrees that are usually conferred in any college or university within the United States.

Trustees may confer degrees, &c.

G



Provisions  
to the  
Lancaster  
Seminary.

Sec. 7. *Be it further enacted,* That so much of the act, entitled 'An act to incorporate the Cincinnati Lancaster Seminary,' as requires the appointment of a board of directors, be, and the same is hereby repealed; and that the board of trustees of the Cincinnati College, shall be, and they are hereby authorized to exercise all the powers granted by that act to the directors of the Cincinnati Lancaster Seminary; and it shall be lawful for the trustees of the Cincinnati College to apply the surplus funds of the Cincinnati Lancaster Seminary, to the use of the Cincinnati College; and in all respects to manage the affairs of the said seminary in the same manner as the board of directors are by law authorised to do.

Trustees  
named.

Sec. 8. *And be it further enacted,* That Jacob Burnett, Joshua L. Wilson, Oliver M. Spencer, Daniel Drake, Levi James, Samuel W. Davis, William Cory, Francis Dunlavy, Samuel Johnston, William Lytle, Zaccheus Biggs, John Thompson, William H. Harrison, Joseph H. Crane, Joshua Collett, Jesse Hunt, Samuel Burr, John Reynolds, James Galloway and Martin Baum shall be, and they are hereby appointed trustees of the Cincinnati College, who shall continue in office until the last Friday in March next, and from thence until their successors are chosen.

Alteration  
how to be  
made.

This act shall be subject to such alterations as the general assembly may from time to time see proper to make.

JOSEPH RICHARDSON,  
Speaker of the house of representatives,

ROBERT LUCAS,  
Speaker of the senate.

January 22d, A. D. 1819.

## CHAPTER XXX.

An act to authorize Alexander Skinner to erect a dam on the Black Fork of Mohecan creek, in section thirty-five, in township twenty, of range sixteen, in Richland county.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio.* That Alexander Skinner, Scite of the of Richland county, his heirs and assigns, be, dam. and he is hereby authorized, to build and erect a dam across the Black Fork of Mohecan creek, in section thirty five, township twenty, of range sixteen, in Richland county.

Sec. 2. *Be it further enacted.* That the said Alexander Skinner, his heirs and assigns, shall A lock to be placed in the dam. construct a good and sufficient lock, calculated to admit and secure the safe and easy passage of all water crafts or rafts ascending or descending said creek; which lock shall be at least eighteen Dimensions of the lock, feet wide and eighty feet long; and the said Alexander Skinner his heirs and assigns, shall at all times keep the said lock in good repair; and shall, upon application made to him or his legal representative, by any person wishing to pass said lock with any craft or raft as aforesaid, without delay open said lock, that such person or persons may pass free of expense.

Sec. 3. *Be it further enacted,* That the said Alexander Skinner, his heirs and assigns, shall The lock may be placed in dam or race. be at liberty to erect the lock aforesaid in such place, either in his dam or race, as he, the said Alexander Skinner, his heirs and assigns, may think proper: *Provided,* The said lock is so constructed as the navigation of the said stream will not be impeded.

Sec. 4. *Be it further enacted,* That if, at The dam may be raised any time hereafter, said Alexander Skinner,

ed higher on his heirs or assigns, should find it necessary to certain con- raise his said dam a greater height than two feet, ditions. it shall and may be lawful for him so to do: *Provided*, That at the time of such addition, it shall not be raised in all to a greater height than four feet; and further, that there shall be put into said dam a good and sufficient slope, which shall be sunk into said dam at least one foot from the top thereof, and shall not be of less width than twenty five feet, nor of a greater elevation than one inch to each foot of its whole length; and further, that said slope shall at all times be by said Alexander Skinner, his heirs or assigns, kept in complete repair.

Penalty for injuries may be recovered on quit. *Sec. 5. And be it further enacted*, That if at any time the said Alexander Skinner, his heirs and assigns, or his legal representative, should so erect his dam or lock, or suffer the same to get out of repair, as that the convenient navigation of said stream should be in any wise impeded or rendered dangerous, the said Alexander Skinner, or his heirs and assigns, or his legal representative, shall be liable to the civil action of any person injured.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

January 25th, A. D. 1819.

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## CHAPTER XXXI.

An act to enable the holders of land, within this state, to perpetuate testimony relative to their lands.

*Sec. 1. Be it enacted by the general assembly* Decaying or *of the state of Ohio*, That it shall be lawful

for any person or persons, their agent or attorneys, owning or being interested in any tract or tracts of land, within this state, any corner or corners of which shall or may be in a decayed or perishable condition. to call on the surveyor of the county, where the land lies. to make a survey thereof, and cause to be planted by the person applying for the survey, at each of such decayed corners, a stone or post, noting particularly the situation and condition of the original corner trees called for in the original survey; and also of all places of notoriety, over or by which the lines of said survey may pass; and the surveyor shall make out a plat and certificate of such survey or surveys, under his hand, noting the names of the chainmen, marker and other persons present at the planting of any corner stone or post as aforesaid, and noting also the variation from the original lines, at the time of making such survey.

perishing  
corners how  
perpetuated.

Duty of sur-  
veyor.

*Sec. 2. Be it further enacted,* That when the corner or corners of any such survey shall have been or may hereafter be destroyed, it shall and may be lawful for the owner or owners, their agent or attorney, of any such survey, or of other lands, the title of which may be affected by the loss of such corner, to call on two disinterested justices of the peace, of the county in which the land may be situated, whose duty it shall be to attend on the ground where it is intended to establish such corner or corners, at such time as the applicant shall appoint, either of which justices shall have power, and they are hereby required, to issue their warrant to any constable, or other fit person to execute the same, to cause to come before them such witness or witnesses, as well without as within their county, as the

Last corner  
how estab-  
lished.

Duty of jus-  
tices.

person demanding such warrant or other person interested may require; and the said justices are hereby authorised to examine said witness or witnesses, on oath or affirmation, touching the existence and situation of such corner or corners, or any other matter in relation to the entry or survey of such land, and take the same in writing, which shall be signed by the deponent or deponents, and certified and signed by the justices, who shall deliver the same to the county surveyor, who shall be present at the taking of such depositions; and in making a survey of the land and planting stones or posts at the corners, agreeably to the first section of this act, shall have reference to and be governed by the deposition or depositions taken by the justices aforesaid and shall specify the same in his certificate of survey, in which shall also be mentioned, the names of the persons present at the planting of any corner stone or post as aforesaid.

**Duty of surveyor.**

**Notice to be given of taking depositions.**

**Sec. 3. *Be it further enacted,*** That previous to taking any deposition as aforesaid, notice shall be given at least twenty days to the owner or owners, their agents or attorneys, if known, who have adjoining lands; and if the owner or owners, their agents or attorneys are not known, or reside out of this state, the applicant shall, in some public newspaper printed in the state, give notice of his intention to take depositions at a certain time and place, at least sixty days previous to the time of taking such depositions, in which notice a description of the adjoining lands shall be given, evidence of which notice shall be produced to the justices, previous to their taking any depositions as aforesaid, and the justices shall so endorse on the back of the deposition or depositions.

**Sec. 4. *Be it further enacted,*** That any court-

ty surveyor making surveys under the provisions of this act, shall record the plat and certificate thereof in a book to be by him provided for that purpose, and deliver the original, with any deposition taken as provided for in this act and committed to their care, to the recorder of the county, who shall record all such plats and certificates and depositions in a book to be by him provided for that purpose; and shall on demand deliver the originals to the person at whose instance such survey was made of depositions taken.

Depositions  
surveys, &c.  
to be record<sup>d</sup>.  
ed.

Sec 5. *Be it further enacted*, That the plat and certificate of any county surveyor made or depositions taken, agreeably to the provisions of this act, or a certified copy thereof from the recorder's or surveyor's office, shall be good evidence in any court of law or equity within this state, in any cause wherein the title of any land to which they may apply may be affected: *Provided* That the deposition or depositions of witnesses, recorded as aforesaid, shall only be received when the witnesses are dead or without the jurisdiction of the court.

Record to be  
good evi-  
dence.

Sec. 6. *Be it further enacted* That county surveyors shall receive for services performed under this act, at the rate of three dollars per day, and for making out and recording plats and certificates, the same fees that are allowed for similar services in other cases; chainmen and markers shall be allowed seventy five cents each per day, justices of the peace one dollar each per day, and each witness one dollar per day; and if said witness reside out of the county in which such corner or corners may be situated, and which he is summoned to establish by his testimony, such witness shall be allowed the

Surveyors  
fees.

Chain car-  
riers &c.  
their fees

sum of one dollar for every twenty five miles he may be required to travel, in going from and in returning to his place of residence: and recorder the same fees as are allowed for similar services in other cases, all of which expenses shall be paid by the person or persons applying for such survey and depositions, who may recover from the persons owning the adjoining land that may be benefitted by the perpetuation of such testimony, their equal proportion of the expence incurred in obtaining such evidence.

**Recorders fees.**

**Expenses by whom paid.**

**Commentment.**

This act to take effect and be in force from and after the passage thereof.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

January 25th, A. D. 1819.

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## CHAPTER XXXII.

### An act to punish Kidnapping.

**Preamble:** Whereas, it is provided by an act of Congress, passed the twelfth day of February one thousand seven hundred and ninety-three, that when a person held to labor in any of the United States, or in any of the territories north-west or south of the river Ohio, under the laws thereof, shall escape into any other of the said states or territories, the person to whom such labor or service may be due, his agent or attorney, is authorised and empowered to seize or arrest said fugitive from labor, and to take him or her before any judge of the circuit or district courts of the United States, residing or being

within the state, or before any magistrate of a county, city or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such judge or magistrate either by oral testimony, or by affidavit, taken before and certified by a magistrate of any such state or territory, that the person so seized or arrested, doth, under the laws of the state or territory from which he or she fled, owe service Preamble  
or labour to the person claiming him or her, it continued  
shall be the duty of such judge or magistrate, to give a certificate thereof, to such claimant, his agent or attorney which shall be a sufficient warrant for removing the said fugitive from labour, to the state or territory from which he or she fled: and whereas it has been represented to this general assembly, that upon pretence of seizing fugitives from service, under the provisions of the before recited act, unprincipled persons have kidnapped free persons of colour, within this state, and attempted to transport them out of the state, and sell them into slavery; and whereas it is necessary and proper to put a stop to this nefarious and inhuman practice: Therefore,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That if any person, or persons, under any pretence whatsoever, shall by violence, fraud or deception, seize upon any free black or mulatto person, within this state, and keep or detain such free black or mulatto person in any kind of restraint or confinement, with intent to transport such free black or mulatto person out of this state, contrary to law, or shall in any manner attempt to carry out of the state, any black or mulatto person, without having first taken such black or mulatto person be- Persons kid-  
napping and  
carrying  
away ne-  
groes contra-  
ry to law or  
attempting  
so to do, to  
be confined  
in the peni-  
tentiary from  
one to ten  
years.



fore some judge of the circuit or district court, or justice of the peace, in the county wherein such black or mulatto person was taken, agreeably to the provisions of the above recited act of congress, and there prove his right to such black or mulatto person. every such person so offending, shall be deemed guilty of a high misdemeanor; and on conviction thereof before any court having competent authority to try the same, shall be confined in the penitentiary of this state at hard labour, for any space of time not less than one nor more than ten years, at the discretion of the court.

**Commence-  
ment** This act to take effect from and after the first day of June next.

JOSEPH RICHARDSON,  
Speaker of the house of representatives  
ROBERT LUCAS,  
Speaker of the senate.

January 25, A. D. 1819.

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### CHAPTER XXXIII.

An act, to provide for laying out a state road from Piqua, in the county of Miami, to Wapakonetta, on the Auglaize.

**Two com-  
missioners to  
be appointed** *Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That there shall be appointed by a joint resolution of the general assembly, two disinterested persons to lay out and locate a state road from Piqua in the county of Miami, to Wapakonetta on the Auglaize, the said road to be laid out on the nearest and best route, having regard to the cheapness of construction and permanent durability of said road.

*Sec. 2. Be it further enacted,* That the said

Commissioners, before they enter upon their duties, shall take an oath or affirmation, to discharge the same according to the best of their knowledge and abilities; and having taken such oath or affirmation, shall proceed to employ a surveyor, chain carriers and marker, all of whom shall take an oath or affirmation, well and truly to perform the duties assigned to them; and the said commissioners, surveyor and chain carriers, shall proceed to lay out and locate such road, so as to complete the same by the first day of November next; a complete and accurate plat of which, together with the field notes, shall be deposited in the office of the secretary of state, on or before the first Monday of December next.

Commissioners, Surveyors, &c each to take an oath.

**Sec. 3. *Be it further enacted*** That said commissioners shall be allowed the sum of two dollars and twenty five cents per day each, and the chain carriers and markers the sum of one dollar and twenty five cents per day each and the surveyor the sum of two dollars and fifty cents per day to be paid for each day they may be employed in performing the necessary services under this act, an account of which shall be certified by the commissioners to the secretary of state, with the plat of the road, which shall be before the meeting of the next general assembly.

Compensation.

**Sec. 4. *Be it further enacted***, That the expense of laying out and locating said road shall be paid out of the first appropriation of the three per cent fund, set off to the counties of Miami and Shelby in proportion to the distance said road may pass through each of the counties aforesaid.

Expense how paid.

**Commence-  
ment.** This act, to take effect, and be in force, from  
and after the passage thereof.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate.

January 25th, A. D. 1819.



#### CHAPTER XXXIV.

**An act to change the name of the town of Middletown,  
in the county of Highland.**

Whereas it has been represented to this general assembly, that difficulties have arisen in the town of Middletown, in the county of Highland, in consequence of there being one or more towns within this state of the same name ;

Therefore,

*Be it enacted by the general assembly of the state of Ohio,* That the name of the town of Middletown, in the county of Highland, be changed, and that the said town shall hereafter be known by the name of Sinking Spring

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate.

January 25th, A. D. 1819.



#### CHAPTER XXXV.

**An act to amend an act, entitled 'An act to erect the  
county of Clark.'**

Whereas it has been represented to the general assembly of the state of Ohio, that the act

to which this is an amendment, requires the line between the counties of Green and Clark, to be run by given courses, to known and established points, and that the courses given will not run to those points: Therefore,

*Sec. 1. Be it enacted by the general assembly of the state of Ohio* That the line between the counties of Green and Clark, so far as said line shall run through said county of Green, shall be run in the following manner, to wit: From the Green county line, where it first strikes said county line; thence to continue west five miles, in said county of Green; thence north one half mile; thence such a course west as will strike the line between the townships four and five, on the north side of the Little Miami river, in the eighth range; thence north with said township line to the line between sections three and four; thence west with said sectional line to the line of the third township; thence north with said line to the sectional line between the fourth and fifth tier of sections, in said range; thence westwardly with said line to the east boundary line of Montgomery county.

*Sec. 2. Be it further enacted,* That so much of the act, entitled 'An act to erect the county of Clark,' as is contrary to the provisions of this act, be, and the same is hereby repealed.

This act to take effect and be in force from and after the passage thereof.

**JOSEPH RICHARDSON,**  
Speaker of the house of representatives,

**ROBERT LUCAS,**  
Speaker of the senate.

January 25, A. D. 1819.

## CHAPTER XXXVI.

An act for the relief of Major Thomas Martin.

Whereas it appears to this general assembly that Major Thomas Martin, an old revolutionary officer, of great worth and merit at present a citizen of Kentucky, worn down with age and infirmity stands charged upon the Auditor's non resident duplicate, with a penalty of eighty three dollars thirty one cents occasioned by a defalcation in the payment of taxes on the following tracts of land, in the Virginia military district, to wit: Nos. 956, 825 and 4,785; and whereas it appears the said defalcation was not the result of negligence or carelessness, but of unavoidable accident: Therefore,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the said penalty of eighty three dollars thirty one cents, together with the interest that has accrued thereon, since the year 1817, be, and the same is hereby remitted, and the Auditor shall govern himself accordingly.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

January 25, A. D. 1819.

## CHAPTER XXXVII.

An act to amend the act providing how money shall be appropriated in counties or districts attached and for the division of the money remaining in the treasury from which a new county may be laid off.

Sec. 1. *Be it enacted by the general assembly*  
*Duty of com. of the state of Ohio,* That it is hereby made

the duty of the commissioners of any new county heretofore laid off or that hereafter may be laid off and organized, from one or more counties, to call on the commissioners of the county or counties, from which such new county was taken, for a settlement of the money which shall remain in the treasury of the said county or counties; and the commissioners of such old county or counties, are hereby ordered and directed, when called on by the commissioners of such new county, to settle with them within three months thereafter, and give an order on the old county treasury in favor of the new county treasurer, for the amount of money due such new county, agreeable to the provisions of the act to which this is an amendment; and the old county treasurer is hereby ordered and directed to pay the same to the treasurer of such new erected county, as aforesaid.

commissioners of new counties in settling accounts with commissioners of old counties.

**Sec. 2.** *Be it further enacted,* That if the commissioners of such old county shall refuse or neglect to settle with the commissioners of such new county, and give them an order on their treasurer for the amount as aforesaid, when called on, then, and in that case, it shall be the duty of the court of common pleas of the old county, upon the application of the commissioners of the new county, to proceed in a summary manner, upon notice, to compel the commissioners of the old county to make such settlement and give such order; and the court of common pleas shall enforce any order they may make in the premises, by attaching the persons of the commissioners of the old county, until such order is complied with, and the costs of the application paid.

Proceedings when commissioners of old counties refuse to settle with and pay over to new counties.

Duty of the court.

**Sec. 3.** *And be it further enacted,* That if

Provisions

When old there be not money in the treasury of the old  
 county is un- county, to pay the before mentioned order, when  
 able to pay. presented, it shall be the duty of the treasurer  
 of said county to pay the order and interest  
 thereon, at the rate of six per cent. per annum,  
 out of the first money received by him for coun-  
 ty purposes.

JOSEPH RICHARDSON,  
 Speaker of the house of representatives.

ROBERT LUCAS,  
 Speaker of the senate.

January 25, 1819.

### CHAPTER XXXVIII.

An act to amend the act, entitled 'An act provid-  
 ing for the incorporation of townships.

**Sec. 1.** *Be it enacted by the general assembly  
 of the state of Ohio.* That when any duplicate  
 of the assessment of the tax voted by the trust-  
 ees of any township, may be hereafter deliver-  
 ed to any constable for collection, it shall be  
 lawful for such constable, after having qualified  
 himself, agreeably to the provisions of the act  
 to which this is an amendment, to proceed to  
 collect the same, with the same powers and un-  
 der the same regulations provided for county  
 collectors.

**Sec. 2.** *Be it further enacted.* That each of the  
 trustees shall be entitled to one dollar per day, for  
 every day that they may sit in doing township bu-  
 siness; and they shall allow to the constable a  
 reasonable compensation for advertising the time  
 of holding township elections and notifying the  
 officers of their election; and they shall also  
 give the township clerk a reasonable compen-

Duty of con-  
 stable in col-  
 lecting  
 township  
 tax.

Compensa-  
 tion of trust-  
 ees and con-  
 stable, &c.

sation for keeping a record of their proceedings, and attending to suits in favor of the township, to be paid by the township treasurer out of the township funds on the order of the trustees, attested by the clerk.

Sec. 3. *Be it further enacted*, That it shall be the duty of the township clerk, immediately after the township officers shall have made their annual settlement of accounts, to make out and enter in the record book of the township, an account of all the receipts and expenditures of the township for the preceding year, stating for what the money was received and how expended; and he shall set up a copy of said account at the place of holding the township elections, on the first Monday of April annually, for which he shall be allowed a reasonable compensation by the trustees, to be paid out of the treasury.

Duty of township clerk.

Sec. 4. *And be it further enacted*, That hereafter all suits for or against any township, shall be prosecuted or defended in the name of the township.

Suits vs. townships how prosecuted.

This act to take effect and be in force from and after the first day of June next.

Commencement.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

January 25, A. D. 1819.

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## CHAPTER XXXIX.

An act concerning the sitting of the Courts of Common Pleas in the second Circuit.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the court of common



pleas, in the county of Pickaway, shall be hold-  
 erent on the first Monday of February one thou-  
 sand eight hundred and nineteen; to which time  
 all process issued returnable, and all causes con-  
 tinued to the February term, shall be returna-  
 ble and stand continued; and the courts of com-  
 mon pleas for the several counties composing  
 the second circuit, except for the county of  
 Pickaway, shall be postponed and continued  
 over to be held in said counties, as may hereaf-  
 ter be provided by law; and all process issued,  
 or to be issued, and all causes pending in any  
 of said courts, shall be continued to the term  
 next holden in such counties, agreeably to law.

Sec. 2. *Be it further enacted,* That the  
 secretary of state be directed to transmit a copy  
 of this act, as soon as practicable, to the clerk  
 of the courts of common pleas for each of the  
 aforesaid counties.

JOSEPH RICHARDSON,  
 Speaker of the house of representatives,  
 ROBERT LUCAS,  
 Speaker of the senate.

January 25, A. D. 1819.



## CHAPTER XL.

An act to authorize Jacob Broadwell, Isaac Edwards,  
 and their associates, to erect a toll bridge across the  
 Little Miami river.

Sec. 1. *Be it enacted by the general assembly*  
 of the state of Ohio, That Jacob Broadwell;  
 Isaac Edwards, and their associates, and their  
 successors, be, and they are hereby authorised  
 to erect a toll bridge across the Little Miami  
 river between Armstrong's upper mills and a  
 place known by the name of the Narrows, above

Site of the  
 bridge.

the said mills, within the county of Hamilton: *Provided*, They own the land on both sides of said river: *And provided also*, That the navigation of said river shall not be obstructed by the erection of said bridge: *Provided also*, That the fording of said river, or the road leading thereto, shall at no time be obstructed. Proviso.

*Sec. 2. Be it further enacted*, That if the said Jacob Broadwell, Isaac Edwards, and their associates, shall erect and complete the said bridge in a sufficient manner, made a proper width, having a convenient footway, with hand railing and cartway, and in other respects of sufficient strength and dimensions, so as to admit the safe passage of passengers, carriages, waggons, carts, &c. within three years from the passage of this act, they shall enjoy all the privileges and emoluments secured to them by this act so long as they shall keep the same in complete repair. Bridge to be erected in three years and kept in repair.

*Sec. 3. Be it further enacted*, That after the completion of the bridge as aforesaid, the said Jacob Broadwell Isaac Edwards, and their associates, their heirs and successors, are hereby authorised to ask, demand and receive from passengers who may cross said bridge the following rates of toll, to wit: For every foot passenger, six and one fourth cents; for each horse, mule or ass, one year old and upwards, six and one fourth cents; for each horse and rider, twelve and one half cents; for each waggon or four wheeled carriage, drawn by two horses or oxen, including the driver, thirty-seven and one half cents; every horse or ox in addition, six and one fourth cents; for each cart, sled or sleigh, drawn by one horse, and including the driver, twenty five cents; and for every horse or ox in Rates of toll.

Proviso as to  
exempts.

Penalty for  
receiving im-  
proper toll.

Rates of toll  
to be posted  
up.

Act may be  
altered.

addition, six and one fourth cents; for each head of neat cattle six months old and upwards, two cents; for each head of sheep or hogs, one cent: *Provided always.* That all public mails, expresses and passengers that are exempt from the payment of ferrages. within this state, or which hereafter may be exempt, shall pass on said bridge free from toll, together with all troops of the United States or of this state. with their artillery, baggage and stores; all persons going to and returning from public worship on the first day of the week, or going to or returning from funerals; all persons going to or returning from elections: *Provided also.* That if the said Jacob Broadwell, Isaac Edwards, their associates and successors, shall at any time demand or receive higher or greater toll than is by this act provided, they shall be subject to the like fines and penalties as are provided in case of ferries.

Sec. 4. *Be it further enacted,* That the aforesaid company shall, previous to receiving toll, set up and keep on each margin of said river, near the aforesaid bridge, a post and board, on which shall be printed or painted, in a conspicuous manner, the rates of toll allowed by this act.

Sec. 6. *Be it further enacted,* That this act shall be subject to such alterations and amendments as any future legislature may think proper, after the year eighteen hundred and forty.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate.

January 25th, A. D. 1819.

## CHAPTER XLI.

An act to amend the act, entitled 'An act defining the duties of justices of the peace and constables in criminal and civil cases.'

**Sec. 1.** *Be it enacted by the general assembly of the state of Ohio,* That it shall be lawful for the plaintiff in actions of trespass, on personal property, to commence his or her action in the township where such trespass shall have been committed; and in all such cases, where the defendant or defendants shall not reside or cannot be found in the township where such suit may be commenced, it shall be lawful for the justices before whom such suit may have been commenced, to issue his summons or warrant, (as the case may require) directed to any constable in the township where such justice may reside, who is hereby authorised and directed to go in to any township where the defendant or defendants shall reside, or may be found, within the county where such suit may be commenced, and to make service and return of such summons or warrant, to the justice issuing the same; and the defendant or defendants shall be held as liable to answer to any such warrant or summons, in the same manner as if such defendant or defendants resided in the township where such suit was commenced.

Actions of trespass on personal property to be commenced in the township where committed.

Proceedings when defendant resides in another township.

**Sec. 2.** *Be it further enacted,* That in all cases when execution shall issue against any person or persons, or any judgment against such person or persons, and the constable to whom such execution shall be delivered, shall make return thereon that sufficient goods and chattels cannot be found within the township where the justice issuing the same may reside; and if it shall be suggested to the said justice, that the

Proceedings when a constable returns an execution on property to be found in his township.

person or persons against whom judgment was rendered as aforesaid, hath or have goods and chattels within any other township in the county where the justice may reside, it shall be lawful for such justice to issue an execution on such judgment, to any constable of the township where such goods and chattels may be found; which constable is hereby authorised and directed to make execution and return to the justice issuing such execution in the same manner as if said justice resided in the township where such goods and chattels may be found.

Justices jurisdiction in trespass on real property.

Sec. 3. *Be it further enacted*, That the jurisdiction of justices of the peace shall extend to actions of trespass on real estate, in all cases where the damages demanded for such trespass shall not exceed the sum made cognizable by a justice of the peace in other cases; and no claim of title set up by the defendant shall take away or affect the jurisdiction hereby given.

Constable to deliver a copy of execution to jailor with the body.

Sec. 4 *Be it further enacted*, That in all cases not otherwise provided when it may become the duty of a constable to deliver in custody to the sheriff, the body of any person, under the provisions of the act to which this is an amendment the said constable before he shall be entitled to a receipt, shall deliver to the sheriff a certified copy of the execution or process, by virtue of which the said person was arrested, which copy shall be a sufficient voucher for the sheriff.

Suit may be commenced and prosecuted on the balance due on a note or open account without re-

Sec. 5. *Be it further enacted*, That in all cases where the balance claimed to be due upon a bond, note or bill or upon any open or unsettled account, shall be under seventy dollars, the plaintiff may commence his suit before a justice of the peace for the balance actually claimed to be due, and the justice shall have power to

hear and determine all matters of controversy <sup>ward to the</sup> between the parties without any regard to the <sup>original con-</sup> amount mentioned in the original contract <sup>tract.</sup> or account, and shall render judgment for the amount actually due as in other cases: *Provided*, The amount found to be due shall not exceed seventy dollars; and if an appeal be taken by either party, the plaintiff may declare for the whole amount of the original contract or account, and the proceedings and trial shall be the same as in other cases, except that if the plaintiff recover a greater sum than seventy dollars, he shall not recover costs.

Sec. 6. *Be it further enacted* That when <sup>On appeals</sup> an appeal shall be taken from the judgment of <sup>justice to de-</sup> any justice of the peace, under the <sup>liver tran-</sup> seventeenth <sup>script to the</sup> section of the act to which this is an amendment. <sup>appellant</sup> the justice shall deliver the transcript of his <sup>who shall re-</sup> proceedings to the appellant, instead of sending <sup>turn it to</sup> the same to the clerk of the court of common <sup>court.</sup> pleas, provided by the said seventeenth section; and it shall be the duty of the appellant to deliver the same to the clerk in the same manner as is provided by said act: and when the appel- <sup>Proceeding</sup> lant shall fail to enter his said appeal upon the <sup>when appel-</sup> first or second day of the term next after such <sup>lant fails to</sup> appeal is taken, the appellee may enter the <sup>return tran-</sup> same, and upon the motion of the appellee after <sup>script.</sup> making such entry, the said appeal shall be dismissed at the cost of the appellant, and the cause remanded to the justice, to be proceeded in as if no appeal had been taken: *Provided* That before any appeal shall be taken from a judgment rendered by any justice of the peace, the appellant shall pay all the costs which may have accrued thereon; which costs shall be taxed by the court above, and abide the event of the appeal.

**Sec. 7. *Be it further enacted,*** That when any appeal shall be dismissed, or when judgment in the court of common pleas shall be rendered against the appellant, the security in the recognizance for the appeal, shall be liable to the appellee for the whole amount of debt, costs or damages that may be recovered of the appellant, and when the whole amount of debt, costs or damages shall not exceed seventy dollars, the security may be proceeded against before the proper justice of the peace by scire facias, as in case of bail for stay of execution, upon judgments rendered by a justice of the peace: and where the whole amount of debt, costs or damages shall exceed seventy dollars, the security may be proceeded against in the court of common pleas of the proper county, by action of debt, grounded upon said recognizance. an authenticated copy of which, certified in due form of law, shall be received in court, as of equal authority with the original.

Security liable when the appellant fails.

Proceedings against such bail.

**Sec. 8. *Be it further enacted,*** That in all cases where bail shall be entered for stay of execution, upon judgments confessed, for a greater sum than seventy dollars, the justices of the peace shall have power and jurisdiction, to proceed by scire facias against the bail, and to hear and determine all matters of controversy arising thereon, in the same manner as if the original sum for which judgment was given, did not exceed seventy dollars, from which judgment there shall be no appeal; and upon all judgments entered by confession, before a justice of the peace, the justice shall issue execution, in the same manner and under the same regulations, as is provided by the act to which this is an amendment.

Justices may proceed against bail on judgments confessed over 70 dollars.

**Sec. 9. *Be it further enacted,*** That wit-

Justices summoned to attend before a justice of the peace, in civil cases, shall be entitled to fifty cents per day for their attendance, to be taxed in the bill of costs, and execution thereon issued against the party, against whom judgment is given, Witnesses fees

Sec. 10. *Be it further enacted*, That when an appeal taken from the judgment of a justice of the peace, to the court of common pleas, shall be quashed in court, on account of any irregularity in taking or consummating such appeal, the cause for quashing shall be specified in the order of the court by which the same is quashed, and a transcript of such order shall be lodged with the justice, who shall thereupon proceed to issue execution in the same manner as if no appeal had been taken. Proceeding on appeals when judgments is quashed in court of com. pleas.

Sec. 11. *Be it further enacted*, That in all cases where a justice of the peace shall issue an execution, directed to a constable in a township where the justice issuing the execution does not reside, it shall be the duty of the constable receiving such execution, to execute and return the same in every respect, as if it was issued from a justice in the same township with the constable; and for every negligence or other misconduct in proceeding with such execution, the constable shall be liable to be proceeded against, as in other cases; and the justice issuing the execution shall have power to send process out of his township to bring such constable before him, to be dealt with as right and justice may require. Duty of justice and constable in cases when process is sent from one township to another.

Sec. 12. *Be it further enacted* That constables shall have the same power to levy and collect executions, issued for sums above seventy dollars, when judgments have been confessed before justices of the peace, that they have in Constable may levy & collect sums over \$70 on judgments confessed.



other cases; and in case any constable to whom such execution shall be directed, shall fail to make return thereof, or make false return thereof, he shall be proceeded against in the same manner as is provided in the twenty-sixth section of the act to which this is an amendment.

**Sec. 13. *Be it further enacted.*** That in all cases where a new township is set off, or the bounds of an old township altered, the office of justice of the peace or constable, shall not be affected thereby, but the justices and constables shall be regarded as officers in the new township, and shall continue to perform their respective duties, in the name of the new township, until their term of service shall expire.

**Sec. 14. *Be it further enacted,*** That it shall be lawful for any justice of the peace to accept of sufficient bail for stay of execution, upon any judgment entered by him at any time, within ten days next after the rendition of such judgment, and if the justice shall have issued execution upon such judgment, the justice shall forthwith recall the same at the cost of the defendant: *Provided* no stay of execution shall be allowed upon any judgment, rendered upon a scire facias against bail.

**Sec. 15. *Be it further enacted,*** That whenever any justice of the peace shall deem it necessary to issue process in criminal cases when the proper constable is not convenient, the said justice is hereby empowered to appoint any person he may deem fit, to act as constable in said service; and that when any constable, from debility, shall be incapable of performing the requisite duties of his office, in any case whatever, it shall be the duty of the justice of the peace, to appoint a constable, agreeably to the twenty-

Officers not to be affected by setting off a new township.

Bail for stay of execution to be entered in ten days.

Justices may appoint constables in criminal cases, &c.

seventh section of the act to which this is an amendment.

Sec. 16. *Be it further enacted,* That in all cases where at the time of issuing execution upon any judgment, before a justice of the peace, the defendant or defendants do not reside in the township, where the execution is issued, but shall reside in some other township, of the same county, it shall be lawful for execution to issue, directed to the constable of the township where such defendant or defendants actually reside, and it is hereby made the duty of said constable to levy said execution, collect and pay over the money, to the justice of the peace issuing the same, as in other cases.

Justices may issue execution to the constable of any township in his county.

Sec. 17, *Be it further enacted,* That whenever the office of coroner shall become vacant in any county, either by death, resignation or otherwise, any justice of the peace within the township, shall be bound to perform all the duties, and be vested with all the powers of coroner, during such vacancy, in all cases where the dead body of any person supposed to come to his or her death, by violence or casualty, is found within his township.

Justice of peace to act as coroner in certain cases.

Sec. 18. *And be it further enacted,* That the act supplementary to an act, regulating the duties of justices of the peace and constables, in civil and criminal cases, passed February seventeenth, one thousand eight hundred and sixteen, and an act to amend the act, entitled 'An act defining the duties of justices of the peace, in civil and criminal cases,' passed January thirtieth, eighteen hundred and eighteen; and all acts and parts of acts coming within the purview of this act, be and the same are hereby repealed.

Repealing clause.

Commence- This act to take effect from and after the first  
ment. day of June next.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

January 25th, A. D. 1819.



## CHAPTER XLII.

An act to amend the act, making provisions for carry-  
ing into effect the act for the punishment of crimes.

Convicts to  
be transport-  
ed in 30  
days by the  
sheriff.

Sheriff's fees  
for trans-  
porting con-  
victs.

Sec. 1. *Be it enacted by the general assembly  
of the state of Ohio,* That every person sen-  
tenced to hard labor and imprisonment, agreea-  
bly to the provisions of the act for the punish-  
ment of crimes, shall, within thirty days after his  
or her conviction, be transported at the expence  
of the state, to the state prison, by the sheriff of  
the county in which such conviction may be  
had, and there delivered into the custody of the  
keeper of said prison, together with a copy of  
the sentence of the court ordering such impris-  
onment, and the costs of the prosecution, includ-  
ing the constables, justices, sheriffs and clerks  
fees, certified under the hand and seal of the  
clerk of said court, attested by the presiding  
judge, there to be safely kept until the term of  
his or her confinement shall have expired, or  
until he or she shall be discharged by due course  
of law, for which service, the said sheriff shall  
receive twelve and a half cents per mile going  
to, and nine cents per mile returning from said  
prison, to be computed from the jail of the  
county in which the conviction took place, and  
the like sum for one guard for each prisoner,

and the sum of two dollars for every twenty-five miles for transporting and sustaining each prisoner; all which sums shall be certified by the said keeper, and shall be paid on his order, by the treasurer of the state, out of any monies in his hands not otherwise appropriated. How paid.

*Sec. 2. Be it further enacted* That every person sentenced to hard labor and imprisonment as aforesaid, shall be washed, cleansed, and shall remain in separate lodgings until it shall be certified by a physician that he or she may be safely admitted among the other prisoners; and the clothes which the said person may wear on his or her arrival at the prison, shall either be burnt or carefully fumigated and put away, at the discretion of the keeper; and in case the said clothes be preserved, they shall be returned to the owner at the expiration of the time of his or her confinement. Convicts to be washed & examined by physician.  
Garments to be preserved.

*Sec. 3. Be it further enacted*, That all offenders as aforesaid committed, shall, during the term of their confinement, be clothed at the expense of the state, in garments of coarse materials, uniform in color and make; and the males shall have the right side of their heads shaved close, at least once in every month; and all the said offenders shall, during the time of their confinement, be fed on coarse, but wholesome food; and shall, as far as may be consistent with their sex, age, health and ability, be kept at hard labor, in which the work is least liable to be spoiled, and the materials not easily embezzled or destroyed. It shall be lawful for the inspectors hereinafter mentioned, when in their opinion it may be necessary, to employ suitable persons to instruct the prisoners in the work in which they may be employed; and during the times of labor, and at all other times, they shall Convicts to be clothed, and how.  
Their heads to be shaved.  
Their diet.  
Labor.

be kept as separate from each other as the nature of their employment and the apartments of the prison will admit.

**Days of labor.** *Sec. 4. Be it further enacted,* That each convict shall, unless prevented by ill health, be kept at work every day in the year, Sundays only excepted, and the hours of work shall be as many as the season of the year will permit; and when the labor of each day is finished, the tools and materials, or such of them as may be easily removed, shall be taken to places of safety, until the hour of labor shall return.

**Officers to be elected by the legislature and continue in office three years.** *Sec. 5. Be it further enacted,* That there shall be elected by a joint ballot of the general assembly, three inspectors, a keeper and agent for the penitentiary, who shall each be commissioned by the governor, and continue in office for the term of three years from and after their election, and until a successor is elected and qualified: *Provided,* That before entering on the duties of their several offices, they shall take an oath well and faithfully to discharge the duties of their respective offices, before some officer authorized to administer the same; and it shall be lawful for the inspectors, with the consent of the governor, at any time to remove the keeper or agent, and appoint a suitable person to fill any vacancy which may happen in either of said offices, to serve until a keeper or agent shall be elected by the general assembly, and qualified as aforesaid. The keeper shall appoint a deputy and as many guards as the inspectors may authorize, subject, however, to be removed at the will of the inspectors; and the said deputy and guards shall receive such compensation as the inspectors may think reasonable, to be paid out of the treasury of the state, upon the order of the inspectors: before the said keeper shall

**To take an oath.**

**Keeper or agent how removed from office.**

**Vacancy how filled.**

**Duty of the keeper.**

enter upon the duties of his office, he shall give <sup>Keeper to</sup> bond, with security, to be approved of by the <sup>give bond,</sup> inspectors, payable to the treasurer of the state, <sup>&c.</sup> in the sum of ten thousand dollars, and conditioned, that he, his deputy and assistants, shall <sup>'Conditions</sup> faithfully discharge the duties required of them <sup>thereof.</sup> by law; which bond shall be acknowledged be- <sup>Acknowl-</sup> fore one of the judges of the supreme court, <sup>edgment of</sup> president or associate judges of the courts of <sup>bond.</sup> common pleas and recorded in the office of the secretary of state; and copies thereof legally ex-  
emplified by the said secretary, shall be evidence in any court, in any suit against such keeper or <sup>Keepers resi-</sup> his securities. The keeper shall reside in the <sup>dence.</sup> penitentiary, and occupy such part of the house as is provided for that purpose.

**Sec. 6.** *Be it further enacted,* That the said <sup>Inspectors to</sup> inspectors shall visit the penitentiary at least once <sup>visit prison,</sup> in each quarter, and as often in the intervals of <sup>&c.</sup> their stated visits, as the business of the institution may require: the inspectors shall, at their said several visits, examine into and inspect the management of the prison, the conduct of the keeper, his deputy and assistants, and shall perform the several duties required of them by this act.

**Sec. 7.** *Be it further enacted,* That the in- <sup>Inspectors to</sup> spectors, at their quarterly or other visits, shall <sup>establish</sup> make such orders and regulations for the gov- <sup>rules and</sup> ernment of the penitentiary, and for carrying <sup>regulations.</sup> the object of this act into effect, as they may deem necessary: *Provided,* They are not inconsistent with the constitution and laws of this state: the said orders and regulations shall be posted up in as many of the most conspicu- <sup>Rules to be</sup> ous places of the penitentiary, as may be neces- <sup>posted up.</sup> sary for the information of the prisoners, and all others concerned; and if the keeper, his deputy

**Penalty for resisting inspectors.** or assistants, or any of them, shall obstruct or resist the said inspectors in the discharge of the duties required by this act, such person shall forfeit and pay any sum not exceeding one hundred dollars, to be recovered by suit in the name of the inspectors, before any court having competent jurisdiction thereof; which sum, when recovered, shall be applied to the use of the institution.

**Inspectors compensation.** *Sec. 8. Be it further enacted,* That two inspectors shall form a board for business; and they shall be allowed each two dollars per day, for every day they may be necessarily engaged in the discharge of the duties of their office, to be paid out of the treasury, on the certificate of the board.

**Agent's salary.** *Sec. 9. Be it further enacted,* That the agent shall receive as a salary six hundred dollars per annum, and two per cent. on the money paid by him into the treasury, to be paid quarterly out of the public treasury, in the same manner that other salaries now are: *Provided,* Such salary and per centum shall in no case exceed one thousand dollars.

**Proviso.**

**Agent to give bond.** *Sec. 10. Be it further enacted,* That the said agent shall, immediately after his appointment, execute a bond, which shall be renewed annually, on the first Monday in January, to the state of Ohio, with security, to be approved of by the inspectors, in the penalty of twenty thousand dollars, conditioned as follows: 'The condition of the above obligation is such, that if the above bound A. B. as agent of the Ohio penitentiary, shall well and truly collect and account to the auditor of public accounts, and pay into the treasury all debts due said penitentiary, and shall account to the auditor weekly, on every Saturday, and pay into the treasury all monies

**Condition thereof.**

received on account of said penitentiary, for articles sold and debts collected during the preceding week, and in all other respects, well and truly perform the duties enjoined on him by law, then the above obligation to be void, else to remain in full force;’ which said bond shall be filed in the office of the secretary of state, and shall not be void on the first recovery, but may be put in suit, from time to time, by the auditor, for a breach of the condition thereof.

Sec. 11. *Be it further enacted.* That if said agent shall fail or refuse to execute bond as aforesaid, or fail to give sufficient security in the opinion of the inspectors, the office shall be considered vacant.

Agent fail  
ing to give  
bond.

Sec. 12. *Be it further enacted.* That on the appointment of the agent, the keeper shall make out a complete inventory of all the manufactured articles then on hand, affixing prices there to, debts due the institution, specifying separately those by bond, note and account and receipts of officers, for debts in their hands for collection, and papers and books of the institution, with a statement of the debts contracted, and by whom owing; one copy of which, with all said property, books and papers, he shall deliver to the agent and on another copy, take the receipt of the agent and file it with the auditor of public accounts.

Keeper to  
make inven-  
tory of arti-  
cles.

Sec. 13. *Be it further enacted,* That the keeper shall, at the same time, make out a complete inventory of all the raw materials on hand, and another inventory of all the debts due by the institution, specifying how, when due, and to whom; which inventories he shall enter on his books, and deliver over certified copies to the auditor of public accounts.

Also an in-  
ventory of  
materials



**Sec. 14.** *Be it further enacted,* That the auditor shall, on receiving the aforesaid inventory, open a new account for the Ohio Penitentiary, charging the same with the two first mentioned inventories, and crediting the same with the inventory of the debts due by the institution; to which account he shall hereafter charge all monies drawn from the treasury, for compensation to the officers thereof, by the keeper, on the order of the inspectors, or otherwise, on the account of the penitentiary, and credit the same with all monies paid into the treasury by the institution.

**Sec. 15.** *Be it further enacted,* That the agent, on receiving the property, books and papers of the institution, shall proceed to collect all the debts, in the same manner and under the same penalties herein after provided.

**Sec. 16.** *Be it further enacted.* That the agent shall keep his office in the penitentiary, until otherwise directed by law: it shall be his duty to call on the keeper, on Saturday evening of each week, and receive from him all the articles manufactured in the penitentiary during the week, and it shall be the duty of the keeper, at the time he delivers over to the agent said manufactured articles, to affix a price to each article, at which it must be sold, unless said price be afterwards changed, with the assent of the keeper; and the agent, at the time of receiving said manufactured articles, shall give a receipt for the same to the keeper, stating therein the price of each article; which receipts the keeper shall carefully preserve, as vouchers to his manufacturing account, and file the same with the auditor on receiving said account; and the said agent is hereby directed to enter in a book, to be kept for that purpose, a list of all

manufactured articles and their prices, received as aforesaid from the keeper.

Sec. 17. *Be it further enacted*, That the agent may sell the articles for cash, or on a credit, at his discretion, and as the interest of the institution may require: *Provided however*, That the agent shall give no credit longer than six months.

Sec. 18. *Be it further enacted*, That the agent shall permit no account of the penitentiary to remain open longer than six months; he shall close the same, and institute suits thereon immediately after the expiration of six months, for all sums which may have been due for that length of time; and if said agent shall permit any open account to stand longer than seven months, from the date of the first item, or any bond or note to stand longer than three months after it has become due, without bringing suit thereon, he shall be liable for the amount of the same to be recovered by the auditor by suit, on his bond aforesaid; and copies taken from the books of the agent, certified by the auditor, shall be good evidence in any suit brought by the auditor against the agent.

Sec. 19. *Be it further enacted*, That when it may become necessary for the agent to commence suit upon any bond, note or book account, cognizable before a justice of the peace, it shall and may be lawful for any justice of the peace, within said county, in whose hands the same may be placed for collection, to issue his summons, directed to any constable of said county, commanding him to summon the defendant or defendants, to appear before him, the said justice, within twelve days from the date of said summons; which said summons, shall be served by the constable on the defendant, at least five days before the return thereof, by

**Duty of justice of the peace in such case.**

reading in his presence and hearing, or leaving an attested copy thereof at his last place of residence, in said county, and the justice shall proceed to try the same on the day the said summons is made returnable; and if upon the trial of said cause, judgment shall be rendered for said agent, in favor of the penitentiary, execution shall, on the request of the agent, immediately issue for the debt and costs, so as aforesaid recovered unless the defendant shall, at the time of the rendition of the judgment, appeal the same, and give immediate security to prosecute his appeal to judgment. in the next court of common pleas to be held in and for said county: *Provided*, The justice may, for good cause shewn, adjourn the court, agreeably to the provisions of the act, entitled 'An act defining the duties of justices of the peace, in criminal and civil cases.'

**Proviso.**

**Duty of agent in collecting debts.**

Sec. 20. *Be it further enacted*, That if the agent shall suffer any officer, who may collect any debt of the institution, to hold money so collected, longer than one month after he becomes liable for the payment, without a motion or suit against such officer, he shall become liable for the debt.

**Agent to deposit in treasury weekly.**

Sec. 21. *Be it further enacted*, That the agent shall each week deposit in the treasury, the amount of cash received on account of sales and collections during the preceding week, stating of whom the debts were collected, when they were due, and what interest was received.

**Books of the agent how kept.**

Sec. 22. *Be it further enacted*, That the agent shall keep a fair and regular account in his books with the state, crediting the same with the amount of property and debts, at first delivered him by the keeper, and manufactured articles delivered him weekly thereafter, and all the in-

interest he may receive from time to time on the debts, the costs on suits he may receive from officers or others, and charging the same with monies deposited in the treasury, and the legal costs he may pay on suits in behalf of the institution: he shall also keep a regular account of his weekly sales in his books; a complete abstract of both which accounts he shall report to the auditor on the first Mondays of January, April, July and October. To report quarterly.

Sec. 23. *Be it further enacted*, That the Agent shall, on the first Monday in October, in each year, make a report to the auditor, in which he shall specifically state the amount of manufactured articles, then on hand; the amount of debts owing to the institution, specifying those by bond, note and account, by whom owing, when contracted, and when due; and (if put out for collection) in what situation, and the amount of officers fees he may have paid, and the amount of money he may have deposited in the treasury, from the time of his going into office, or from his former annual report: he shall also state in said report the amount of manufactured articles, first delivered to him, or on hand at his former annual report, the amount received during the preceding quarters, and the amount of money he may have received for interest on debts, and the cost of suits since his former annual report; when said account shall be examined by the auditor with his account against the agent, and being found correct, the balance shall be struck on the books of the auditor and agent. Agent to report annually to the Auditor.

Sec. 24. *Be it further enacted*, That the Inspectors of the penitentiary be, and they are hereby authorised, to give the keeper an order upon the auditor for a warrant on the treasury, draw orders on the treasury.

for the purpose of discharging debts now contracted by the institution, and for such sums of money as may from time to time be deemed necessary, for the purchase of raw materials, clothing or such other articles as may be necessary for the use of the institution, which warrant shall be discharged by the treasurer, out of any money in his hands not otherwise appropriated.

Keeper to  
pay old  
debts &c.

Sec. 25. *Be it further enacted*, That the keeper shall discharge the debts of the institution now contracted, taking receipts therefor, and purchase all new materials, clothing and other articles necessary for the penitentiary, taking receipts for the same, specifying the price, quantity and quality of the articles so purchased, and separately stating the raw materials to be manufactured from the articles, otherwise necessary for the maintenance of the institution. the inspectors having first allowed these accounts; which receipts and accounts the keeper shall furnish the auditor, as vouchers with his quarter yearly reports.

Keeper's sal-  
ary.

Sec. 26. *Be it further enacted*, That the keeper shall hereafter receive as a salary the sum of six hundred dollars, per annum, and three per cent. on the amount of articles manufactured in the penitentiary, and sold by the agent; and shall keep a just and accurate account of the expenditures for feeding the convicts; which sum by him expended, shall be paid him out of the public treasury, on the order of the inspectors.

Keeper's  
books how  
to be kept.

Sec. 27. *Be it further enacted*, That the keeper shall keep a fair and regular account in his books with the state, charging the same with all monies paid out, on account of the institution, and crediting the same with all monies re-

ceived out of the treasury: he shall also keep a fair and full account of the manufacturing, charging the said account with all raw materials on hand, at the time of the agent's going into office, and all the raw materials afterwards purchased, specifying the quantity and quality, and crediting the same with the articles weekly delivered to the agent; he shall also keep a complete and fair account in his books of all the charges of the institution, complete abstracts of all which accounts he shall quarter yearly furnish the auditor of public accounts, the first of which accounts, the auditor shall examine, and on finding it correct the keeper and auditor shall strike the balances on their books; and the keeper shall, also on the first Monday of October, in each year, make report to the auditor of his manufacturing account, embracing each of his quarterly reports of said account, in the preceding year, with a credit thereupon, for the amount of raw materials then on hand, with an inventory of such materials thereunto attached.

Sec. 28. *Be it further enacted,* That the auditor of public accounts, shall open and keep regular accounts with the agent, and keeper of the Ohio Penitentiary, charging the same for what they are accountable, and crediting them for what they shall be allowed, agreeable to the provisions of this act; and on producing the vouchers, complete abstracts of both which accounts, with a summary of the keeper's annual report, he shall report to the legislature, at the commencement of each session.

Sec. 29. *Be it further enacted,* That the books of the keeper and agent, shall be open for the inspection of each other, the auditor, and inspectors, and abstracts from their books cor-

Keeper to report to auditor annually.

Auditor to open & keep accounts with keeper and agent & report to legislature.

Books may be examined.

tified by the auditor shall be good evidence in any suit against either of them.

**Style of suits.** Sec. 30. *Be it further enacted,* That in all suits or prosecutions, in behalf of the penitentiary, it shall be styled. 'The Ohio Penitentiary.' *Provided however,* That it shall not be error to style it otherwise.

**Visitors how admitted.** Sec. 31. *Be it further enacted;* That no person, except the keeper, his deputy, guards, or servants, members of the legislature, joint committee or committees of either house of the general assembly, appointed to examine the state of the penitentiary, or other person producing a written license from the inspectors, shall be permitted to enter within the walls, where such offenders shall be confined; and the doors of all the lodging rooms and cells in said prison, shall be locked, and all lights extinguished at the hour of nine, and one or more guards under arms shall patrol the said prison at least twice in every hour, until the return of the time for labor in the succeeding morning.

**Doors to be closed at 9 o'clock.**

**Walls to be white washed, &c.** Sec. 32. *Be it further enacted,* That the walls of the cells and apartments in said prison shall be white washed with lime and water, once in every month, or oftener, if the inspectors shall so direct, by one or more of the prisoners, in rotation, and the said prisoners shall be allowed to walk and air themselves in the prison yard, for such time as their health may require, and the keeper in his discretion shall permit: and if proper employment cannot be found, such prisoners may also be permitted, with the approbation of the inspectors, to work in the yard: *Provided,* Such airing and working, be in the presence or view of the keeper, his deputy or assistant.

**Proviso,**

**An infirm,** Sec. 33. *Be it further enacted,* That one

or more of the apartments in the penitentiary shall be prepared for an infirmary; and in case any prisoner being sick shall, on examination by a physician, be found to require it, he or she shall be removed to the infirmary, and his or her name shall be entered in a book to be kept for that purpose; and when such physician shall report to the said keeper, that such prisoner is in a proper condition to be removed from the said infirmary and return to his or her employment such report shall be entered in a book to be kept for that purpose; and the said keeper shall thereupon order him or her back to his or her former labor, so far as the same shall be consistent with his or her state of health; and the inspectors shall appoint a physician to the penitentiary, whose compensation shall be determined by the inspectors, and paid out of the public treasury, upon their order.

Sec. 34. *Be it further enacted.* That the keeper of the penitentiary, shall have power to punish all such prisoners, guilty of assault and battery, within the penitentiary. (when no dangerous wound or bruise is given) profane cursing and swearing, indecent behavior, idleness or negligence in work, wilful mismanagement of it, or disobedience to the orders and regulations authorised by this act, by confining such offenders in the solitary cells of the penitentiary, and by keeping them upon bread and water only, for any term not exceeding five days; and if any such prisoners shall be guilty of any offence within the penitentiary, which the said keeper is not hereby authorised to punish, or for which he shall not think the said punishment sufficient, by reason of the nature of the offence he shall report the same to the inspectors; and the said inspectors, if on enquiry they shall think



proper. may order such offenders to be punished, by close imprisonment, in the said cells or dungeons, with bread and water only for sustenance, for any time not exceeding thirty days.

**Power of sheriff.** *Sec. 35. Be it further enacted,* That the sheriffs of the several counties of this state, during the time that they or any of them shall, agreeable to this act, be employed in conveying to the penitentiary, any person or persons sentenced to hard labor or imprisonment, as aforesaid, shall have the same power and authority to secure him, her or them, in any jail in this state, and to demand the assistance of any sheriff, jailor or other person, in this state, in securing all such offenders, as if such sheriff were in his own proper county; and all such sheriffs, jailors and other persons, shall aid such sheriff or his deputy, under the same penalties, as if the said sheriff were in his proper county.

**Compensation to persons for taking up captives.** *Sec. 36. Be it further enacted,* That any constable, or other person, who shall take up and convey to the penitentiary, any offender who shall have escaped from confinement, shall be allowed mileage going to and returning from the penitentiary, at the rate of ten cents per mile, and such additional compensation as the inspectors shall think reasonable, for the necessary expenses incurred, to be paid by the treasurer of the state, on the order of the inspectors.

**Spirituous liquors prohibited.** *Sec. 37. Be it further enacted,* That if any keeper, or other person, shall introduce into, or give away, barter or sell, within the penitentiary, any vinous, spirituous or fermented liquors, excepting only that which the keeper shall make use of in his own family, or such as may be prescribed by the attending physician for a person in ill health, and be delivered into the hands of such physician, or other person appointed to

receive them, every person so offending, shall forfeit and pay the sum of fifty dollars, to be recovered and applied in the manner herein before directed.

Sec. 38. *Be it further enacted,* That if any offender or offenders, confined as aforesaid, shall escape from such confinement by the negligence of said keeper, his deputy or guards, shall forfeit and pay for every such escape, the sum of fifty dollars, to be recovered and applied as is herein before provided; but nothing in this section contained, shall be taken as extending to escapes voluntarily suffered by the said keeper, his deputy or guards. Keeper liable for escapes.

Sec. 39. *Be it further enacted,* That if any prisoner sentenced to hard labor as aforesaid, shall escape, he or she on being apprehended and returned to said prison, shall suffer such additional confinement at hard labor, agreeably to the provisions of this act, as the inspectors shall adjudge and direct: *Provided,* That such additional confinement at hard labor, shall not exceed six months, over and above the time that such prisoner was absent by means of such escape, nor shall it exceed twelve months, over and above the time that such prisoner was liable to be kept in the penitentiary, at the time of his escape; and the inspectors shall furnish for each convict, a bible of the common kind, to be paid for out of the state treasury, and shall permit, as often as they think proper, regular ministers of the gospel to preach to such convicts. Escapes how punished

Sec. 40. *Be it further enacted,* That every person sentenced to imprisonment or hard labor, as aforesaid, shall be placed and kept in the solitary cells of the penitentiary, on low and coarse diet, for such part or portion of the term of his or her confinement, as the court before Confinement in solitary cells regulated.

whom such conviction may be had, shall, in their sentence, direct and appoint; and the said inspectors shall have power to direct the infliction of such solitary confinement, at such intervals and in such manner as they may judge proper.

Repealing  
clause.

Commence-  
ment.

Sec. 41. *Be it further enacted*, That all acts or parts of acts coming within the purview of this act, are hereby repealed.

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

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

January 28th, A. D. 1819.

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#### CHAPTER XLIII.

An act to amend the act, entitled 'An act to regulate the admission and practice of attorneys and counselors at law.

Sec. 1 *Be it enacted by the general assembly of the state of Ohio* That from and after the passage of this act, no person shall be licensed to practice as an attorney or counsellor at law, or be admitted to an examination under the provisions of the act to which this is an amendment, unless he shall have previously resided one year within this state, and shall have attentively studied the law during the period of two years previous to his application for admission: *Provided*, That nothing herein contained, shall be construed to repeal the proviso contained in the fifth section of the act to which this is an amendment.

This act to take effect from and after the first day of April next.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate,

January 28th, A. D. 1819.

CHAPTER XLIV.

An act to provide for fixing the permanent seat of justice, in the county of Clermont.

Whereas it has been represented to the general assembly, that the present seat of justice in the county of Clermont, is in a situation that renders it very inconvenient, to a large portion of the citizens of said county:—Therefore,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That James M'Bride, of Butler county, Francis M Cormick, of Hamilton county, and John Lodwick, of Adams county, be and they are hereby appointed and constituted commissioners to view and examine the several parts of the aforesaid county, or so much thereof as they or a majority of them shall conceive to be necessary to enable them or a majority of them to determine what place will be most eligible and best calculated to promote the general interest of the inhabitants of said county, as a permanent seat of justice; and shall also, at the same time, ascertain if practicable, by what means and authority the seat of justice for said county was fixed at Williamsburg for which purpose the commissioners aforesaid shall, on the first Monday in April, eighteen hundred and nineteen, meet at the

Three commissioners appointed.

A majority may act.

Their power and duty.

**Proviso.** town of Williamsburg, in said county of Clermont: *Provided*, That in case any one of said commissioners, shall be prevented by accident or otherwise from attending on the duties, hereby required of them, a majority of them being met shall proceed to perform the several duties required of them by this act.

**Commissioners to take an oath.**  
**Form of oath.**

**Sec. 2.** *Be it further enacted*, That the aforesaid commissioners, previous to their entering on the duties of their office, shall each take the following oath or affirmation: I do solemnly swear or affirm (as the case may be) that I will faithfully, truly, and impartially execute the duty of commissioner for viewing and determining what place will be the most eligible site on which to establish the seat of justice for the said county of Clermont, in order to promote the general interests of the citizens of said county of Clermont; and also, that I will faithfully and impartially enquire into and ascertain, if possible, by what means and authority, the seat of justice for said county was fixed at Williamsburg, and discharge with fidelity and impartiality all the duties enjoined upon me by this act, according to the best of my skill and ability; a copy of which oath, signed by such commissioners, and attested by the justice before whom it was taken, shall accompany the report made to the next general assembly.

**Commissioners to certify, &c.**

**Sec. 3.** *Be it further enacted*, That it shall be the duty of the said commissioners, after having made a view and examination, agreeably to the provisions of this act, to certify their opinion thereon; and in like manner, certify the evidence by them procured as to the fixing said seat of justice; and make out duplicates of such evidence certified under their hands and seals, one copy of which shall be deposited with the

clerk of the court of common pleas for said county, for the inspection of the citizens of said county, and the other they shall enclose in a letter and forward to the secretary of state on or before the first day of December next, who shall lay the same before the general assembly, at their next session, so that the legislature may at said session be enabled to establish a permanent seat of justice for said county.

Sec. 4. *Be it further enacted*, That each commissioner shall be entitled to receive two dollars and fifty cents, for every day that they may be necessarily employed in the business required of them by this act, and going to and returning from the said county which shall be paid out of the county treasury of Clermont county, upon the certificate of any justice of the peace within said county. Compensation of commissioners.  
How paid.

Sec. 5. *Be it further enacted*, That the court or commissioners of said county, shall be and they are hereby prohibited, from making any further appropriation of money for the erection of public buildings in said county until the expiration of the next general assembly. No money to be appropriated for public buildings, &c.

This act to take effect, and be in force from and after the passage thereof. Commencement.

JOSEPH RICHARDSON,

Speaker of the house of representatives,

ROBERT LUCAS,

Speaker of the senate;

January 28th, A. D. 1819.

## CHAPTER XLV.

An act more particularly defining the duties of the director of the town of Jackson, and for other purposes.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That it shall be the duty

**Agent to settle and pay over at each court of common pleas.** of the director of the town of Jackson, to settle with the commissioners of Jackson county within the term of each court of common pleas to be holden in said county, and pay into the treasury of said county, within such time, all monies that may have come into his hands for lots sold in said town of Jackson; and if the said director should fail to make such settlement, and pay into the treasury of said county all monies that may have come into his hands as aforesaid, he shall be proceeded against in a summary way, by the direction of the commissioners of said county, by motion of the prosecuting attorney for said county; and the court shall hear and determine the same, in the same manner they would be required to do on a motion made against a sheriff for failing to pay over money collected by such sheriff on execution.

**Penalty for neglect.**

**Further duty of agent.** *Sec. 2. Be it further enacted,* That it shall also, be the duty of the director, when he makes a settlement with the commissioners, as required by the 1st section of this act, to lay before the said commissioners, a written list of all sums of money that may be due the county for lots sold in the said town of Jackson; and if he shall fail to commence a suit for all sums that remain unpaid, two months after the same may become due, he shall be held accountable to the commissioners for the full amount thereof, and he and his securities may be proceeded against at the suit of the commissioners accordingly.

**Duty of the court of common pleas.**

*Sec. 3. And be it further enacted,* That the court of common pleas of Jackson county, shall have power to hear and determine all charges that may, from time to time, be exhibited against the director of the town of Jackson, for any misconduct or negligence in the discharge of his duty as director, and may for every such

misconduct or negligence; remove him from office, and appoint some suitable person as his successor; in which case they shall certify the same under the seal of the court to the governor whose duty it shall be to commission the person thus appointed.

This act to take effect from and after the first day of April next. Commencement.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 1st, A. D. 1819.

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## CHAPTER XLVI.

An act to incorporate the Cadiz Academy, in the county of Harrison.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That John Rea, John Pritchard John Hanna, John Macurdy, John Craig, William Taggart, Jacob Webb, Martin Wilson, William Ramsey, Humphrey H. Levitt, Walter B. Beebe and Daniel Kilgore, and their associates for the time being, be, and they are hereby declared a body politic and corporate in law, by the name of the 'President and Trustees of the Cadiz Academy,' and as such, shall remain and have perpetual succession, subject, however, to such alterations as the legislature may, from time to time, think proper. Corporation created.

Sec. 2. *Be it further enacted,* That the president and trustees of said corporation, shall be capable in law of having, receiving, acquiring and holding either by gift, grant, devise or purchase, any estate, real or personal, and the same May hold and convey property to a certain amount.

N



to dispose of for the use of the institution: *Provided*, That the clear and annual income of such property, shall not exceed five thousand dollars: *And provided also*, That the funds of said corporation shall be used and employed exclusively for the establishment and support of said institution; and said funds, or any part thereof shall not at any time be used in banking, or in striking or issuing bank paper.

Banking prohibited.

May sue and be sued.

Sec. 3. *Be it further enacted*, That the said corporation, by the name aforesaid, shall be capable in law of suing and being sued, pleading and being impleaded, in any action, plaint or suit, in any court proper to try the same, and be authorised to have one common seal, and the same to alter or renew at pleasure.

Elections how conducted.

Sec. 4. *Be it further enacted*, That all elections to be holden by virtue of the provisions of this act, shall be by ballot; and the president for the time being, shall be judge, and the secretary for the time being shall be clerk of said election; and the said judge and clerk, immediately after counting out the votes, shall publicly declare the person or persons to be duly elected to any office, who shall have the greatest number of votes given for such office.

Twelve trustees to be elected.

Sec. 5. *Be it further enacted*, That there shall be elected, on the first Monday of March next, by such persons as shall have severally subscribed or paid five dollars for the benefit of said institution, twelve trustees, who shall hold their offices until their successors are elected and qualified.

Their term of office defined.

Sec. 6. *Be it further enacted*, That the trustees elected by virtue of the preceding section of this act, shall hold their offices for the term of time following: that is to say, three for the

term of one year, three for two years, three for three years, and three for four years, from said first Monday of March, and until their successors are elected and qualified, as aforesaid; and it shall be the duty of said trustees, so elected as aforesaid, at their first meeting after said election, to determine by lot, the time that each trustee shall continue in office, conformably to the above regulation of said terms of office; which determination the said trustees shall cause to be recorded in their book of records.

Sec. 7. *Be it further enacted*, That said trustees, at their first meeting after their election as aforesaid, shall choose one of their own body president, and in like manner, they shall choose one of their own body secretary, who shall severally hold their offices until their several terms of office as trustees expires; and it shall be the duty of the president to preside, and preserve order at all meetings of the board of trustees; and it shall be the duty of the secretary faithfully to record all the proceedings of the board of trustees; and the said president and secretary shall also perform such other duties as shall be severally required of them by the rules, by-laws and regulations of said corporation: *Provided*, That if at any meeting of said board of trustees, said president or secretary be absent, said board shall have power to appoint a president or secretary pro tempore.

Sec. 8. *Be it further enacted*, That said trustees shall annually meet on the first Monday of March, at the academy, or at some other proper place in the town of Cadiz, and elect three trustees, who shall not be of their own body; and in case the term of office of the president or secretary shall have expired, the said trustees, at their annual meeting, shall proceed to elect a

Officers to be chosen.

Their duty.

Proviso.

Annual elections when holden.

Trustees to  
continue in  
office three  
years.

president or secretary from their own body; and the said trustees so elected, shall hold their offices for the term of three years from such annual meeting, and until their successors be elected and qualified; and the said president or secretary so elected, shall hold his office until the expiration of his term of office as trustee:

Proviso as  
to filling va-  
cancies.

*Provided*, That if any vacancy shall take place in the office of president, secretary or trustee, by any other means than the expiration of his or their term of office, the said board of trustees are hereby authorized at any meeting of said board to fill such vacancy, and the person elected to fill such vacancy, shall hold such office until the expiration of the term of office of the person in whose place he was elected, and no longer: *Provided also*, That if said trustees

Further pro-  
viso.

should not meet at the time herein specified for their annual meeting, they may, nevertheless, at their first meeting thereafter, perform the duties required of them at such annual meeting, but in such case the president, secretary or trustees so elected, shall hold their offices for the same length of time as if elected at the time specified for the annual meeting, and no longer.

By laws  
regulated

Sec. 9 *Be it further enacted* That the said president and trustees or any seven of them, shall have power to make such rules, by laws and regulations, for the government of said academy, and carry the same into effect as shall from time to time be deemed necessary, and not inconsistent with the laws of the United States or of this state.

Power and  
duty of the  
trustees in  
general.

Sec. 10. *Be it further enacted*, That the said president and trustees or any seven of them, be empowered to procure a teacher or teachers, assistants and other officers necessary for con-

ducting said academy; to cause all necessary buildings to be erected and repaired, and all other necessary furniture and apparatus to be procured, to regulate the admission and government of the students, and to take all proper measures for the support of the academy; and they shall have power to make all contracts in behalf of the corporation, and dispose of any funds thereunto belonging: *Provided*, That when any property has been given to said corporation, for a particular purpose, the said president and trustees shall dispose of said property for the sole purpose pointed out by the donor: *Provided also*, That if any officer of said corporation, shall abuse any power or trust committed to him, whereby damages to the institution shall be sustained, he shall be liable to said corporation for such damages so sustained, to be recovered by said president and trustees by action of debt or otherwise.

*Sec. 11. Be it further enacted*, That the said president and trustees, shall have power to appoint a treasurer, and all other necessary officers of said corporation, who shall hold their offices for such time, shall perform such duties, and give such security to said president and trustees, as shall be pointed out by the rules, by-laws and regulations of said corporation; and all process against the corporation shall be by summons, and the service thereof shall be by the proper officer, leaving an attested copy thereof with the secretary of said corporation; and the present president and trustees and other officers of said academy, now in office, shall hold their respective offices until superseded by officers elected by virtue of the provisions of this act.

**Commence-  
ment.** This act shall take effect and be in force  
from and after the passage thereof.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate,

February 1st, A. D. 1819

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## CHAPTER XLVII

An act for the relief of Nicholas Pickerele, sheriff of  
Logan county,

Whereas, it has been represented to this  
general assembly, that two criminals, John Pri-  
vot and Ephraim Hopkins, were apprehended  
at fort Meigs, and conveyed at least one hun-  
dred miles by the proper officer, to the tempo-  
rary seat of justice in Logan county, and that  
an uncommon expense necessarily accrued in  
transporting said criminals, which the inspectors  
of the Ohio Penitentiary have not considered  
themselves authorised to allow or pay:

Therefore,

*Be it enacted by the general assembly of the  
state of Ohio,* That the inspectors of the Ohio  
Penitentiary, are authorised and required to is-  
sue their order, on the state treasurer, in favor of  
Nicholas Pickerele, sheriff of Logan county,  
for the balance of cost remaining unpaid, which  
was taxed and allowed by the court of com-  
mon pleas of said county, in the apprehension  
and trial of said John Privot and Ephraim Hop-  
kins: *Provided however.* That the inspectors  
shall be of opinion that said costs are not un-  
reasonable, and the order to be issued shall not

exceed ninety dollars, to be paid out of any monies not otherwise appropriated.

This act shall take effect and be in force from and after the passage thereof.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 1st, A. D. 1819.

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### CHAPTER XLVIII.

An act establishing the salary of the State Treasurer.

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That there be paid to the state treasurer, the sum of one thousand dollars per annum, to commence on the first day of January, eighteen hundred and nineteen, to be paid quarterly, to wit: March the thirty-first, June the thirtieth, September the thirtieth, and December the thirty-first; and that so much of the act passed the eighteenth day of January, one thousand eight hundred and sixteen, as relates to the salary of the state treasurer, be and the same is hereby repealed.

This act shall take effect and be in force from and after the passage thereof.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate.

February 1st, A. D. 1819.

## CHAPTER XLIX.

An act to amend the act, entitled 'An act making further appropriations of the three per cent. fund, granted by the United States, for laying out, opening and making roads in this state,' passed January 28th, 1817, and for other purposes.

**Preamble.** Whereas by the forty-sixth section of said act twelve hundred and fifty dollars of the three per cent fund was appropriated for the opening and improving roads in the county of Geauga, and there being no road pointed out and distinguished on which to lay out one hundred dollars of said appropriation; and whereas, by a resolution of the general assembly, passed January the twenty eighth, eighteen hundred and seventeen, Joseph Bond was appointed a commissioner to lay out said one hundred dollars on the leading road from Champian to Chardon, in said county of Geauga, and whereas the said Joseph Bond hath laid out and expended, agreeably to the resolution aforesaid, the said one hundred dollars, being the residue of said appropriation: Therefore,

**Sec. 1.** *Be it enacted by the general assembly of the state of Ohio,* That the auditor of state is hereby required to allow the account of said Joseph Bond, for said money, expended on said road, from Champian to Chardon, on being duly certified by the commissioners of said county of Geauga, agreeably to the before recited act.

**Sec. 2.** *Be it further enacted,* That the auditor is hereby authorized to pay Joseph Vance and Ezra Root, or to their order, commissioners appointed on the road from Franklinton to Little Scioto river, making Delaware a point, and also to lay out and expend one hundred dol-

Jos. Vance  
and E. Root  
to be paid  
\$ 201 50,  
for certain  
services.

fers on said road between Delaware and Franklin, under the act of the twentieth February, one thousand eight hundred and ten, two hundred and one dollars and fifty cents, for their services, in laying out said road, and expending the money aforesaid: *Provided*, Said money shall not be paid until the next appropriation of the three per cent. fund, and then shall be paid out of the appropriation made to the counties of Franklin and Delaware.

Sec. 3. *Be it further enacted*, That the commissioners of the counties of Richland, Knox, Delaware and Franklin, are hereby authorised and required to pay Joseph Eicher, of Wayne county, Benjamin Martin of Knox county, and James Carpenter, of Delaware county, or their order, as commissioners appointed to lay out and open a road from Wooster, in Wayne county, to Mount Vernon, in Knox county; thence to Carpenter's mills in Delaware county; thence to Columbus, in the county of Franklin, the sum of two dollars, to each of the commissioners aforesaid, for each and every mile said road may be laid out and opened through said counties; and the commissioners of said counties are required to issue orders on the treasuries of their several counties, for so much of said road as runs through their respective counties.

Sec. 4. *And be it further enacted*, That one hundred dollars, which was appropriated for the purpose of building a bridge over the Vermilion river, near the mouth, in the county of Huron, by the fifth section of the act, entitled 'An act making further appropriation of the three per cent. fund, granted by the United States, for laying out, opening and making roads in this state,' passed February twenty-first, eight-

Certain persons to be paid for laying out a road from Wooster to Columbus,

The appropriation of 100 dolls. in the county of Huron charged-



teen hundred and twelve, be, and the same is hereby appropriated to assist in finishing the bridge over the said Vermillion river, on the ridge road, in Florence, in said county of Huron, and that Eli S. Barnum is hereby appointed commissioner to lay out the same.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 1st, A. D. 1819.

## CHAPTER L

An act to amend the act, entitled 'An act for opening and regulating roads and highways.'

*Sec. 1 Be it enacted by the general assembly of the state of Ohio* That one dollar shall be paid on every hundred acres of first rate land; seventy five cents on every hundred acres of second rate land, and fifty cents on every hundred acres of third rate land, for the special purpose of opening and improving public roads, within the several townships within this state, to be collected and paid over into the several county treasuries, in the same manner as monies arising from a tax on land, appropriated for county purposes, is, or may, under existing laws, be collected and paid over; and when the tax hereby levied for road purposes, is so, as aforesaid, paid over into the several county treasuries, it shall be by the county treasurers respectively, paid over to the several townships, in proportion to the land tax paid by each township respectively, on the order of the township trustees attested by their clerk; to be by said township trustees expended on public roads,

Rates of tax-  
ation on land  
for making  
roads.

How collect-  
ed.

within their respective townships, as they may think proper.

Sec. 2. *Be it further enacted*, That the commissioners in the several counties within this state, and the auditor of state, are hereby directed to add the amount of tax hereby levied for road purposes, to the amount for general land tax, on their duplicate, so as to enable the resident and non-resident collectors, to collect and pay over the same, agreeably to the provisions of this act: *Provided*, That the trustees of any township, may give to any person a certificate for any work done under their order; which certificate shall be received in payment of the road tax, on land lying in such township.

Duty of county commissioners and auditor in assessing tax.

Sec. 3. *Be it further enacted*, That the trustees of any township in which a town is situated, are hereby directed to levy a tax on all in and out-lots, not exceeding the half of one per cent. on the appraised value of said lots, without including improvements, to be collected by any constable within said township, who may be appointed by the trustees thereof; said constable to receive such compensation for his services as the trustees shall think proper; and the money, when collected, shall be paid over to the township treasurer, subject to the order of the trustees, to be by them applied for the purpose of opening and improving roads within said township.

Tax on towns how assessed and collected.

Sec. 4. *Be it further enacted*, That the township trustees, or any one of them, to whom the money shall be made payable under this act, on the order aforementioned, before they, or either of them, shall be permitted to receive the proportion of money resulting to their respective townships, shall give bond, with sufficient security, to the county treasurer, conditioned

Trustees to give bond &c.

for the faithful and just performance of their duty, in dispensing and paying over for road purposes, the monies received by them from the county treasurer.

**Trustees to report to county treasurer.**  
**Sec. 5** *Be it further enacted,* That the trustees of townships respectively, shall annually, at their meeting in March, make out a report of the compensation retained by themselves and paid to others; which shall in no case exceed ten per cent. on the monies received and expended, for superintending the expenditure by this act directed, which they shall deposit with the county treasurer who shall publish the same in detail, with the receipts and expenditures of the county.

**Provision when a road is laid out on a township or county line.**  
**Sec. 6** *Be it further enacted,* That where any road is laid out on a county or township line the trustees in the adjoining townships, shall meet at some convenient place, as soon after they allot their several townships into districts, as they conveniently can, and apportion such road or roads, in such manner that each of said townships may bear an equal proportion of the burden of opening and improving the same; and any person or persons, who shall be notified to work on such road or roads, shall be under the same regulations and restrictions as they are when called upon to work on any other road within their townships respectively.

**Provision as to the Virginia Military District.**  
**Sec. 7.** *Be it further enacted.* That where any difficulty shall arise in the distribution of the money collected from lands in the Virginia Military District, agreeable to the provisions of this act, it shall be the duty of the commissioners of the county to divide the money amongst the different townships, from which the money was collected. of the county, in such manner as they may think proper.

**Sec. 8.** *And be it further enacted,* That so much of the act to which this is an amendment. <sup>Repealing clause.</sup> for opening and regulating roads and highways, passed February sixteenth, one thousand eight hundred and sixteen, as relates to township trustees levying a chattel tax for road purposes, and so much of the said act as relates to a proportion of the land tax being applied for road purposes, and also, an act to amend the act, entitled 'An act for opening and regulating roads and highways,' passed January twenty seventh, one thousand eight hundred and seventeen, shall be, and the same is hereby repealed: *Provided* <sup>Proviso.</sup> *however,* That nothing in this act shall be so construed, as to prevent township trustees from levying a chattel tax, for road purposes, if they shall deem it necessary.

This act to be in force from and after the passage thereof. <sup>Commencement.</sup>

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate.

February 1st, A. D. 1819.

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## CHAPTER LI.

An act for the relief of Solomon Geller.

Whereas Solomon Geller, of Knox county, in the year eighteen hundred and eighteen, undertook the building a bridge across Owl and Dry creeks, in the vicinity of Mount Vernon, in the said county of Knox, and whereas it appears, that the said Solomon Geller has, from the depreciation of money by him received on said contract and from other causes, sustained <sup>Preamble</sup>

considerable loss; and whereas the said bridge is a work of great public utility, particularly to the citizens of the said county of Knox:

Therefore,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the treasurer of state, be and is hereby directed to pay Solomon Geller, the sum of five hundred dollars, on the warrant of the auditor, out of the three per cent. fund granted by congress for the purpose of opening and improving roads, within this state, which said sum of five hundred dollars shall be charged to the said county of Knox, and be deducted from its proportion of the three per cent. fund, at the next distribution of the same to the several counties within this state.

£ 500 to be paid.

Commencement.

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

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 5, A. D. 1819.

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## CHAPTER LII.

An act, regulating the times of holding judicial courts, and increasing the number of circuits of the court of common pleas.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*. That the supreme court shall commence its session, and be holden as follows, to wit: in the county of Pike, on the nineteenth day of April; in the county of Scioto, on the twenty-first day of April; in the county of Adams, on the twenty-sixth day of April;

Supreme court when holden.

in the county of Brown, on the thirtieth day of April; in the county of Highland, on the third day of May; in the county of Fayette, on the sixth day of May; in the county of Clinton, on the tenth day of May; in the county of Green, on the thirteenth day of May; in the county of Warren, on the seventeenth day of May; in the county of Clermont, on the twenty-fifth day of May; in the county of Hamilton, on the thirty-first day of May; in the county of Butler, on the fourteenth day of June; in the county of Preble, on the eighteenth day of June; in the county of Montgomery, on the twenty first day of June; in the county of Miami, on the twenty-fifth day of June; in the county of Dirck, on the twenty eighth day of June; in the county of Logan, on the first day of July; in the county of Champaign on the fifth day of July; in the county of Clark, on the tenth day of July; in the county of Madison, on the fourteenth day of July; in the county of Franklin, on the seventeenth day of July; in the county of Delaware, on the twenty-third day of July; in the county of Pickaway on the twenty seventh day of July; in the county of Fairfield, on the third day of August; in the county of Perry, on the tenth day of August; in the county of Licking, on the thirteenth day of August; in the county of Coshocton, on the seventeenth day of August; in the county of Knox, on the twenty third day of August; in the county of Tuscarawas on the twenty-seventh day of August; in the county of Wayne, on the first day of September; in the county of Richland, on the sixth day of September; in the county of Huron, on the tenth day of September; in the county of Medina, on the fourteenth day of September, in the county of Cuyahoga, on the

eighteenth day of September; in the county of Geauga, on the twenty second day of September; in the county of Ashtabula, on the twenty-seventh day of September; in the county of Trumbull, on the thirtieth day of September; in the county of Portage, on the sixth day of October; in the county of Stark, on the eleventh day of October; in the county of Columbiana, on the thirteenth day of October; in the county of Jefferson, on the sixteenth day of October, in the county of Harrison, on the twenty-sixth day of October; in the county of Belmont, on the second day of November; in the county of Monroe, on the eighth day of November; in the county of Guernsey, on the tenth day of November; in the county of Muskingum, on the thirteenth day of November; in the county of Morgan on the twenty third day of November; in the county of Washington, on the twenty fifth day of November; in the county of Athens, on the first day of December; in the county of Hocking, on the fourth day of December; in the county of Gallia, on the seventh day of December; in the county of Lawrence, on the thirteenth day of December; in the county of Jackson, on the sixteenth day of December; in the county of Ross, on the twentieth day of December.

Sec. 2. *Be it further enacted,* That there shall be nine circuits of the courts of common pleas, within this state; the first circuit shall be composed of the counties of Green, Preble, Montgomery, Miami, Dark and Shelby, and the courts of common pleas shall commence and be holden therein, as follows to wit: in the county of Green, on the fifth of April, second of August and first of November; in the county of Preble, on the fifteenth of March,

Courts of common pleas in first circuit shall be holden when

ninth of August and eighth of November; in the county of Montgomery on the nineteenth of April sixteenth of August and fifteenth of November; in the county of Miami on the third of May, thirtieth of August and twenty ninth of November; in the county of Dark, on the tenth of May, sixth of September and sixth of December; and in the county of Shelby, on the seventeenth day of May, thirteenth day of September and the thirteenth day of December.

Sec. 3. *Be it further enacted.* That the second circuit shall be composed of the counties of Hocking, Pickaway, Fayette, Highland Adams and Ross, and the courts of common pleas shall commence and be holden therein as follows, to wit: in the county of Hocking, on the first of March, twenty first of June and twentieth of September; in the county of Pickaway, on the first of February, twenty eighth day of June and twenty-seventh day of September; in the county of Fayette, on the twenty-second day of March, twelfth day of July and eleventh day of October; in the county of Highland, on the twenty ninth day of March, nineteenth day of July and eighteenth day of October; in the county of Adams, on the fifth day of April, twenty sixth day of July and twenty-fifth day of October; and in the county of Ross, on the nineteenth day of April, ninth day of August and eighth day of November.

Sec. 4. *Be it further enacted,* That the third circuit shall be composed of the counties of Wayne, Medina, Huron, Cuyahoga, Geauga, Ashtabula, Trumbull and Portage, and the courts of common pleas shall commence and be holden in the county of Wayne, on the first day of February, third day of May and fourth day of October; in the county of Medina, on the eighth



day of February, tenth day of May and eleventh day of October: in the county of Huron, on the sixteenth day of February, eighteenth day of May and the nineteenth day of October: in the county of Cuyahoga, on the twenty third day of February, twenty fifth day of May and the twenty sixth day of October: in the county of Geauga, on the fifth day of March fourth day of June and second day of November: in the county of Ashtabula, on the ninth day of March, eighth day of June and eighth day of November: in the county of Trumbull, on the sixteenth day of March, seventeenth day of June and fifteenth day of November: and in the county of Portage, the twenty third day of March, twenty fourth day of June and the twenty-second of November.

*Sec. 5. Be it further enacted,* That the fourth circuit shall be composed of the counties of Fairfield, Perry, Morgan, Muskingum, Coshocton, Richland, Knox and Licking, and the courts of common pleas shall commence and be holden therein as follows to wit: in the county of Fairfield, second Mondays of March, June and September: in the county of Perry, on the fourth Mondays of March, June and September: in the county of Morgan, on the first Mondays of April, July and October: in the county of Muskingum, on the second Mondays of April, July and October; in the county of Coshocton, on the fourth Monday of April, first Monday of August and first Monday of November: in the county of Richland, on the first Monday of May, second Monday in August and second Monday of November: in the county of Knox, on the second Monday of May, third Monday of August and third Monday of November: in the county of Licking,

In fourth  
circuit when  
holden.

on the third Monday of May, fourth Monday of August and fourth Monday of December.

*Sec. 6. Be it further enacted,* That the courts of common pleas for the fifth circuit, shall be holden as follows: in the county of Guernsey, on Tuesday the second of March, fifteenth of June and twenty-sixth of October: in the county of Monroe on Mondays the eighth of March, twenty-first of June and first of November: in the county of Belmont; on Mondays the fifteenth of March, twenty-eighth of June and eighth of November: in the county of Harrison, on Mondays the twenty-second of March, fifth of July and fifteenth of November: in the county of Tuscarawas, on Tuesday the thirtieth of March, tenth of August and twenty-third of November: in the county of Stark on Mondays the fifth of April, sixteenth of August and twenty ninth of November: in the county of Columbiana, on Mondays the twelfth of April, twenty-third of August and sixth day of December: and in the county of Jefferson, on Mondays the nineteenth of April twenty-seventh of September and thirteenth of December,

In fifth circuit: when holden.

*Sec. 7. Be it further enacted,* That the sixth circuit shall be composed of the counties of Franklin, Madison, Clark, Champaign, Logan and Delaware, and the courts of common pleas shall commence and be holden therein as follows, to wit: in the county of Franklin, on the first of March, second of August and first of November: in the county of Madison, on the fifteenth of March, sixteenth of August and fifteenth of November: in the county of Clark, on the twenty-second of March, twenty-third of August and sixth of December: in the county of Champaign, on the twenty-ninth of March,

In sixth circuit when holden.

thirtieth of August and thirteenth of December: in the county of Logan on the twelfth of April, thirteenth of September and twenty seventh of December and in the county of Delaware, on the nineteenth day of April, twentieth day of September and third day of January.

*Sec. 8. Be it further enacted* That the seventh circuit shall be composed of the counties of Clinton, Brown, Clermont, Warren and Butler, and the courts of common pleas shall commence and be holden therein as follows, to wit: in the county of Clinton, on the first of March seventh of June and twenty seventh of September: in the county of Brown, on the eighth of March, fourteenth of June and fourth of October: in the county of Clermont, on the fifteenth of March, twenty first of June and eleventh of October: in the county of Warren, on the twenty-ninth of March, twelfth of July and first of November: and in the county of Butler, on the nineteenth of April, second of August and twenty second of November

*Sec. 9. Be it further enacted.* That the eighth circuit shall be composed of the counties of Pike, Jackson, Athens, Washington, Meigs, Gallia, Lawrence and Scioto, and the courts of common pleas shall commence and be holden as follows, to wit: in the county of Pike, on the first Monday of March, third Monday of June and fourth Monday of October: in the county of Jackson, on the fifteenth day of March twenty-eighth day of June and the first day of November: in the county of Athens, on the twenty-second day of March, fifth day of July and eighth day of November: in the county of Washington, on the twenty ninth day of March, twelfth day of July and fifteenth day of No-

In seventh circuit when holden.

In eighth circuit when holden.

ember: in the county of Meigs on the fifth day of April, nineteenth day of July and twenty-second day of November: in the county of Gallia, on the twelfth day of April, twenty-sixth day of July and the twenty ninth day of November: in the county of Lawrence, on the nineteenth day of April, the second day of August and the sixth day of December: and in the county of Scioto on the twenty-sixth day of April, twenty-third day of August and the thirteenth day of December.

Sec. 10. *Be it further enacted.* That the ninth circuit shall be composed of the county of Hamilton, and the courts of common pleas shall commence and be holden therein as follows, to-wit: on the fifth of April, sixth of September and sixth of December. (In ninth circuit when holden.)

Sec. 11. *Be it further enacted,* That so much of the acts regulating the times of holding judicial courts, and increasing the number of circuits of the courts of common pleas, as are contrary to the provisions of this act, be and the same are hereby repealed; and all suits and process pending in any of the courts of common pleas, at the taking effect of this act, shall be returned and continued to the different terms of the said courts respectively, which shall take place next after the taking effect of this act, in relation to such courts. Repealing clause.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

February 8th, A. D. 1810.

## CHAPTER LIII

An act to amend the act establishing boards of commissioners.

**Provisions when a collector shall die or abscond.**

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That in all cases where any person heretofore hath been, or hereafter may be appointed a county collector, hath or shall, after giving bond and commencing his collection, become incapable of completing the same, either by death, removal, absconding, or from any other cause, it shall be lawful for the county commissioners to appoint a collector, to collect the residue of the taxes charged and unpaid on the duplicate of such delinquent collector who shall have the same powers, and be under the same restrictions and obligations, as other county collectors; and when the whole or any part of the taxes charged and unpaid as aforesaid, shall be collected and paid into the proper county treasury, after deducting the fees for collection, the balance shall be allowed by the commissioners as a credit on the bond of such delinquent collector.

**Further provisions.**

*Sec. 2. Be it further enacted,* That in all cases where the securities of such collector or any one of them, heretofore hath or hereafter may, pay over all monies by such collector actually collected, and all monies collected by such security, in the name of the collector, it shall be lawful for the county commissioners, to cancel the bond of such collector and his securities, so soon as the whole collection for that year shall have been completed, agreeably to the provisions of the first section of this act; and in every case where the security of any such delinquent collector as aforesaid, shall have paid

the whole or any part of the amount due on the bond of such delinquent collector, as is prescribed in the preceding section of this act, it shall be the duty of the county commissioners to refund to the security whatever balance may be found to have been paid, over and above the amount due the county on such bond.

**Sec. 3. *Be it further enacted,*** That all county treasurers hereafter elected within this state shall, previous to their entering on the duties of their appointment, enter bond with such security, as shall be approved of by the county commissioners, conditioned for the paying over all monies or current bank paper, which by them may be received for state, county or other purposes.

Provision as to county treasurers.

**Sec. 4. *Be it further enacted,*** That in all cases where any security may have collected all, or any part of the taxes not collected by the collector, before his death, absconding or other disability, the receipts given by such security shall be taken, and deemed to be a full discharge of the taxes due from the person holding the receipt of such security for the same; and the security shall be held liable to the county for the amount, and the person paying the same, shall have no action against the person collecting the same, to recover back the amount paid.

Provision as to securities for collectors.

**Sec. 5. *Be it further enacted,*** That so much of the 10th section of the act to which this is an amendment, passed January the 15th, 1810, as is contrary to this act, be and the same is hereby repealed.

Repealing clause.

This act to take effect and be in force from and after the passage thereof.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate

February 5th, A. D. 1819.

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## CHAPTER LIV.

An act for the incorporation of religious societies.

**Publication to be made ten days.**

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That every religious society or denomination of christians within the state of Ohio of not less than twenty members, are hereby authorised to assemble themselves together, at their usual place of holding public worship, giving at least ten days notice of the time and purpose of holding such meeting, by having the same proclaimed when assembled for public worship, and by putting up written notice in a conspicuous place where worship is usually held at least ten days before the time of holding such meeting.

**Officers to be elected.**

*Sec. 2. Be it further enacted,* That every religious society, when assembled together, as is provided by the first section of this act, may proceed to elect such number of officers or trustees as shall be consistent with the rules, regulations, usages or canons of such religious society or denomination of christians, designating them by such name or appellation as shall be agreeable to such religious society, and conformably to the rules, regulations, usages and canons thereof; and said officers or trustees so chosen shall hold their offices for one year, and

until their successors are chosen and qualified, agreeable to the rules, canons, &c. of such religious society; and such officers or trustees, so chosen and qualified, when they shall have given such religious society a name, shall immediately certify the same, together with the name of the township in which the meeting was held, under their hands and seals, to the clerk of the court of common pleas of the county in which said township lies; and it is hereby made the duty of said clerk to record the same in a book to be kept by him for that purpose, and shall when requested give a certificate of such record, under his seal of office; and for each record or certificate, he shall be entitled to demand and receive fifty cents from those requiring the same.

Sec. 3. *Be it further enacted*, That the aforesaid officers or trustees, when thus elected, shall, before entering on the duties of their offices, take an oath or affirmation, faithfully to discharge the same; and after being thus qualified, they shall, to all intents and purposes, be a body corporate in law, with perpetual succession and full power to do all and every act necessary to a body corporate, for the purposes hereby intended, which are to enable such religious society or denomination of christians, to hold in fee simple, or for any lesser estate, any tract or tracts of land, on which to erect such buildings as may be necessary for their religious worship, or for their burial ground, or any donation made to such society, which shall be disposed of agreeable to the will of the donor or donors: *Provided*, The whole quantity of lands held by any one society does not exceed twenty acres.

Officers to  
take an oath.

Property re-  
stricted.

Sec. 4 *Be it further enacted*, That any lot or part of a lot of land obtained by any religious

Lot may be

Q



surveyed & recorded. A society by purchase or donation, and set apart for the sole purpose of a burial ground, may be by them surveyed and platted, carefully noting its extent and situation, and be recorded by the recorder of the county in which the same is situated; which lot, or burying ground, if it be occupied as such at the time of recording, shall never afterwards be sold, transferred, conveyed or used for any other purpose or purposes whatever.

Annual elections of the first Monday of May. Sec. 5. *Be it further enacted,* That it shall be the duty of the regular members of said societies, after they have become incorporated, to meet annually, on the first Monday of May, at the usual place of holding public worship, and elect their officers or trustees, to serve for the ensuing year: *Provided,* That any future legislature of this state, may make such alterations to this act, as they may think necessary.

Repealing clause. Sec. 6. *And be it further enacted,* That the act, entitled 'An act for the incorporation of religious societies,' passed January seventh, eighteen hundred and seventeen, be, and the same is hereby repealed.

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

JOSEPH RICHARDSON,  
Speaker of the house of representatives,  
ROBERT LUCAS,  
Speaker of the senate.

February 5th, A. D. 1819.

## CHAPTER LV.

An act to change the name of the town of New Lexington, in the county of Fayette.

Whereas great inconvenience doth arise in the town of New Lexington, in the county of Fayette,

ette, in consequence of there being one or more other towns of the same name within this state: Therefore,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the name of the town of New Lexington, in the county of Fayette, be, and the same is hereby changed; and the said town shall henceforth be known and distinguished by the name of Bloomingsburgh; *Provided*, That this change shall in no case be so construed as to affect the right or title of property granted in or to said town of New Lexington.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate.

February 5th, A. D. 1819.

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## CHAPTER LVI.

An act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions.

Sec. 1. *Be it enacted by the general assembly* Pleadings ag  
*of the state of Ohio*, That in all actions brought actions a-  
against any bank or banker, to recover money gainst bank  
due from such bank or banker, upon notes or  
bills by them issued, the plaintiff or plaintiffs in  
such action, may file a declaration for money  
had and received generally, and upon the trial,  
may give in evidence to support the action, any  
one or more notes or bills of such bank or bank-  
er, which such plaintiff or plaintiffs, may hold  
the time of the trial, and shall recover the  
amount thereof, with interest on the whole,  
or any one or more of such notes or bills,

from the day the same was presented for payment and payment thereof refused; which interest shall be computed at the rate of six per centum per annum; and the plaintiff or plaintiffs shall have judgment for the amount of the principal and interest found due by the jury, as for so much principal and damages; and from the rendition of the judgment, the whole sum shall bear interest, at the rate aforesaid, until paid.

*Sec. 2. Be it further enacted,* That a writ of fieri facias shall be the first process upon at judgment obtained against any bank or banker; upon which writ, the sheriff, or other officer, shall enter the banking house of the judgment debtor, and demand payment of the amount of such judgment, interest and costs; and if payment be not immediately made, the officer shall levy upon any books, bank notes, money or other chattels which he may find in the banking house or elsewhere, of the property of the judgment debtor, and shall proceed thereon as in other cases.

*Fieri facias* fieri facias shall be the first process upon at judgment obtained against any bank or banker; upon which writ, the sheriff, or other officer, shall enter the banking house of the judgment debtor, and demand payment of the amount of such judgment, interest and costs; and if payment be not immediately made, the officer shall levy upon any books, bank notes, money or other chattels which he may find in the banking house or elsewhere, of the property of the judgment debtor, and shall proceed thereon as in other cases.

*to be first process upon judgment*

*Manner of executing the writ.*

*Sec. 3 Be it further enacted,* That if the bank or banker, against whom the judgment is had, shall have no banking house, at which such bank or banker transacts banking business, or if no chattel property can be found whereon to make a levy, or if the property taken shall not be sufficient to satisfy the judgment, interest and all costs, the officer shall make return thereof upon the writ; and upon such return being filed in the clerk's office of the court of common pleas of the county where such banking house is situate, the plaintiff in the judgment may thereupon demand a writ of attachment against the rights and credits of such bank or banker; and the clerk shall thereupon issue such

*Further proceedings or writ of attachment*

writ, directed to any proper officer in any county within this state, which writ shall recite the judgment, execution and return upon which it is founded; and the officer receiving such writ, shall summons as a garnishee, any debtor to said bank or banker, that may be within his county, to appear before the court of common pleas, at the return of such writ, and answer such matter, touching any debt he may owe such bank or banker, as may be put to him: *Provided always*, That those persons who have been or are at the time of such service, directors of the bank against which such judgment shall have been entered, and remains unsatisfied, shall in all cases be first summoned as garnishees; and from the time of making said service, all monies due and owing from such debtor to the bank or banker, in the writ mentioned, shall be held and considered as due to the judgment creditor, until his judgment be satisfied; and no payments made thereafter to the bank or banker, with whom the debt was contracted, shall be credited to the person making the same, against the plaintiff in attachment; nor shall the stock owned by any debtor, to the bank or banker, against which proceedings are had under this act, be allowed, as a set off or liquidation, of all or any part of the debts, as against the judgment creditor,

Writ of attachment to issue on demand.

Proceedings thereon.

Proviso,

*Sec. 4. Be it further enacted*, That the cashier, clerk or other officer, having charge of the funds of such bank or banker, may, in like manner, be summoned upon such attachment; and from the time of the service of such summons, all the funds of such bank or banker, shall be bound in law for the payment of the judgment and costs in the writ mentioned.

Cashier may be summoned as garnishee.

**Proceedings on return of writ of attachment for failure to appear and answer on summons.**

**Sec. 5. Be it further enacted,** That at the return term of the writ of attachment, the persons summoned, shall be called upon the second day of the term, and if any person summoned as aforesaid, shall not appear when called, the court shall upon motion, issue a capias to bring such person forthwith before them to answer as herein directed, and every person brought in upon a capias, if upon his answer he shall be discharged, shall nevertheless pay the costs of the proceedings upon which he was brought into court, for which judgment shall be entered against him.

**Manner of rendering judgment on attachment.**

**Sec. 6. Be it further enacted,** That if the persons summoned or any of them, shall appear at the return term of the writ of attachment, the court shall proceed to examine each one separately, upon oath or affirmation touching the amount he was indebted to the bank or banker upon the day the service was made, and shall render judgment separately against each, without declaration or other pleading, for the amount confessed to be due upon that day, except in cases where the persons summoned are any number of them responsible as principals, securities or indorsers for the same debt, in which case there shall be a joint judgment against them for the amount; but in the case of any cashier, clerk or other officer, holding the funds of such bank or banker, if such cashier, clerk or other officer deliver into court all the funds of such bank or banker which he states upon oath or affirmation to have been in his possession upon the day of service of the process upon him, he shall be discharged from all further proceedings, and the funds so delivered up shall be disposed of in such manner as the court may direct, to be applied to the payment

of the judgment, interest and costs, upon which the attachment issued, as well as the costs that may have accrued upon the attachment.

Sec. 7. *Be it further enacted*, That no judgment upon attachment shall be rendered for cost against the person summoned, and where the debt from the person summoned to the bank or banker, is not due until a future day, the time of payment shall be specified in the judgment, and no execution shall issue until after that day; in every other respect execution shall be had upon such judgment as in other cases: *Provided nevertheless*, That execution shall in no case issue against any person against whom judgment is rendered upon the attachment, until after the term of the court next succeeding that at which judgment is rendered.

Further proceedings in entering judgments

Sec. 8. *Be it further enacted*, That for all monies paid upon an attachment under this act the debtor or debtors paying the same shall have credit against the bank or banker to whom the same was due for the amount, and if any overplus shall remain in the hands of the officer after the payment of the original debt interest and costs, and all the costs of the attachment, it shall be paid over to such bank or banker or their order; and if a sufficient sum to satisfy the whole debt and costs as aforesaid, shall not be made upon a first writ of attachment, an alias writ of attachment may issue, upon which the proceeding shall be the same as upon the first writ.

Debtors to have credit for money paid on attachment

Sec. 9. *Be it further enacted*, That where any sum of money due and owing to any bank or banker, shall be secured by endorsements upon the bill, note or obligation for the same, it shall be lawful for such bank or banker to bring a joint action against all the drawers and

Banks to bring a joint action against drawer and endorsers of

recover no  
costs.

Provide as  
to sheriffs  
when col-  
lecting mo-  
ney on bank  
executions

All bank  
notes to be  
issued pay-  
able on de-  
mand.

No notes to  
be issued

endorsers, in which action the plaintiff or plain-  
tiffs may declare against the defendants jointly  
for money lent and advanced, and may obtain a  
joint judgment and execution for the amount  
found to be due; and each defendant may make  
the same separate defence against such action,  
either by plea or upon trial, that he could have  
made against a separate action; and if in the  
case herein provided for, any bank or banker  
shall institute separate actions against drawers  
or endorsers such bank or banker shall recover  
no costs: *Provided always*. That in all suits or  
actions, suits prosecuted by a bank or banker,  
or those claiming as their assignees or under  
them, in any way for their use or benefit, the  
sheriff upon any execution in his hands, in fa-  
vour of such bank or banker, their or his as-  
signee as aforesaid, shall receive the note or  
notes of such bank or banker from the defend-  
ant in discharge of the judgment; and if such  
bank or banker, their or his assignee or other  
person suing in trust for the use of such bank  
or banker, shall refuse to receive such notes  
from the sheriff, the sheriff shall not be liable to  
any proceeding whatever, at the suit or upon the  
complaint of the bank or banker, their or his  
assignee as aforesaid.

Sec. 10. *Be it further enacted*, That it shall  
not be lawful for any bank or banker within this  
state to issue notes or bills, payable at a future  
day; and all notes or bills issued by any bank  
or banker within this state, shall be taken and  
held to be payable upon demand, notwithstand-  
ing any day of payment that may be expressed  
in the body of the same.

Sec. 11. *Be it further enacted*, That it shall  
not be lawful for any bank or banker to issue  
any note or bill, memorandum, receipt or cer-

tificate of credit, for a less sum than one dollar; <sup>passed or re-</sup>  
 and every person who after the fourth day of Ju- <sup>ceive of less</sup>  
 ly next shall pay, offer to pay or receive in pay- <sup>than one dol-</sup>  
 ment, or in any other manner give currency to <sup>lar after 4th</sup>  
 any bank note or bill or other paper evidence <sup>July next,</sup>  
 of bank individual, association company or cor-  
 poration credit, for a less sum than one dollar,  
 whether the same be issued by a bank or banker,  
 individual, association, company or corporation,  
 of this or any other state, shall for every such  
 offence, forfeit and pay the sum of ten dollars,  
 to be recovered in an action on the case upon  
 this act, before any justice of the peace, in the  
 name and for the use of any person who will sue  
 for the same: *Provided*, That this penalty shall  
 not be incurred by any person who may present  
 such note, bill or certificate of credit, to the bank  
 or banker, individual, association, company or  
 corporation that issued the same, for payment  
 or redemption.

Sec. 12. *And be it further enacted* That the <sup>Commence-</sup>  
 first, second, ninth, tenth and eleventh sections <sup>ment.</sup>  
 of this act, shall take effect and be in force  
 from and after the fourth day of July next; and  
 the third, fourth, fifth sixth, seventh and eighth  
 sections of this act, shall take effect and be in  
 force from and after the first day of December  
 next.

JOSEPH RICHARDSON,

Speaker of the house of representatives,

ROBERT LUCAS,

Speaker of the senate,

February 5th, A. D. 1819.

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## CHAPTER LVII

**An act to establish the line between the counties of Adams and Brown.**

Whereas a difference of opinion has arisen between the surveyors of Adams and Brown counties as to the course that the said line should be run: Therefore,

**Sec. 1.** *Be it enacted by the general assembly of the state of Ohio,* That the line between the counties of Adams and Brown, as is called for in the first section of the act to erect the county of Brown, shall be run north and south, from the beginning thereof, by the present point of the needle, without allowing any variation of the compass thereon; and the surveyors aforesaid shall govern themselves accordingly.

This act shall take effect and be in force from and after the passage thereof.

**JOSEPH RICHARDSON,**  
Speaker of the house of representatives.  
**ROBERT LUCAS,**

Speaker of the senate.

February 5th, A. D. 1819.

## CHAPTER LVIII.

**An act to amend the act, entitled 'An act to appoint an agent to lease the salt spring, and the section including the same, near the Muskingum river.'**

Whereas, in the first section of the above recited act, an error occurred in stating that the section of land alluded to in the said act, was in the military tract, when it is found, on examination, to be a congress reservation: Therefore.

**Sec. 1.** *Be it enacted by the general assembly of the state of Ohio.* That Willis Siliman, of the town of Zanesville, be, and he is hereby appointed agent for leasing the salt spring, near the Muskingum river, with the section including the same, it being section nine, in township eleven, range thirteen, being a congress reservation: said agent in all respects to be governed by the provisions of the above recited act; which, with the exception of the error aforesaid, is hereby declared to be in full force.

This act to take effect and be in force from and after the passage thereof.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 5th, A. D. 1819.



## CHAPTER LIX.

An act further to amend the several acts establishing the Miami University.

**Sec. 1.** *Be it enacted by the general assembly of the state of Ohio,* That it shall and may be lawful for any citizens within this state, to be appointed as trustees of the Miami University: *Provided,* That not more than four shall reside out of the limits of John Cleves Symmes' purchase, and that neither of them shall reside within the college township, on which said university is established: *And provided,* That the following named persons be added to the board of trustees to wit: Reverend Alexander Porter and David Purviance of Preble county, to continue in-office until the twenty ninth day of Jan-

uary, one thousand eight hundred and twenty-one.

*Sec. 2. And be it further enacted,* That the president, trustees, and all other officers that may hereafter be appointed, agreeably to the provisions of the act to which this is an amendment, shall, previously to entering upon the duties of their respective appointments, severally take an oath or affirmation, faithfully and impartially to discharge the same.

This act to take effect and be in force from and after the passage thereof.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate.

February 5th, A. D. 1819.



## CHAPTER LX.

**An act, to amend the act, entitled 'An act authorising the trustees of the original surveyed townships in the county of Fairfield, to grant permanent leases for their reserved sections, number sixteen, within said county.'**

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That it shall hereafter be lawful for the trustees of any of the reserved sections, number sixteen in any original surveyed township, in the county of Fairfield, and such parts of the counties of Perry and Hicking which formerly belonged to Fairfield, to lease one or more lots to any person or persons, who may apply for the same under the provisions and restrictions of the act to which this is an amendment and under the further restriction, that no lessee shall be permitted to

Restriction of leases to be granted

lay off a town, or any lot or lots, on any of the reserved sections within the above limits: *Provided*, That the said trustees shall not be compelled to grant a lease or leases to any person or persons applying as aforesaid, except to present lessees, who have in all respects complied with his, her or their former lease or leases, unless in their opinion such applicant or applicants has generally maintained a good character, and would be likely to comply with the conditions of his, her or their lease or leases.

Sec. 2. *Be it further enacted*, That the clerks to the trustees of any reserved section, in any township within the limits aforesaid, shall proceed to record in a well bound book to be by him provided for that purpose, the field notes of any surveyor who has, or may hereafter be employed for the purpose of dividing any reserved section into lots, and generally he shall keep a fair and accurate record of all the transactions relative to the reserved section within his township, Duty of township clerks.

Sec. 3. *Be it further enacted*, That the trustees shall receive one dollar each per day, for every day they may be necessarily employed in attending to the duties required of them by this act or the act to which this is an amendment; and the clerk shall receive for any lease he may record, seventy-five cents, to be paid by the lessee; and for all other services required of said clerk he shall receive such compensation, as the trustees, or a majority of them, shall think reasonable, which together with the allowance heretofore made to the trustees, and the price of books and stationery, and other incidental expenses shall be paid out of the funds of the institution, Compensation to trustees.  
Clerks fees.  
Incidental expenses how paid.

This act shall be in force from and after the passage thereof.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 5th, A. D. 1819.

## CHAPTER LXI.

An act, to authorise Elmore Williams, and his associates, to erect a toll bridge over Mill Creek, in the county of Hamilton.

**Names of the firm.** *Sec. 1. Be it enacted by the general assembly of the state of Ohio.* That Elmore Williams, Jacob Williams, Ezekiel Hutchinson, Clark Bates, John Riddle, their associates and successors, or a majority of them, be and they are hereby authorised to erect a toll bridge across Mill creek at a place commonly called Henry's ford, at or near where the great road leading from Cincinnati to Hamilton crosses said creek: *Provided,* They own the land on both sides of said creek or shall obtain written authority so to do, from the owner or owners thereof.

**Proviso as to owning the land.**

**Construction of the bridge.**

*Sec. 2. Be it further enacted,* That if the said Elmore Williams, Jacob Williams, Ezekiel Hutchinson, Clark Bates, John Riddle, and their associates, shall erect and complete said bridge in a substantial manner, made a proper width, having a convenient foot way, with hand railing and cart way, and in other respects of sufficient strength and dimensions, so as to admit the safe passage of passengers, carriages, waggons and carts, within three years from the passage of this act, they shall enjoy all the privi-

leges and emoluments secured to them by this act, so long as they shall keep the same in complete repair.

Sec 3 *Be it further enacted*, That after the completion of the bridge as aforesaid, the said Elmore Williams, Jacob Williams, Ezekiel Hutchinson, Clark Bates, John Riddle, and their associates, their heirs, and successors, are hereby authorized to ask, demand and receive from passengers, who may cross said bridge, the following rates of toll, to wit: For every foot passenger, six and one fourth cents; for each horse, mule or ass, one year old and upwards, six and one fourth cents; for each horse and rider, twelve and one half cents; for each four wheel pleasure carriage, drawn by two horses, fifty cents; for every horse in addition, twelve and one half cents; for each pleasure carriage of two wheels drawn by one horse, twenty five cents; for each horse in addition, twelve and an half cents; for each one horse pleasure waggon, twenty five cents; for each waggon drawn by two horses, thirty-seven and one half cents; for each horse in addition, six and one fourth cents; for each cart, sled or sleigh, drawn by one horse or ox, including the driver, twenty five cents; for each horse, or ox in addition, six and one fourth cents; for each head of neat cattle six months old and upwards, two cents; for each head of sheep or hogs, one cent: *Provided always*, That all public mails, expresses and passengers that are exempt from the payment of ferriages within this state, or which may be hereafter, shall pass on said bridge free from toll, together with the troops of the United States, or this state, with their artillery, baggage and stores, all persons going to, or returning from public worship, on the first day

Rates of toll.

Provide as to exempt.

of the week, or going to or returning from funerals all persons going to or returning from elections.

Rates of toll to be posted up.

Penalty for receiving improper toll.

Sec. 4. *And be it further enacted* That it shall be the duty of the said Emory Williams, Jacob Williams, Ezekiel Hutchinson Clark Betts, John Riddle, their associates and successors, to cause to be set up on or near said bridge, a board or sign with the rates of toll by this act allowed, printed or engraved thereon in a legible manner, and the same to keep up at all times for the inspection of passengers; and if they shall at any time demand and receive any higher toll than is by this act allowed, they shall be subject to the like fines and penalties as are provided in case of ferries: *Provided also*, That the rates of toll allowed by this act, shall not be reduced until the year eighteen hundred and forty: *Provided' also*. That the ford on said creek shall in no way be obstructed, nor the road leading to and from the same, by the building of said bridge, but shall be kept open at all times for the passage of travellers

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 8th, A. D. 1819.

## CHAPTER LXII.

An act to authorise Andrew Huston, Daniel Turney, James Bell, Jonathan Renick, and their associates, to erect a toll bridge across the Scioto river.

Sec. 1 *Be it enacted by the general assembly of the state of Ohio*, That Andrew Huston, Daniel Turney, James Bell, Jonathan Renick,

their associates and successors, be, and they are hereby authorised to erect a toll bridge across the Scioto river, opposite the town of Circleville: *Provided*. They own the land on both sides of said river, or shall obtain the consent of the person or persons owning the same: *And provided also*. That the navigation of said river shall not be obstructed by the erection of said bridge, nor the fording, or any road leading thereto, be in any wise impeded, so as to prevent travellers or citizens from passing and re-passing when said river is fordible.

Site of the bridge.

Proviso as to owning the land.

Ford not to be obstructed.

*Sec. 2. Be it further enacted*, That the building, superintendance and management of said bridge, shall be conducted by the before mentioned persons, and their associates, or a majority of them, who shall meet at a certain time and place, before they proceed to the erection of said bridge, and elect, from their own body, a president, secretary and treasurer, and may appoint a toll gatherer, and such other assistants as may be necessary; and may require of each person so elected or appointed, bond and security for the faithful discharge of the trust assigned him.

Officers of the corporation enumerated.

*Sec. 3. Be it further enacted*, That if the said Andrew Huston, Daniel Turney, James Bell, Jonathan Renick, and their associates and successors, shall erect and complete the said bridge in a sufficient manner, made of a proper width, having a convenient footway, with hand railing and cart way, and in other respects of sufficient strength and dimensions so as to admit of the safe passage of passengers, carriages, waggons, carts, &c within five years from the passage of this act, they shall enjoy all the privileges and emoluments secured to them by this

Construction and time of erecting the bridge.



act so long as they keep the same in complete repair.

**Rates of toll.** *Sec. 4. Be it further enacted* That after the completion of the bridge as aforesaid, the said Andrew Huston Daniel Turney, James Bell, Jonathan Renick their associates and successors, are hereby authorised to ask, demand and receive, from passengers who may cross said bridge, the following rates of toll, to wit: For each foot passenger, three cents; for each horse, mule or ass, one year old and upwards, six and one fourth cents; for each horse and rider, twelve and an half cents; for each waggon or four wheeled carriage drawn by two horses or oxen, including the driver, thirty-seven and an half cents; for each horse or ox in addition, six and one fourth cents; for each cart, sled or sleigh, drawn by one horse or ox, including the driver, twenty-five cents, for each horse or ox in addition, six and one fourth cents; for every head of neat cattle, six months old and upwards two cents; and for every head of sheep or hogs, one cent. *Provided always.* That all public mails and expresses which are exempt from the payment of ferriages, within this state, or which may hereafter be exempt, shall pass free on said bridge from toll, together with all troops of the United States, or of this state, with their artillery, baggage and stores; all persons going to and returning from public worship, on the first day of the week, or going to and returning from funerals: *Provided also,* That if the said Andrew Huston, Daniel Turney, James Bell, Jonathan Renick, their associates and successors, shall at any time demand and receive any higher or greater toll than is by this act provided, they shall be subject to the like fines and penalties as are or may be provided in cases of fer-

**Proviso as to  
exempts-**

**Penalty for  
receiving im-  
proper toll.**

ies: *And provided nevertheless,* That any future legislature may regulate the rates of toll aforesaid, after the year one thousand eight hundred and forty.

Sec. 5. *Be it further enacted,* That the said Andrew Huston, Daniel Turney, James Bell, Jonathan Renick their associates and successors shall, previous to receiving toll, set up and keep on the margin of said river, near said bridge, a post and board, on which shall be printed or painted, in a conspicuous manner, the rates of toll allowed by this act. <sup>Rates of toll to be posted up</sup>

Sec. 6. *And be it further enacted,* That if the said Andrew Huston, Daniel Turney, James Bell, Jonathan Renick, their associates and successors, shall not complete said bridge in the time and manner aforesaid, or shall at any time use any of the funds employed in erecting or arising from said bridge for banking purposes, or strike and circulate any paper, in either case, all the privileges hereby granted shall cease and determine, any of the provisions of this act to the contrary notwithstanding. <sup>Banking prohibited.</sup>

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 5th, A. D. 1819.

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### CHAPTER LXIII.

An act to amend the act, entitled 'An act authorising the auditor to proceed against William W. Cotgreve, register of the Virginia Military School lands, and for other purposes,' passed January 30, 1818.

Whereas, by the first section of the above Preamble recited act, it was made the duty of the auditor

to commence suit against William W. Cotgreve, register of the Virginia Military School lands; and whereas suit has been commenced, and no provision having been made for defraying the expenses thereof:

**Power and duty of auditor.** Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the auditor is hereby authorised to prosecute any suit already commenced, under the provisions of the first section of an act, entitled 'An act to authorise the auditor to commence suit against William W. Cotgreve, register of the Virginia Military School lands,' passed January 30. 1818, or to commence any new suit or suits that may become necessary to carry into effect the provisions of the above recited act: any expenses that may have accrued, or that may hereafter accrue in the prosecution thereof, shall be paid out of the proceeds of the Virginia Military School fund; and the auditor is hereby required to lay a statement of the same before the legislature at their next session.

**Commencement.** This act to take effect and be in force from and after the passage thereof

JOSEPH RICHARDSON,  
Speaker of the house of representatives,  
ROBERT LUNAS,

Speaker of the senate

February 6th, A. D. 1819.

#### CHAPTER LXIV.

An act levying a tax on venders of foreign merchandise,

**Foreign merchandise to be retailed.** Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That no person shall be permitted to retail any merchandise other than the growth or manufacture of the United

**States, within this state, or on any of the waters** without li-  
 running through, or bounding on the same, un-  
 less such person shall first have obtained a li-  
 cense from the court of common pleas, whilst  
 in session, of the county in which such mer-  
 chandise may be offered for sale, or a permit  
 from the clerk thereof, in the course of the re-  
 cess of the court; the price of which license  
 shall not be less than ten, nor more than one  
 hundred dollars, to be determined by said court,  
 according to apparent business done by the ap-  
 plicant for said license, taking into considera-  
 tion his situation for vending of said merchan-  
 dise.

without li-  
cense.

Manner of  
obtaining &  
price of li-  
cense.

**Sec. 2. *Be it further enacted,*** That all ap-  
 plications for license made necessary by this act,  
 shall be made to the court of common pleas of  
 the proper county, whilst in session, except as  
 before excepted, and on the court agreeing to  
 grant the same, the clerk shall by them be di-  
 rected to give the applicant a certificate thereof,  
 mentioning therein the price of the licence,  
 which the applicant shall deliver to the treasu-  
 rer of the county, and pay him the sum therein  
 specified, taking his receipt therefor, and shall  
 deliver the same to the clerk of the court, who  
 shall thereupon give him a license, for which he  
 shall pay to said clerk fifty cents.

Time and  
manner of  
making ap-  
plication.

**Sec. 3. *Be it further enacted,*** That if any  
 person shall retail any merchandise not the  
 growth or manufacture of the United States,  
 without first having obtained license or permit  
 therefor, the person, offending, shall forfeit and  
 pay for every such offence, a sum not exceed-  
 ing one hundred dollars, at the discretion of the  
 court, with costs, on the presentment or indict-  
 ment of the grand jury, who is hereby required  
 to take cognizance of all offences specified in

Penalty for  
retailing  
without li-  
cense.

this act, and the license of such offender shall be suspended for the space of four months.

**License to continue one year.**  
**How renewed.**  
 Sec. 4. *Be it further enacted,* That all licenses granted under this act, shall be dated on the day granted, and shall be good for one year and no longer; but any person whose license expires in the recess of the court, may apply to the clerk, who shall grant a permit until the next court, on the applicant's having paid the amount of the price thereof to the county treasurer, and producing his receipt thereof; and the said clerk shall keep a record of all licenses and permits, granted as aforesaid.

**Penalty for pedling without license.**  
 Sec. 5. *Be it further enacted,* That all tin pedlers and travelling merchants of every description, previous to their engaging in trade, shall obtain from the clerk of the court of common pleas of each county, in which they may offer goods for sale, within this state, a license authorising them to trade for one year from the date thereof; for which license, the person applying, shall pay to the county treasurer eighteen dollars for the use of the county, and shall also pay fifty cents to the clerk for his fees; and if any pedler or travelling merchant, shall hereafter be found in any part of this state offering to trade without first having obtained a license, as herein provided, or shall, on the demand of any person of lawful age, neglect or refuse to shew his or their license; as evidence of his or their being legally licensed to sell or vend merchandise, it shall be taken and deemed as good evidence against him or them, of his or their not having obtained license, agreeably to the provisions of this act, every such person shall be liable to pay sixty dollars, for the use of the county, with costs, to be recovered be-

fore any justice of the peace of the county where the offence shall be committed.

Sec. 6. *Be it further enacted*, That so much of the act, entitled 'An act for granting license and regulating f rries, taverns and stores ' passed February the eighth, one thousand eight hundred and ten, as comes within the purview of this act, shall be, and the same is hereby repealed.

Repealing  
clause.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,

Speaker of the senate.

February, 6th, A. D. 1819.

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#### CHAPTER LXV.

An act to amend and revise the act, entitled 'An act to regulate the Scioto salt works,' passed February nineteenth eighteen hundred and ten

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the agent of the Scioto salt works, be and he is hereby authorised and required, to grant leases for the term of ten years, from the first of March next, to such persons as now are or hereafter may be engaged in making salt at said works, under the regulations and restrictions pointed out in the act to which this is an amendment.

Agent to  
grant leases  
for ten years.

Sec. 2. *Be it further enacted*, That the agent as aforesaid, shall lease to such persons as may apply therefor, at his discretion, such land within the reserve at said works that may be wanted for cultivation or pasture, under such regulations as he may deem most advantageous to the state, for the term prescribed in the first section of this act, with a special condition, that

Conditions  
of the leases  
to be  
granted.

if the state should hereafter be authorised and direct the sale of said lands, that the lessee will thereupon give peaceable possession of such lands, with the improvements thereon, in good repair to the purchaser or purchasers on demand: *Provided*, That none of said lands shall be leased for less than fifty cents per acre per annum.

**Agents fees** Sec. 3. *Be it further enacted*, That the agent shall be entitled to one dollar for each lease executed as aforesaid, to be paid by the person obtaining the same.

**Commencement,** This act to take effect and be in force from and after the passage thereof.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate

February 8th, A. D. 1819.

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## CHAPTER LXVI.

An act to authorise the trustees of township two, in range eight, within the Ohio Company's Purchase, in the county of Washington, to make a distribution of school funds in said township.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the trustees of the second township in the eighth range, within the Ohio Company's Purchase, are hereby authorised and they shall hereafter, apportion the nett proceeds of school section lot, number sixteen, in said township to the different school districts, in said township in proportion to the number of scholars in each district, any law to the contrary notwithstanding.

This law to take effect from and after the passage thereof.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 6th, A. D. 1819.

### CHAPTER LXVII.

An act to authorise Ziba Lindly, and his associates, to erect a toll bridge across the Hockhocking river.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That Ziba Lindly, his associates or successors, be and they are hereby authorised to erect a toll bridge across the Hockhocking river, near the site of the college edifice, in the town of Athens, at such place as shall be fixed on by the commissioners of Athens county: *Provided*, said Ziba Lindly, and his associates, shall own the land on both sides of the aforesaid river: *And provided also*, That the navigation of said river shall not in any wise be obstructed by the erection of said bridge, nor the fording or any road leading thereto, be in any wise impeded, so as to prevent travellers or citizens from passing and re-passing when said river is fordable.

Site of the bridge.

Provided:

Navigation nor fording not to be obstructed.

Sec. 2. *Be it further enacted*, That if said Ziba Lindly, his associates or successors, shall erect and complete the said bridge, in a sufficient manner, made of a proper width, having a convenient foot way, with hand railing and cart way, and in other respects of sufficient strength and dimensions, so as to admit of the safe passage of passengers, carriages, carts, waggons, &c. within four years from the pas-

Bridge to be built in four years.



sage of this act, they shall enjoy all the privileges and emoluments secured to them by this act so long as they shall keep the said bridge in complete repair.

**Sec. 3.** *Be it further enacted,* That after the completion of said bridge as aforesaid, the said Ziba Lindly, and his associates or successors, are hereby authorised to ask, demand and receive, from passengers who may cross said bridge, the following rates of toll, to wit: For each foot passenger, three cents; for each horse, mule or ass, one year old and upwards, six and one fourth cents; for each horse, mule, ass and rider, twelve and one half cents; for each waggon, four wheeled carriage, cart, sled or sleigh, drawn by one horse, mule, ox or ass including the driver, eighteen and three fourth cents; for each horse, mule, ox or ass in addition, six and one fourth cents; for each head of neat cattle, one year old and upwards two cents; for each head of hogs, one cent: *Provided always,* That all public mails, expresses and passengers, which are exempt from the payment of ferriages within this state, or hereafter may be exempted. shall pass on said bridge free of toll, together with all the troops of the United States and of this state, with their artillery, baggage and stores, all persons going to and returning from public worship on the Sabbath, all funeral processions and all persons going to and returning from elections: *Provided also,* That if the said Ziba Lindly, his associates or successors, shall ask or demand any higher or greater toll than by this act is allowed. they shall be subject to like fines and penalties as persons in cases of ferries.

**Sec. 4.** *Be it further enacted,* That any future legislature may regulate the toll aforesaid,

Rates of toll.

Proviso as to exempts.

Further proviso.

Toll may be regulated.

after the year one thousand eight hundred and forty.

Sec. 5. *Be it further enacted*, That the said Ziba Lindly, his associates or successors, previous to receiving toll, shall set up and have in a conspicuous place, on the margin of said river and near said bridge, a post and board, on which shall be printed or painted the rates of toll allowed by this act

Rates of toll to be posted up.

Sec. 6. *Be it further enacted*. That said Ziba Lindly and his associates or successors shall, within one year from and after the passage of this act, give bond, with sufficient security, to the commissioners of Athens county, to their acceptance, in the sum of five thousand dollars, that they or their successors, will build and complete the said bridge in the time, and as specified in the second section of this act; and if the said Ziba Lindly his associates or successors, shall fail to give bond as above required, and as specified in this section then all the privileges granted by this act shall cease.

Z. Lindly, &c. to give bond for performance.

Sec. 7. *And be it further enacted*, That it shall be the duty of the said Ziba Lindly, and his associates, or their successors to keep a just and accurate account of the expence of building said toll bridge, and shall present the amount, properly authenticated, to the commissioners of Athens county, and it is hereby made the duty, of the commissioners to record the same; and if at any time after the said bridge is completed, the commissioners shall deem it expedient to purchase the same for the use of the public, and shall pay the said Ziba Lindly and his associates, or their successors, the amount of their expences, with six per cent, there on then, and in that case the said bridge shall become public property and be free from toll.

A bill of expences to be kept and filed with the commissioners of the county, who may purchase the bridge for the public.

**Commence-  
ment.** This act to take effect and be in force from and  
after the first day of May next.

**JOSEPH RICHARDSON,**  
Speaker of the house of representatives.

**ROBERT LUCAS,**

Speaker of the senate.

February 6th, A. D. 1819.

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### CHAPTER LXVIII.

An act for the relief of John Knisely, Michael Swag-  
ler, Frederick Maish and George Stefter.

**Preamble.** Whereas it has been represented to this ge-  
neral assembly that John Knisely, Michael Swag-  
ler, Frederick Maish and George Stefter became  
the security of John W. Omsler for the de-  
livery of one hundred and twenty thousand  
brick, at the centre of New Philadelphia; and  
whereas he, the said John W. Omsler, has ab-  
sconded and does not comply with said contract:  
and that they, the securities of the said John  
W. Omsler, have to comply with the said con-  
tract, in the penal sum of one thousand dollars:  
Therefore,

**General pro-  
vision  
of the law.** *Sec. 1. Be it enacted by the general assembly  
of the state of Ohio,* That the commissioners  
of Tuscarawas county be, and they are hereby  
authorised and required to allow John Knisely,  
Michael Swagler, Frederick Maish and George  
Stefter securities for the aforesaid John W.  
Omsler, such sum or sums of money over and  
above that stipulated in the aforesaid contract,  
as in their opinion may be just and reasonable  
to indemnify them, to be paid out of the coun-  
ty treasury of Tuscarawas county, on the order  
of the commissioners of said county, or a ma-  
jority of them: *Provided nevertheless,* That

**Proviso.**

the aforesaid securities shall well and truly perform the contract above stated, according to their bond.

This act to take effect and be in force from and after the passage thereof. Commence-  
ment.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

February 8th, A. D. 1819.

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## CHAPTER LXIX.

An act, for leasing section sixteen, in township fifteen, of range thirteen, in Wayne county, and for other purposes.

Whereas, it is represented to this general assembly, that section No. sixteen, in the original surveyed township No. fifteen, in range No. thirteen, in Wayne county, is almost an entire swamp prairie, which cannot be reduced to cultivation by any person, under any lease that may be granted according to the present law, without great loss—in consequence whereof, the same cannot be leased; and whereas it is of importance that an effort should be made to bring the said section into usefulness: Preamble.

Therefore,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the trustees of the original surveyed township aforesaid, be and they are hereby authorised, to lease the said section number sixteen, upon the following terms and conditions, to wit: a lease upon the same for the term of ninety nine years, shall be set up for sale to the highest bidder; the lessee shall stipulate to use his endeavors to render the Conditions  
of the lease.

said section of land fit to cultivate, and to preserve and secure the timber, except so much as may be necessary for the improvement of the said section of land; and the lessee shall also stipulate to pay a rent of six per centum on the purchase money, yearly and every year, upon the first day of April, which purchase money shall not be less than two dollars per acre for the land.

**Sec. 2. *Be it further enacted.*** That the lessee or lessees his, her or their heirs or assigns shall have the power to assign his, her or their whole lease, or make under leases, as he, she or they may think proper; the assignee or under lessee shall be bound for the performance and observation of the original lease; when the sale is made, the said trustees shall make and execute a lease agreeably to the conditions of this act, which shall be subscribed as well by said trustees as by the lessee, and in other respects executed as deeds are and recorded in the said county of Wayne, and the original deposited with the trustees of the original surveyed township aforesaid.

Time and notice of sale to be given.

**Sec. 3 *Be it further enacted.*** That the trustees aforesaid, shall offer the aforesaid section of land for sale, on or before the fifteenth day of May, one thousand eight hundred and nineteen, by giving at least three weeks notice of the time and place of sale, by advertisement set up in four of the most public places in said township, and in a newspaper printed in the town of Wooster; and at the time and place appointed, the said trustees shall proceed to sell the aforesaid section of land, agreeable to the provisions of this act: *Provided*, such sale shall not interfere with any lease heretofore granted for said section or any part thereof.

**Sec. 4. *Be it further enacted,*** That all mo-

nies arising from said section number sixteen, under the provisions of this act. shall be collected and distributed for the use of schools in said township, in every respect according to the provisions of the act, entitled An act to incorporate the original surveyed townships, passed February the sixth eighteen hundred and ten: *Provided*, That if the trustees aforesaid, should be prevented from making sale of said section, within the time provided by the third section of this act, it shall be lawful for them to proceed to sell the same at any other time previous to the first day of October next; by giving notice as is herein provided.

Proceeds  
how disposed  
of.

JOSEPH RICHARDSON;  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate.

February 6th, A. D. 1819.

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### CHAPTER LXX.

An act, to amend the act, entitled 'An act to erect the county of Brown.

*Sec. 1. Be it enacted by the general assembly of the state of Ohio*, That from and after the first day of June next the courts of the county of Brown, shall be holden at the place fixed upon as the seat of justice by the commissioners appointed by the general assembly at its last session, until a permanent seat of justice shall be established for said county, and that so much of the act to which this is an amendment, as refers to holding the courts of said county at the house of Alexander Campbell, in the town of Ripley, be and the same is hereby repealed.

This act to take effect and be in force from and after the passage thereof.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 8th, A. D. 1819.

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CHAPTER LXXI.

An act, to prohibit the practice of buying and receiving bank notes at a discount.

- All bank notes to pass at par.**      *Sec. 1. Be it enacted by the general assembly of the state of Ohio* That it shall not be lawful for any person, within this state, to purchase, receive in payment, or receive upon any kind of barter or exchange whatever, any bank note or bank notes for a less amount than the sum expressed to be due in the body thereof: and every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in any sum not exceeding five hundred dollars, to be recovered upon indictment and applied in aid of county taxes of the county where the offence was committed.
- Penalty for receiving or paying away notes at a discount.**
- Persons paying away notes at a discount may, on suit recover back the difference.**      *Sec. 2. Be it further enacted.* That any person who may sell, or give in payment, or upon any kind of barter or exchange, any bank note or bank notes for a less amount than the sum expressed to be due in the body thereof, may recover back the amount of difference between the sum received, and the amount expressed to be due in the body of such bank note or bank notes, from the person so purchasing or receiving the same: where such amount of difference is less than seventy dollars, an action therefor

shall be brought before a justice of the peace, in which the first process shall be a *capias*, and judgment shall go according to the proof, but in no case shall the defendant have stay of execution: when the amount of difference shall exceed seventy dollars, the plaintiff may recover back the difference from the persons receiving the same, in action for money had and received, or, at his election, may file a bill in chancery in the court of common pleas, against the person purchasing or receiving the bank note or bank notes, for less than the sum expressed to be due in the body thereof, charging the facts of the case, and calling upon the defendant to answer thereto upon oath; and if the defendant shall deny the allegation in the bill, it shall be dismissed with costs: if the defendant shall confess all or any of the facts charged in the bill, the decree shall be accordingly; but the confessions made before a justice, or in the answer, shall not be given in evidence for or against such defendant, upon the trial of any indictment, against him for the same matter, founded upon and prosecuted under this act.

Proceedings  
thereon.

This act to take effect and be in force from and after the fourth day of July next.

Commence-  
ment.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

February 8th, A. D. 1819.

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## CHAPTER LXXII.

An act to amend the act, entitled 'An act incorporating the Circulating Library Company, of Cincinnati.'

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That whenever any stockholder shall be indebted and in arrear to said society, for the space of six months, at any one time, on account of taxes, fines or forfeitures, and shall neglect or refuse to pay the same. the share or shares of such delinquent stockholder, shall be forfeited to the use of said society: *Provided,* Three weeks previous notice of such forfeiture be given such delinquent stockholder, either by a service of personal notice, or by a public notice in one of the newspapers of the town; and in case of public notice, it shall be sufficient to designate the shares by their number and not by the name of the holder thereof.

This act to take effect and be in force from and after the passage thereof.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

February 8th, A. D. 1819.



## CHAPTER LXXIII.

An act to establish a college in the town of Worthington.

*Sec. 1. Be it enacted by the general assembly of the state of Ohio* That there shall be a college instituted and established in the town of Worthington, in the county of Franklin, on such lot or lots of land in said town, as the trust-  
 Institution.

tees hereinafter appointed, may procure by purchase, grant, gift or otherwise, by the name and style of 'The Worthington College,' for the instruction of youth in all the liberal arts and sciences, in virtue, religion and morality, and for conferring all the degrees and literary honors granted in similar institutions.

Sec. 2. *Be it further enacted*, That Philander Chase, James Kilbourn, Thomas S. Webb, Chester Griswold, Recompence Stansbury, Chauncy Barker, Stephen Maynard, Ezra Griswold, Benjamin Gardiner, Orris Parish Lucas Sullivant and Leonard H. Cowles, be, and they are hereby erected a body politic and corporate, by the name and style of the 'President and Trustees of the Worthington College;' and that they and their successors in office shall be and remain a body politic and corporate in law, by the name aforesaid.

Sec. 3. *Be it further enacted*, That said trustees shall have power and authority to elect a president, who shall preside in said college, and also to appoint a secretary and treasurer, professors, tutors, instructor- and all such officers and servants in the college as they shall deem necessary for carrying into effect the designs of the institution; and shall have authority, from time to time, to determine and establish the name, numbers and duties of all the officers and servants to be employed in the college, except wherein provision is made in this act; and may empower the president, or some other member of the corporation, to administer such oaths as they shall appoint and determine, for the well ordering and good government of said college.

Sec. 4. *Be it further enacted*, That said corporation shall have power and authority, from

Trustees  
named.

Power of the  
trustees in  
electg officers,  
&c.

By laws may  
be enacted.

time to time, to make and ordain reasonable rules, orders and by laws, for the government of the corporation, not incompatible with the constitution, laws and ordinances of the United States, or this state, and the same to amend and revise, or repeal, as occasion may require, and also to determine the salaries, emoluments and tenures of their several offices.

Triennial election for trustees to be holden.

Sec. 5. *Be it further enacted,* That the successors of the trustees composing the corporation of said college, as by this act provided, shall be elected triennially, on the first Monday of January, between one and five o'clock, P. M. at the college edifice, by the donors or subscribers to the funds of the institution: the first election to be holden on the first Monday of January that will be in the year 1824, until which time the management of the college shall be by the trustees herein appointed; and it shall be lawful for the trustees appointed or elected as aforesaid, to continue in office, and to discharge the duties appertaining thereto, until their successors are elected and duly qualified; and it shall be the duty of the board of trustees, at their first meeting after their election or appointment, as aforesaid, to appoint one of their number as president of their corporation, who shall preside in all meetings of the board, when present, and when he shall be absent, the board may appoint one of their own body president pro tem.

A president to be appointed.

Sec. 6. *Be it further enacted,* That all elections shall be by ballot; and at every election, each donor or subscriber, who may have, or may hereafter contribute to the funds of said college, or of the Worthington Academy, their heirs or assigns, shall be entitled to one vote for every share, subscription or donation by them

Elections to be by ballot.

owned, given or made, to the amount of twenty-five dollars.

Sec. 7. *Be it further enacted,* That whenever the president, or any other officer of the corporation, or professor, or tutor of the college, shall be removed, by death, resignation, or otherwise, the corporation shall hold a meeting (due notice of the design of which meeting having been given to the several members by the secretary of said corporation, at least thirty days before the time of holding said meeting) for the supplying such vacancy; and in order to elect a president, or other officer of the corporation, or professor, or tutor of the college, there shall be at least two thirds of the whole number of said trustees present, and the said election shall be by ballot.

Vacancies  
to be filled.

Sec. 8. *Be it further enacted,* That the president, and such professors, tutors and instructors, as the corporation shall appoint for that purpose, shall be styled 'The Faculty of the College;' and shall have power and authority, from time to time, to ordain, regulate and establish the mode and course of instruction and education to be pursued in the college; and also, to make, publish and execute such code of rules, regulations and by-laws, as they shall deem necessary for the well ordering and good government of the college, and to amend or repeal any part thereof; which rules, regulations and by-laws, shall continue in force till altered or disapproved of by the corporation; and it shall be the duty of the faculty to lay before the corporation, from time to time, accurate statements of all their proceedings; and the faculty shall direct, and cause to be holden in said college quarterly, in every year, a public examination; at which time the faculty shall attend, when each class

Style of the  
president,  
professors,  
&c.

Their powers.

Quarterly  
examination  
to be holden

of the students shall be examined relative to the proficiency they shall have made in the particular arts and sciences, or branch of education, in which they shall have been instructed.

Sec. 9. *Be it further enacted*, That the corporation may have and keep one common seal, which they may change, or alter at pleasure, and that all deeds or instruments of writing, signed and delivered by the treasurer, and sealed with the corporation seal, by order of the president and trustees shall, when made in their corporate name, be considered in law as the deed and act of the corporation; and the corporation shall be capable of suing and being sued, pleading and being impleaded in any action real, personal or mixed, and the same to prosecute and defend to final judgment and execution, by the name of 'The president and trustees of the Worthington College;' *Provided*, That when any suit shall be commenced against the said corporation, the process shall be by summons and the service made by the officer leaving an attested copy of such process with the treasurer of the said corporation, at least ten days before the return day of such process; and the said corporation shall be capable of having, holding and taking in fee simple, or any less estate, by gift, grant, devise or otherwise, any lands or other estate, real or personal, which shall be exclusively applied to the erection of suitable buildings and other accommodations, and the cultivation and improvement of the arts and sciences in said college.

May have a  
common  
seal.

May sue &  
be sued.

Proviso.

May hold  
estate to any  
amount.

Repealing  
clause.

Sec. 10. *Be it further enacted*, That so much of the act, entitled 'An act to incorporate the Worthington Academy,' as requires the appointment of a board of trustees, be and the same is hereby repealed; and that the board of

trustees of the Worthington College, shall be, and they are hereby authorised, to exercise all the powers granted by that act, to the trustees of the Worthington Academy; and it shall be lawful for the trustees of the Worthington College to apply the funds of the aforesaid Worthington Academy, for the use of the Worthington College, and in all respects to manage the affairs of the said academy, in the same manner as the board of trustees of said academy are by law authorised to do.

*Sec. 11. Be it further enacted,* That until a president of the said college shall be elected, and shall have entered upon the duties of his office, and also in all cases of a vacancy or the absence of the president, the said trustees shall appoint one of their members to preside in their meetings; and all the doings and acts of the trustees, while acting under such circumstances, shall be considered in law as the doings and acts of the corporation, as fully and completely as when the president of the college shall be in office and preside.

*Sec. 12. Be it further enacted,* That the treasurer of said corporation shall, before he enters upon the duties of his office, give bond to said corporation, in such sum with such sureties, as they shall approve, conditioned for the faithful discharge of the duties of said office, and for the rendering of a true and just account of his doings therein, when by them required; and also for the delivering over to his successor in office, all monies, securities, vouchers and other property, which shall rightfully belong to said corporation, together with all the books in which his proceedings, as treasurer, shall be entered and kept that shall be in his hands at the expiration of his office.

Further du-  
ty of trust-  
tees.

President;  
pro t-m.  
may be ap-  
pointed.

Treasurer to  
give bond.

Conditions  
thereof.

**Officers may be removed by trustees.** Sec. 13. *Be it further enacted,* That the said corporation, two thirds of the trustees concurring, shall have power and authority to suspend or remove the president or any member of said corporation, who shall by his misconduct render himself unworthy the office, station or place he sustains, or who from age or other infirmity, is rendered incapable of performing the duties of his office; and the corporation shall further have power to suspend or remove from the college, any professor, instructor, tutor, or resident students or servant, whenever the corporation shall deem it expedient for the interest and honor of the institution.

**Property exempt from taxation.** Sec. 14. *Be it further enacted,* That all houses, lands and other property, vested in the corporation, for the purposes aforesaid, shall be exempted from all state, county and township taxes: *Provided always,* That this act shall be subject to such alterations and amendments as the general assembly may from time to time see proper to make.

**First meeting of trustees.** Sec. 15. *And be it further enacted,* That the first meeting of said trustees shall be on the Monday of February inst.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 8th, A. D. 1819.

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## CHAPTER LXXIV.

AN act to amend an act, entitled 'An act to incorporate the Cincinnati and Dayton turnpike company.'

Whereas by the first section of the act to which this is an amendment, certain persons

therein named, were incorporated and made a body corporate and politic, by the name and style of the Cincinnati and Dayton turnpike road company, and whereas doubts have arisen whether the share holders of the 'Ohio turnpike company,' (so styled by their articles of association then in force) were clearly embraced in the act of incorporation, as was intended by said company when they petitioned for the passage of said act, inasmuch as they are no where recognised by their name and titled in the act therein referred to: Therefore,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That Martin Baum, Jesse Hunt, James Kemper, junr. Oliver M. Spencer and John H. Piatt, of Cincinnati, the present stockholders of the 'Ohio Turnpike Company,' together with their associates, or those who may hereafter become their associates, be, and they are hereby made and do constitute a part of the body corporate and politic incorporated by the act to which this is an amendment, as fully and completely as though they had been mentioned in said act.

Sec. 2. *Be it further enacted,* That the said turnpike company shall have power, and they are hereby authorised to locate and open said road, contemplated by the act to which this is an amendment, one hundred feet wide; and when five miles of said road (beginning at Cincinnati) shall be completed, it shall be lawful for said company to erect gates, and receive the toll allowed by the first section of the act to which this is an amendment; and in case said company shall not commence making said road (beginning as above mentioned) on or before the first day of May, one thousand eight hundred and twenty, and if ten miles of said road

Preamble.

Five persons added to the body corporate.

Power and duty of the company defined.



shall not be completed within five years thereafter, and if twenty-five miles, or to the intersection of the principal road leading from Lebanon to Hamilton, shall not be completed within eight years, then, and in that case, all the rights, privileges and immunities granted to said company by this act, or by the act to provide for the regulation of turnpike companies, passed the seventh day of January, eighteen hundred and seventeen, shall cease and determine.

Provision as to erecting gates and receiving toll. Sec. 3. *And be it further enacted, That as soon as any or every five miles of the remaining part of the said turnpike road shall be completed, it shall be lawful for the company to erect gates and receive the toll allowed by the first section of the act to which this is an amendment: Provided nevertheless, That upon the completion and finishing of said turnpike road to the intersection of the principal road leading from Lebanon to Hamilton, all the rights, privileges and immunities granted by this act, or the act to which this is an amendment, shall be secured and belong to the said turnpike company.*

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

February 8th, A. D. 1819.

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## CHAPTER LXXV.

An act to amend the act levying a tax on land.

Rates of taxation. Sec. 1. *Be it enacted by the general assembly of the state of Ohio* That there shall be charged and paid yearly and every year on each hundred acres of first rate land, one dollar and fifty

cents; on each hundred acres of second rate land, one dollar; and on each hundred acres of third rate land, fifty cents.

Sec. 2. *Be it further enacted*, That the sale of all lands, which, by the laws now in force, would be exposed to sale for taxes. penalties and interest due thereon, on the first Monday of December. eighteen hundred and nineteen. shall be, and the same are hereby postponed until the first Monday of December, eighteen hundred and twenty; and all penalties hereafter accruing on lands of delinquents, shall be fifty per cent. only. any law or usage to the contrary notwithstanding.

Sales of land for taxes postponed one year.

Sec. 3. *Be it further enacted*, That one fifth of the nett collection of taxes arising from lands for the year eighteen hundred and nineteen, and no more, shall be paid into the proper county treasury, for the use of such county.

One fifth of land tax to go for county purposes.

Sec. 4. *Be it further enacted*. That it shall be the duty of the several county collectors, immediately on the receipt of the duplicates from the commissioners of their respective counties to give public notice in a newspaper if any such paper be printed in the county, and also by advertisement set up in three of the most public places in each township. one of which to be at the usual place of holding elections, at least four weeks previous to the time of collection, designating in such advertisement, the amount charged on each hundred acres of first, second and third rate land and also, the time he will attend in each township for the purpose of collecting the taxes; and it shall be the duty of said collector. after having given the notice aforesaid to attend in each township at least two days, at the usual place of holding elections, for the purpose of collecting the taxes as

Duty of county collectors.

Duty of county collectors continued.

aforesaid; and it is hereby made the duty of each and every person or persons, from whom either a land or chattel tax may be due, to attend at the place aforesaid, agreeably to the notice hereby directed to be given, for the purpose of paying his or her tax as aforesaid; and it shall further be the duty of the collector, after having gone through all the townships within his collection district, in manner aforesaid, to attend at his county seat for the purpose of completing his collection, if any taxes shall remain unpaid by any person or persons, within his collection district as aforesaid, two days in each week, of which he shall give public notice; and in case payment is not made on or before the first day of November annually, after such tax shall become due, the collector shall proceed to distrain the goods and chattels of such delinquent or delinquents and advertise the same in at least three public places in the township in which such property is taken and to be sold, agreeably to the provisions of the eighth section of the act to which this is an amendment.

**Non-resident collectors salaries reduced.** Sec. 5. *Be it further enacted*, That the salary of the collectors of non-resident tax, shall be reduced twenty-five per cent. from the salary heretofore allowed them by law respectively.

**Repealing clause.** Sec. 6. *And be it further enacted*, That so much of the act to which this is an amendment, and also so much of an act, entitled 'An act regulating county levies,' passed February twenty-seventh, one thousand eight hundred and sixteen, as is contrary to this act, shall be, and the same is hereby repealed.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate.

February 8th, A. D. 1819.

## CHAPTER LXXVI:

An act, to open and secure the navigation of the Scioto river, and for other purposes.

Whereas, by an act passed on the seventh of February, one thousand eight hundred and eight, declaring certain streams navigable, and regulating the construction of locks and slopes in mill dams, which law has not been complied with in many places where mill dams have been erected on the Scioto river: Therefore, Preamble.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio* That where any person or persons have heretofore erected a mill dam, in or across the Scioto river, and in which there is not placed and inserted, a good and sufficient lock and slope as required by the above recited act, or as is hereinafter described, such person or persons, shall, within ten months from the passage of this act erect and have inserted in such mill dam a good and sufficient lock and slope of the following description to wit: Ten months given to make slopes or locks in mill dams.

the lock to be eighty feet long and seventeen feet wide, with good and sufficient gates, so that loaded boats may pass through either ascending or descending said river, with convenience and safety; and the said lock is to be placed in a proper point in the dam so that loaded boats can approach it with convenience and safety, either ascending or descending; the slope to be at least thirty feet wide, and to be sunk at least one foot lower than the lowest part of the top of the dam, and said slope is not to have a fall more than three fourths of an inch to every foot in length, and to be placed in the dam at the proper point of descending navigation. Construction thereof.

Sec. 2. *Be it further enacted,* That the Owners to

assist boats  
in passing  
dams.

owners or occupiers of said mill, or other water works, shall always be required, and without compensation, to attend to the management of the lock, whenever a boat or boats is about to ascend or descend, so that any boat passing may not be detained longer than the nature of the case may require, through the passage of a well constructed lock, and the said owner or owners, occupier or occupiers, shall always be responsible for all damages or unnecessary delays that may happen on the account of said lock or slope not being in good repair.

Persons may  
be detained  
at the  
expense of  
owners.

Sec. 3. *Be it further enacted,* That should any person be detained with a boat or raft, for the want of a good slope or lock as above described such person or persons may, at the expense of the owner or owners, occupier or occupiers of said dam or mill, demolish said dam or such parts thereof, as may be necessary to pass said dam in the different stages of the water and the owner or owners, occupier or occupiers of said dam and mill, or other water works, shall be liable to such damages as such person or persons may sustain for the want of such lock and slope not being completely in repair, and attended to as is provided for in this act.

Owner liable  
for damages.

Penalty for  
a breach of  
this act.

Sec 4. *Be it further enacted,* That if any person or persons shall offend against the provisions of this act, every such person or persons so offending shall forfeit and pay the sum of one hundred dollars, to be recovered by indictment for the use of the county, in which such dam is or may be erected and moreover be liable to the party for any injury he or they may have sustained thereby; to be recovered in any court of justice having cognizance of the same, at the suit of the party injured.

How rec-  
ered.

Sec. 5. *Be it further enacted,* That the ten months allowed in the first section of this act, for the erection of locks and slopes, shall not exempt the owner or owners, occupier or occupiers of any mill or dam heretofore erected, from the fines and penalties imposed by this act, except that no person shall be allowed to demolish any mill dam at the expense of the owner or owners, occupier or occupiers, until the expiration of ten months from and after the passage of this act: but this section shall not be so construed as to prevent the owner or owners of boats descending or ascending the Scioto river, from making a passage for boats at their own expense through any dam.

No dam to be demolished for eight months.

Sec. 6. *Be it further enacted,* That should any person or persons, at any time hereafter attempt to erect a dam in or across the Scioto river, they shall be subject to the same regulations, restrictions, fines and penalties, as is in this act imposed on those who have dams already built, except that when any dam shall hereafter be built in the said river, there shall be a lock and slope placed and inserted in such dam at the first construction thereof, to be constructed, placed and managed as provided in this act for the erection, construction and management of locks and slopes.

Locks and slopes to be placed in all dams hereafter erected.

Sec. 7. *Be it further enacted,* That the navigation of the Tuskarawas river, shall be kept open, and secured agreeably to the provisions of this act; and any person or persons, having erected, or shall hereafter erect, any mill dam over or across the Tuskarawas river, shall have the same privileges, and be subject to the same fines and penalties as is provided by this act in cases of mill dams across the Scioto river.

The provisions aforesaid to apply to the Tuskarawas river.

This act to take effect and be in force from and after the passage thereof.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

February 8th, A. D. 1819.

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## CHAPTER LXXVII.

An act to incorporate the Cincinnati Insurance, Company.

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That the present stockholders of the Cincinnati Insurance Company, together with those who may hereafter become stockholders in manner hereafter directed, shall be, and they are hereby created and made a corporation and body politic, by the name, style and title of 'The President and Directors of the Cincinnati Insurance Company,' and shall so continue until the first day of January, eighteen hundred and forty; and by that name, are hereby made able and capable in law, to sue and be sued, plead and be impeached, answer and be answered, defend and be defended in courts of record, and in any other place whatever; and also to make, have and to use a common seal, and the same to break, alter and renew at pleasure; and said corporation shall in law, be capable of purchasing and holding such real estate as may be necessary for the convenient transaction of its business and for securing such debts as may become due in the course of its transactions.

Corporation created.

Style thereof.

May sue & be sued.

May have a seal.

May hold real estate.

*Sec. 2. Be it further enacted,* That the cap-

ital stock of the Cincinnati Insurance Company shall consist of five hundred thousand dollars, which shall be divided into ten thousand shares of fifty dollars each; five dollars to be paid on each share at the time of subscribing, and for the residue each subscriber shall give his note to the president and directors, payable on demand, and secured by an endorser to be approved of by the board of directors: *Provided*, That no person or body politic shall be permitted to endorse for more than one hundred shares.

Capital  
\$500,000  
Shares fifty  
dollars ch.  
How paid in.

Sec. 3. *Be it further enacted*, That the affairs of the said Insurance Company shall be managed by a president and twelve directors.

Officers em-  
powered.

Sec. 4. *Be it further enacted*, That the president and directors who have been elected in said Insurance Company under the articles of association, shall continue in office until the first Monday in May, eighteen hundred and nineteen; and the directors from and after that period, shall be elected for one year, by the stockholders for the time being; and each director shall be a stockholder at the time of his election, and shall cease to be a director if he should cease to be a stockholder: each stockholder shall be entitled to as many votes as he shall hold shares; all stockholders shall vote at elections by ballot, in person or by proxy, and if any vacancy shall at any time happen among the directors, by the death, resignation or disqualification of a director, or by his being chosen president, the residue of the directors for the time being, shall elect a director to fill the vacancy.

Present offi-  
cers to con-  
tinue in of-  
fice until 1st  
May, 1819.

Officers to  
be elected  
annually.

Manner of  
conducting  
elections.

Sec. 5. *Be it further enacted*, That a general meeting of the stockholders shall be holden on the first Monday of May in every year, at such place, in the town of Cincinnati, as the

Annual  
meeting of  
stockholders  
and election  
of officer.



president and directors shall appoint, giving three weeks notice in one or more newspapers printed in said town, for the purpose of electing twelve directors for the ensuing year, who shall, at their first meeting thereafter, choose a president from among the stockholders; and the president and directors so elected and chosen, shall continue to hold their offices until others shall be appointed in their places; and if it should at any time happen that an election of directors shall not be made on the day appointed by law, it shall and may be lawful on any other day within ten days thereafter, for the stockholders to hold and make an election of directors, in such manner as shall be regulated by the by laws and ordinances of the company; and it shall be the duty of the president and directors so elected, as soon after each annual election as may be convenient to cause to be published, for the space of three weeks in some newspaper printed in the town of Cincinnati, the names of the president, directors and stockholders of said company, at the time of such publication.

Names of  
offices and  
stockholders  
to be pub-  
lished annu-  
ally.

Powers of  
the president  
and directors

Banking pro-  
hibited.

May invest  
the funds in  
stock, &c.

Sec. 6. *Be it further enacted,* That the president and directors, are hereby authorised and empowered, to make all kinds of insurance against fire, insurance on lives and the transportation of goods, and such other insurance as they may judge expedient, and for such premiums of insurance as the president and directors shall, from time to time, think reasonable and just: *Provided,* That no part of the funds of the company shall ever be appropriated to the purpose of banking; they are also authorised to invest such proportion of the funds of the company, as they may judge proper, in any stock of the United States, or of any indivi-

dual state, or banks incorporated by the United States, or by the state of Ohio; and they are further authorised to appoint a secretary, and such other clerks and servants under them, as shall be necessary for transacting the business of the company, and allow them reasonable salaries: to ordain and establish by-laws, as well to regulate the mode of transfers as of all other matters and things which they may deem necessary: they shall keep full, fair and correct entries of their transactions which shall at all times be open to the inspection of the stockholders.

*Sec. 7. Be it further enacted,* That all policies of insurance made by the company, shall be signed by the president and attested by the secretary; and all losses on any such policy or policies, shall be adjusted by the president and directors, and paid, agreeably to the terms of the policy, out of the funds of the company: *Provided* That nothing herein contained, shall be so construed as to exempt any stockholder of said company from being liable to pay such losses, agreeably to the stipulations of the policy, upon the refusal of the president and directors of said company so to do: *Provided further* That the company shall be bound for all the property insured that may be lost, and that their real and personal property shall be bound for the same.

*Sec. 8 Be it further enacted,* That the salaries of the president, clerks and servants shall be fixed previous to an election or nomination of such president, clerks and servants.

*Sec 9. Be it further enacted,* That in case of sickness or necessary absence of the president, his place may be supplied by a director, to be chosen by the board for the time being who shall act as president pro tem. and in case of the

Secretary  
&c. to be  
appointed.

May make  
by laws.

Form of  
policies.

Losses to be  
adjusted and  
paid.

Proviso.

Further pro-  
viso.

Salaries of  
officers  
when fixed.

When the  
president is  
absent one is  
to be ap-  
pointed pro  
tem.

death, resignation or disqualification of the president, the board of directors shall immediately hold a meeting and appoint a successor out of their own body, who shall hold his office until the next annual election thereafter.

Vacancy in the office of president how filled.

Dividends to be declared half yearly.

Quorum necessary to declare a dividend.

Manner of calling for instalments.

Penalty for a failure in payment of instalments.

Proviso.

Sec. 10. *Be it further enacted.* That dividends may be declared by the president and directors, of such part of the actual earned premiums, as they may judge prudent: *Provided,* That they be not declared oftener than semi-annually, and in no event whatever encroach upon the capital stock; to form a quorum for such purpose the board shall not be less in number than eight, including the president; and the resolution declaring a dividend, shall be laid before the directors six days before they are called upon to decide; for all other purposes the president and four directors shall be a quorum.

Sec 11 *Be it further enacted* That the notes received from the stockholders shall not be required to be paid until the cash capital of the company be exhausted, and then only in such proportion as may be necessary to put the institution in a cash capital of fifty thousand dollars; and when any call for further instalments shall be judged necessary, by the president and directors, notice thereof shall be given in one or more newspapers published in Cincinnati; and every stockholder who shall fail to make payment, at the time required shall forfeit his right and claim to interest or dividend on the amount he shall have paid in until he shall comply with the requisition; and such delinquent and his endorser shall be liable to a suit in law for the recovery of the same, as the president and directors may think fit: *Provided however,* That if said company shall at any time issue and circulate bank paper, then and in that case

all the privileges hereby granted shall cease and determine.

Sec. 12. *Be it further enacted*, That all sums of money forfeited in virtue of any policy or policies granted by this institution, the insured shall claim the same agreeably to the terms of the policy, and shall be entitled to receive the amount insured, within sixty days after due proof shall have been made of such loss being actually sustained by the insured. Forfeitures to be paid in sixty days.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 8th, A. D. 1819.

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#### CHAPTER LXXVIII.

An act to amend the act, entitled 'An act against forcible entry and detainer.'

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That no writ of restitution shall issue on the judgment of the justices, under the provisions of the act to which this is an amendment, until the expiration of ten days from the day of rendering said judgment; and no writ of certiorari to remove the proceedings had before said justices, to the court of common pleas, shall be obeyed by them unless the same be returned within ten days from the day on which such judgment was rendered: *Provided* That the person applying for a writ of certiorari, shall, before the same is issued, give bond with good and sufficient security, to the defendant in certiorari, to be approved of by the clerk of the court issuing the same, in the Writ of restitution not to issue under ten days from the trial. Certiorari when to issue. Proviso compelling the person obtaining a writ of certiorari to

give bond.  
 &c.

penal sum of five hundred dollars, conditioned for the faithful prosecution of the said suit, and in case of failure, that he will pay all costs, rents and damages which may be assessed to the defendant in certiorari, as is herein after provided, which bond shall be lodged with the said clerk for the use of the defendant.

Proceedings  
 on certiorari.

*Sec. 2. Be it further enacted,* That in case the plaintiff in certiorari, shall fail or neglect to prosecute said suit to final judgment, or should not succeed in setting aside the proceedings in the court below, the court before whom the writ of certiorari is pending, shall order the sheriff to summon three disinterested freeholders of said county, any two of whom shall proceed to view the premises, and return to the clerk of said county, under their hands (they being first duly sworn, faithfully to discharge such duty) the worth of the premises, and the damages sustained during the pendency of said writ; and the amount of the appraisement so returned shall be the rule of damages which the plaintiff shall recover in any suit brought upon the bond, given upon obtaining the writ of certiorari.

Justices fees  
 in cases of  
 forcible en-  
 try and de-  
 tainer.

*Sec. 3. Be it further enacted,* That in all suits brought under the provisions of this act, the justices shall each be entitled to receive, as a compensation for their services, two dollars per day, for each day they may be necessarily engaged in discharge of the duties required of them by this act, and the act to which this is an amendment, together with the same fees that are allowed to other officers for issuing similar writs or other process.

Repealing  
 clause.

*Sec. 4. And be it further enacted.* That all provisions in the act to which this is an amend.

ment, contrary to the provisions of this act, be and the same are hereby repealed.

This act to take effect and be in force from and after the first day of April next. Commencement.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 8th, A. D. 1819.

### CHAPTER LXXIX.

An act to amend the act, entitled 'An act to incorporate the town of Cincinnati.'

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That such parts of the township of Cincinnati, in the county of Hamilton, as are contained within the following bounds. viz: Beginning on the Ohio river, at the southeast corner of fractional section, number twelve; thence running north to the northeast corner of said fractional section; thence west with the township line to Mill creek; thence down Mill creek with its meanders to the Ohio river; and thence up said river with its meanders to the place of beginning, shall be, and the same is hereby declared a city, which shall henceforth be known and distinguished by the name and style of 'The City of Cincinnati.' Boundaries.

*Sec. 2. Be it further enacted,* That for the better ordering and governing of the said city of Cincinnati and the inhabitants thereof there shall be in said city a city council composed of a president, recorder and trustees, who shall be appointed and sworn, agreeably to the provisions of the law to which this is an amendment; which president, recorder and trustees; City council created.

shall be one body corporate and politic, with perpetual succession, to be known and distinguished by the name of 'The President, Recorder and Trustees of the City of Cincinnati.'

**City court established.** *Sec. 3. Be it further enacted* That there shall be established in the city of Cincinnati, a court of record, to be denominated 'The City Court' which shall be composed of the mayor and three aldermen, any three of whom to form a quorum; the mayor and aldermen to be appointed by the city council from the inhabitants of the city, having the qualifications for a trustee of the city council, and to hold their offices for the term of two years, and until their successors are chosen and qualified: said court shall have a seal, to be kept by their clerk, to be used by him officially.

**Jurisdiction of the city court.** *Sec. 4. Be it further enacted*, That the said city court shall have original criminal jurisdiction of all crimes, misdemeanors and offences committed within the corporation, against the laws of this state, or the ordinances of said city council, that require the intervention of a jury, and the punishment of which does not amount to confinement in the penitentiary, and appellate jurisdiction from the decisions of the mayor in all cases.

**Jurisdiction continued.** *Sec. 5. Be it further enacted*, That the said court shall sustain original civil jurisdiction concurrent with the court of common pleas, in all cases where the defendant resides within the city, except when the title to real estate may be called in question, and appellate jurisdiction in all cases decided by the mayor: *Provided always*, That either party feeling himself aggrieved by the final decision of the city court, may appeal to the supreme court for the county of Hamilton, in the same manner, and on giv-

**Proviso.**

ing such security as is required by law of appellants from the court of common pleas to said supreme court.

Sec. 6 *Be it further enacted*, That the said court shall hold its sessions, at such place with in the city, as the city council may direct, once in two months, commencing on the first Monday in May, July, September, November, January and March, and continuing not more than two weeks in any term. Times of holding the city court.

Sec. 7. *Be it further enacted*, That the marshal shall be the ministerial officer of said court, and shall ex-officio be vested with all the powers of a sheriff within the limits of the corporation; he shall execute and return all process directed to him by said court and do and perform all the duties that are by the laws of this state enjoined upon and required of sheriffs to perform in similar cases: *Provided always*, That the jurisdiction of said marshal, in serving any process to him directed by said city court, shall be co-extensive with the county of Hamilton. Marshal's duties defined.

Sec. 8. *Be it further enacted*, That the said court shall appoint a clerk and prosecutor for the term of two years, who shall be removable at any time, for breach of good behavior; who shall keep a fair and accurate record of all the proceedings of said court, and do and perform all other matters and things appertaining to the same, in the manner the clerks of the courts of common pleas are by law required to do. Clerk and prosecutor to be appointed by city court.

Sec. 9. *Be it further enacted*, That the clerk of said court shall, five days before the commencement of each term, take from the assessor's book of assessment, in alphabetical order, fifteen grand and twelve petit jurors, having the qualifications of an elector, to serve for Grand and petit jurors to be selected, and venire facias issued.



the term; and it shall be the duty of the clerk to issue writs of venire facias, directed to the marshal, commanding him to summon the jurors, selected as aforesaid, to attend at the courtroom of said court, then next to be holden, on the first day of said term, at ten o'clock A. M.; and the marshal receiving said writs of venire facias, shall forthwith serve and return the same, in the manner prescribed to sheriffs in the law, entitled 'An act relating to jurors;' and should there not, from challenge or otherwise, be a sufficient number to make up the pannel, the marshal shall supply the deficiency by summoning an adequate number of talesmen.

Appeals allowed.

Sec. 10. *Be it further enacted*, That any person who may think him or herself aggrieved by the decision or final judgment of the mayor, may appeal to the city court, which is hereby authorised to hear such appeal, and to render such judgment thereon as may be just and right, which judgment shall be final and conclusive.

Officers compensation.

Sec. 11. *Be it further enacted*, That the mayor, aldermen, clerk, prosecutor, marshal, witnesses, jurors, both grand and petit, shall receive such compensation, emoluments and fees, as the city council shall, from time to time, direct; and as a fund therefor, all fines imposed and forfeitures incurred either before the mayor or in the city court, shall be collected and paid into the corporation treasury.

Mayor to take acknowledgment of deeds.

Sec. 12. *Be it further enacted*, That the mayor be, and he is hereby authorised, to take and certify under the corporation seal, the proof and acknowledgment of deeds for the conveyance of real estate, and other instruments of writing, according to the laws and usages in such cases.

**Sec. 13.** *Be it further enacted,* That the mayor of said city of Cincinnati shall not exercise any of the legislative functions delegated to the mayor of the late corporation of Cincinnati; and the same are hereby transferred to the president of the council, to be elected in the manner pointed out for the election of the mayor, in the act to which this an amendment.

Mayor not to exercise legislative functions.

**Sec. 14.** *Be it further enacted,* That it shall not be lawful for the recorder of the said city of Cincinnati to exercise any judicial functions whatever; and the judicial powers vested in the recorder of the late incorporation of the town of Cincinnati, shall be transferred to and vested in the respective aldermen of said city, in the manner which the city council may prescribe.

Recorder not to exercise judicial functions.

**Sec. 15.** *Be it further enacted,* That the city council shall be, and is hereby authorised to lay and collect a tax from the real estate of any square or section of the city, on the petition of not less than two thirds of the owners thereof, for the improvement of the streets, lanes and alleys bounding or within the same, and for no other purpose whatever.

City council to lay taxes, &c.

**Sec. 16.** *Be it further enacted,* That the word city shall be substituted for the word town wherever it occurs in the law to which this is an amendment; and that the first and second sections, and the provisos of the ninth and tenth sections of said law, with such other parts as may be inconsistent with this act, be, and they are hereby repealed: *Provided,* That the laws and ordinances now in force in the said town of Cincinnati, shall be and remain in full force till altered or repealed by the city council created by this act; and that all property, real and personal, belonging to or vested in the mayor, recorder and trustees of the town of Cincinnati, and all

Repealing clause.

Proviso.

money due and owing the said corporation, whether for taxes, fines, penalties or otherwise, shall be, and the same is hereby transferred to and vested in the corporate body established by this act, to be held managed and disposed of for the use and benefit of said city of Cincinnati; and all suits pending or judgments rendered either by, in favor of, or against said town of Cincinnati, together with all rights, interests, claims or demands against the said town of Cincinnati shall be continued prosecuted, defended and collected by or from the said city of Cincinnati, in the same manner as though this act had never passed.

This act may  
be altered.

Commence-  
ment;

This act shall be subject to such alterations and amendments as the legislature may, from time to time, think proper to make, and shall take effect and be in force from and after the first day of February next ensuing.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate,

February 5th, A. D. 1819.

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## CHAPTER LXXX.

An act supplementary to the act, entitled 'An act to provide for transcribing the records of the Ohio Company, in the office at Marietta, and to make such copies evidence in Courts of Justice.'

*Sec. 1. Be it enacted by the general assembly of the state of Ohio* That William R. Putnam, assistant superintendent of the Ohio Company's office at Marietta, be, and hereby is authorized and required to furnish for the county of Hocking, a fair copy of all the resolutions,

W. R. Putnam to make out copies of records, & for Hocking county.

acts and doings of said company, together with a transcript of the plats as now preserved in said office, of the townships and fractional townships within the Ohio company's purchase that is, at this time included within the bounds of Hocking county representing the divisions, surveys, water courses, names of original proprietors, quantity of land, and the number of the lots each proprietor is entitled to, the length of the lines, courses and bearing trees of each survey, and every other description, and evidence of said lands carefully compared with and copied, from the original records of said office, in a well bound book of super royal paper, certified and attested to, and deposit the same in the recorder's office in the county of Hocking in the same manner the said assistant superintendent is required by the act to which this is a supplement, to prepare and furnish copies for the counties of Washington, Athens, Gallia and Lawrence; and the trancript so as aforesaid made, or authenticated copies thereof, shall have the force and effect, and be received as evidence in courts of justice, for the purposes and to the same extent as is provided in the above recited act.

*Sec. 2. Be it further enacted,* That Dudley Woodbridge, Junr. Isaac Humphrey and Daniel H. Buell, of the county of Washington, be, and hereby are authorised and required to contract with the said William R. Putnam, assistant superintendent, for and in behalf of the county of Hocking, for a transcribed copy as provided for in the first section of this act, and the contract so made, shall be binding on the county of Hocking; and the commissioners of said county shall draw an order on the county treasurer in favor of the person furnishing the transcript under the provisions of this act, for

A former act referred to.  
 Three persons appointed to contract with said Putnam for the said copies of records.  
 Commissioners of Hocking county to draw an order on

their treasurer for the amount of said contract. **Duty of Auditor, &c.**

the amount due such person for such transcript, and it is hereby made the duty of the Auditor, to cause to be paid over to the county treasurer, on the order of the commissioners, the monies collected from the lands within the county of Hocking, and paid into the state treasury under the provisions of the act to which this is a supplement.

**Sec. 3. Be it further enacted,** That it shall be the duty of the recorders in the counties of Washington, Morgan, Athens, Gallia, Lawrence and Hocking, to furnish any person making application therefor, with a correct certified copy or copies from the transcript in their possession, of any or all the resolutions, acts and doings, or plats of surveys of land within the Ohio Company's purchase, or the tract commonly called donation lands; and the recorders shall be entitled to demand and receive for services rendered under this and the above recited act, the following fees, to-wit: for every hundred words of resolution, record of acts or doings of the said Ohio Company, twelve and one half cents; and for the certificate thereon, twelve and an half cents; for each plan of survey, with a certificate, twenty five cents; with the addition of four cents for each corner therein described.

**Recorders of certain counties to furnish on demand copies of surveys, &c.**

**Recorders fees for said copies.**

**JOSEPH RICHARDSON,**

Speaker of the house of representatives.

**ROBERT LUCAS,**

Speaker of the senate.

February 8th, A. D. 1819.

## CHAPTER LXXXI.

An act to authorise Arthur Coats and his associates to erect a toll bridge across the Hockhocking river.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio.* That Arthur Coats and his associates be, and they are hereby authorised to erect a toll bridge across the Hockhocking river, where the post road leading from Athens to Gallipolis crosses said river: *Provided*, The said Arthur Coats, and his associates, shall own the land on both sides of said river: *And provided also*, The navigation of said river shall not be obstructed by the erection of said bridge, nor the fording, nor any road leading thereto, be in any wise impeded so as to prevent travellers or citizens from passing and re-passing when said river is fordable.

Site of the bridge.

Provided.

Sec. 2. *Be it further enacted*, That if the said Arthur Coats, and his associates, or their successors, shall erect and complete the said bridge, in a sufficient manner, of a proper width, having a convenient foot way, with hand railing and cart way, and in other respects of sufficient strength and dimensions so as to admit of the safe passage of passengers, carriages, waggons, carts, &c. within four years from the passage of this act, they shall enjoy all the privileges and emoluments secured to them by this act, so long as they shall keep the said bridge in complete repair.

Construction of the bridge which is to be erected in four years.

Sec. 3. *Be it further enacted*, That after the completion of the said bridge as aforesaid, the said Arthur Coats, and his associates, or successors, are hereby authorised to ask, demand and receive from passengers, who may cross said bridge, the following rates of toll, to-wit:

Rates of toll.

for each foot passenger, three cents; for each horse, mule or ass. one year old or upwards, six and one fourth cents; for each horse, mule and rider, twelve and one half cents; for each waggon, four wheeled carriage, cart, sled, sleigh or or other carriage drawn by one horse, mule, ox or ass including the driver, eighteen and three fourth cents; for every horse, mule, ox or ass, in addition, six and one fourth cents; for each head of neat cattle, one year old and upwards, two cents, for each head of hogs, one cent:

**Proviso as to exempta.**

*Provided always* That all public mails, expresses and passengers, which are exempt from the payment of ferriages within this state, or which hereafter may be exempted, shall pass on said bridge free from toll, together with all the troops of the United States, and of this state, with their artillery, baggage and stores, all persons going to and returning from public worship on the Sabbath, all funeral processions, and all persons going to and returning from elections: *Provided also*, That if the said Arthur Coats, or his associates, or successors, shall ask or demand any higher or greater toll than by this act is allowed he or they shall be subject to the like fines and penalties as are or may be provided in cases of ferries.

**Penalty for receiving improper toll.**

**Rates of toll may be altered.**

**Sec. 4.** *Be it further enacted*, That any future legislature may regulate the toll after the year one thousand eight hundred and forty:

**Rates of toll to be posted up.**

**Sec. 5.** *Be it further enacted* That the said Arthur Coats, and his associates, or successors, previous to receiving any toll, shall set up and keep on the margin of said river, near said bridge, a post and board, on which shall be printed or painted, in a conspicuous manner, the rates of toll allowed by this act,

**Sec. 6.** *Be it further enacted*, That the said

Arthur Coats, and his associates, shall, within one year from and after the passage of this act, give bond, with sufficient security, to the commissioners of Athens county, to their acceptance, in the sum of five thousand dollars, that they or their successors will build and complete the said bridge in the time and as specified in the second section of this act; and if the said Arthur Coats, and his associates or successors, shall fail to give bond as above required, and as specified in this section then all the privileges granted by this act shall cease.

Bond to be given.

Penalty for neglect.

Sec. 7. *And be it further enacted.* That it shall be the duty of the said Arthur Coats, and his associates, or their successors, to keep a just and accurate account of the expences of building of said toll bridge, and shall present the account, properly authenticated, to the commissioners of Athens county, and it is hereby made the duty of the commissioners to record the same; and if at any time after the bridge is completed, the commissioners shall deem it expedient to purchase the same for the use of the public, and shall pay the said Arthur Coats, and his associates, or their successors the amount of their expences, with six per cent. thereon, then, and in that case, the bridge shall become public property and be free from all toll.

An account of expences to be kept, &c.

County commissioners may purchase the bridge.

This act shall take effect and be in force from and after the passage thereof.

Commencement.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

February 6th, A. D. 1819.

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## CHAPTER LXXXII.

An act to incorporate the Union Academy, in the county of Muskingum.

**Sec. 1** *Be it enacted by the general assembly of the state of Ohio.* That Andrew Howel, David Finley, John Reynolds, John Conner, senr. John Reasoner, Joseph Wilson, Robert Bay, Isaac Few, William Pollock, John Jamison and Samuel Baldrige, and their associates for the time being, be, and they are hereby declared a body politic and corporate in law, by the name of the 'President and Trustees of the Union Academy,' and as such shall remain and have perpetual succession; subject, however, to such alterations as the legislature may, from time to time, think proper.

Corporation created.

Style thereof.

**Sec. 2.** *Be it further enacted,* That the president and trustees of said corporation, shall be capable in law of having, receiving, acquiring and holding, either by gift, grant, devise or purchase, any estate, real or personal, and the same to dispose of for the use of the institution: *Provided,* That the clear annual income of such property shall not exceed five thousand dollars: *And provided also,* That the funds of said corporation shall be used and employed exclusively for the establishment and support of said institution; and said funds, or any part thereof, shall not at any time be used in banking, or in striking or issuing bank paper.

Yearly income restricted, and how to be disposed of.

**Sec. 3.** *Be it further enacted,* That the said corporation, by the name aforesaid, be capable in law of suing and being sued, pleading and being impleaded, in any action, plaint or suit in any court proper to try the same; and be authorised to have one common seal, and the same to alter and renew at pleasure.

May sue and be sued.

**Sec. 4. *Be it further enacted,*** That all elections to be holden by virtue of this act, shall be by ballot; and the president for the time being, shall be judge. and the secretary for the time being shall be clerk of said election; and the said judge and clerk, immediately after counting out the votes, shall publicly declare the person or persons to be duly elected to any office who shall have the greatest number of votes given for such office. Elections how conducted

**Sec. 5. *Be it further enacted,*** That there shall be elected on the first Monday of April next, by such persons as shall have severally subscribed or paid five dollars for the benefit of the institution, nine trustees, who shall hold their offices until their successors are elected and qualified. First election.

**Sec. 6. *Be it further enacted,*** That the trustees elected by virtue of the preceding section of this act, shall hold their offices for the term of time following: that is to say three for the term of one year three for two years, and three for three years from said first Monday of April, and until their successors are elected and qualified as afor said; and it shall be the duty of said trustees, so elected as aforesaid at their first meeting after said election, to determine by lot the time that each trustee shall continue in office, conformably to the above regulation of said terms of office which determination the said trustees shall cause to be recorded in their books of record. Term of office how determined

**Sec. 7. *Be it further enacted,*** That said trustees at their first meeting after their election as aforesaid, shall choose one of their own body president, and in like manner they shall choose one of their own body secretary; who shall severally hold their offices until their several terms President, &c. to be chosen by trustees

of office as trustees expire; and it shall be the duty of the president to preside and preserve order at all meetings of the board of trustees; and it shall be the duty of the secretary faithfully to record all the proceedings of the board of trustees; and the said president and secretary shall also perform such other duties as shall be severally required of them by the rules, by-laws and regulations of said corporation: *Provided* That if at any meeting of said board of trustees, said president or secretary be absent, said board shall have power to appoint a president or secretary pro-tempore.

Proviso.

Sec. 8. *Be it further enacted.* That said trustees shall annually meet on the first Monday of April, at the academy, and elect three trustees, who shall not be of their own body; and in case the term of office of the president or secretary shall have expired, the said trustees, at their annual meeting shall proceed to elect a president or secretary from their own body; and the said trustees so elected, shall hold their offices for the term of three years from such annual meeting and until their successors be elected and qualified; the said president or secretary so elected, shall hold his office until the expiration of his term of office as trustee: *Provided*, That if any vacancy shall take place in the office of president, secretary or trustee by any other means than the expiration of his or their term of office, the said board of trustees are hereby authorised, at any meeting of said board, to fill such vacancy; and the person so elected to fill such vacancy, shall take such office until the expiration of the term of office of the person in whose place he was elected, and no longer: *Provided also* That if said trustees should not meet at the time herein specified for their annual

Three trustees to be elected annually, who shall continue in office three years.

Proviso.

al meeting, they may, nevertheless, at their first meeting thereafter, perform the duties required of them at such annual meeting; but in such case, the president, secretary or trustees so elected, shall hold their offices for the same length of time as if elected at the time specified for the annual meeting, and no longer.

Sec. 9. *Be it further enacted*, That the president and trustees, or any five of them, shall have power to make such rules, by laws, and regulations for the government of said academy, and carry the same into effect, as shall from time to time be deemed necessary, and not inconsistent with the laws of the United States, or of this state.

Sec. 10. *Be it further enacted*, That the president and trustees, or any five of them, be empowered to procure a teacher or teachers, assistants, and other officers, necessary for conducting said academy, and to cause all necessary buildings to be erected, and repaired, and all other necessary furniture and apparatus to be procured; to regulate the admission, and government of the students, and to take all proper measures for the support of the seminary; and they shall have power to make all contracts in behalf of the corporation, and dispose of any funds thereunto belonging: *Provided*, That when any property has been given to said corporation for a particular purpose, the said president and trustees shall dispose of said property for the sole purpose pointed out by the donor: *Provided also*, That if any officer of said corporation, shall abuse any power or trust committed to him, whereby damage to the institution shall be sustained, he shall be liable to said corporation, for such damage so sustained, to be recovered

By-laws to be enacted.

Teachers &c. how appointed.

Proviso.

Further proviso.

by said president and trustees, by action of debt or otherwise.

**Further duty of trustees.**  
 Sec. 11. *And be it further enacted,* That the president and trustees shall have power to appoint a treasurer, and all other officers of said corporation, who shall hold their offices for such time and shall perform such duties give such security to said president and trustees, as shall be pointed out by the rules, by laws and regulations of said corporation; and all process against the corporation, shall be by summons, and the service thereof, shall be by the proper officer laying an attested copy thereof with the secretary of said corporation.

**Commencement.**  
 His act shall take effect and be in force from and after the passage thereof.

JOSEPH RICHARDSON,  
 Speaker of the house of representatives,  
 ROBERT LUCAS,  
 Speaker of the senate.

February 6th, A. D. 1819.

## CHAPTER LXXXIII

An act to levy and collect a tax from all banks and individuals, and companies, and associations of individuals, that may transact banking business in this state, without being authorised to do so by the laws thereof.

**Preamble.**  
 Whereas the president and directors of the Bank of the United States have established two offices of discount and deposit, in this state, at which they transact banking business, by loaning money, and issuing bills in violation of the laws of this state; and whereas divers companies and associations of individuals within this state

unauthorised by law, continue in like manner. to do business as bankers and banks. by loaning money and issuing bills, and by trading in notes and bills; and whereas it is just and necessary that such unlawful banking, while continued, should be subject to the payment of a tax for the support of government: Therefore,

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That if after the first day of September next, either the Bank of the United States, or all, or any of the said companies, or associations shall continue to transact banking business within this state, they shall each severally be subject to, and held liable to pay an annual tax as follows: the bank of the United States, shall pay a tax of fifty thousand dollars per annum, upon each office of discount and deposit, at which they may commence or continue to transact banking business within this state, and each, and every individual company, or association, that shall commence or continue to transact banking business, as aforesaid, shall pay an annual tax of ten thousand dollars, to be assessed and collected in both cases as herein after provided.

Banks subject to tax  
on 1st Sept:  
next.

Rates of tax.

*Sec. 2 Be it further enacted,* That upon the fifteenth day of September next, and afterwards upon the fifteenth day of September, annually the auditor of state shall proceed to charge the Bank of the United States with a tax of fifty thousand dollars, upon each office of discount and deposit, at which they may continue to transact banking business within this state, after the first day of September next, and so long as the bank of the United States shall continue to transact banking business at any office of discount and deposit, within this state; and shall also in like manner upon the fifteenth day

Auditor to  
charge tax.

of September next, and afterwards on the fifteenth day of September, annually, proceed to charge each individual, company, or association aforesaid, that shall commence or continue to transact banking business within this state after the said first day of September next, and so long as such individual company, or association, shall continue to transact banking business as aforesaid with a tax of ten thousand dollars; which said several taxes shall be collected in the manner herein after provided.

Manner of  
collecting  
tax.

Sec. 3. *Be it further enacted*, That the auditor of state, so soon as he shall have charged all, or any one of the sums directed to be charged as a tax, by this act shall make out his warrant under his seal of office directed to any person whom he may appoint, in such warrant, to execute the same, commanding him to collect the amount of tax in said warrant specified, from the Bank of the United States, or individual, company, or association, from whom the same may be due, and the person appointed in such warrant and accepting and undertaking to discharge the duties required of him by law, shall before receiving the warrant, enter into bond to the state, with good and sufficient security, to the satisfaction of the auditor, for the faithful discharge of the duties required of him by this act, and for non payment upon demand, to levy the same upon the goods, chattels, rights and credits of the Bank of the United States or individual company or association, that may owe the same, wherever such goods, chattels, rights or credits may be found in this state.

Manner of  
collecting  
tax continu-  
ed.

Sec. 4. *Be it further enacted*, That the person appointed to execute such warrant and to whom the same shall be directed, shall enter the banking house of the Bank of the United States

within this state, or the banking house of any individual company or association against whom the warrant may be issued, and demand payment of the amount which by his warrant he is directed to collect; and if payment be not made, such person shall immediately make a levy upon any money, bank notes, or other goods and chattels the property of the bank, individual, company or association against which the warrant may be issued, or so much thereof as may be sufficient to satisfy the amount for which the warrant is issued; and the money or bank notes so taken shall be returned, and the goods and chattels levied upon shall be advertised and sold, in the same manner as if taken by a sheriff or other officer, upon a writ of fieri facias.

Sec. 5. *Be it further enacted*, That the person entering such banks, after demand and refusal of the payment of the tax aforesaid, if he cannot find in the banking room any money, bank notes, goods, chattels or other property of said banks or individual, company or association, whereon to levy to satisfy the tax aforesaid, it shall and may be lawful, and it is hereby made the duty of such person, to go into each and any other room or vault of such banking house, and every closet, chest, box or drawer in such banking house to open and search; and any money, bank notes, or other goods and chattels, the property of said bank or individual, company or association therein deposited, thereon to levy, or so much thereof as will satisfy the tax aforesaid, agreeably to the provisions of the fourth section of this act.

Collection of  
tax continue  
ed.

Sec. 6. *Be it further enacted*, That if the person appointed to execute such warrant, and to whom the same is directed, cannot find any money, bank notes, or other goods and chattels

Continued.



Cashier,  
clerks, &c.  
to be sum-  
moned to an-  
swer on oath  
in certain  
cases.

Proceedings  
thereon.

Proceedings  
thereon con-  
tinued.

whereon to levy the same, or if the money, bank notes or goods and chattels levied upon, should not be sufficient to make the amount charged in the warrant, he shall immediately summon the cashiers, clerks or other persons, by whatever character they may be designated, who have charge of the funds of the bank, individual or company or association against which the warrant issued, to appear at the next court of common pleas of the county wherein the banking house is situate, to give an account, upon oath or affirmation, of the funds in his possession at the time of such service; and the person appointed to execute such warrant, and to whom it is directed, shall, in like manner, proceed to summon any person he may have good reason to suppose is indebted to the bank, individual, company or association against which the warrant issued, to appear at the next court of common pleas, to answer, upon oath or affirmation, the amount that such person is indebted to the bank, individual, company or association against which the warrant issued at the time such service is made; and the names of all the persons summoned shall be endorsed upon the warrant, which shall be returned and lodged with the clerk of the court of common pleas of the proper county, at least ten days before the sitting of the court, if there shall be that number of days between the completion of the service and the first day of the term of the court.

Sec. 7. *Be it further enacted*, That the person appointed to execute the warrant, and to whom the same is directed, shall, in all cases where parties are summoned, as herein before provided, give immediate notice to the auditor of state of his proceedings, and of the names of the persons by him summoned; and the audi-

for shall employ one or more attorneys to attend at the proper term of the court and conduct the proceedings; and such attorney or attorneys shall receive such compensation as may hereafter be allowed by law. Attorney to be appointed.

*Sec. 8. Be it further enacted,* That upon the second day of the term to which the persons are summoned to appear, the attorney employed, shall cause the persons summoned to be called in open court, and as many as answer, shall be examined by the court, upon their oath or affirmation separately, touching the matter under consideration: the persons summoned as having the funds of the bank, individual, company or association in their possession, shall be required to state what amount of such funds were in their possession at the time of such service; and the persons summoned as being indebted to the bank, individual, company or association, shall be required to state whether any, and how much they were individually or jointly indebted to the bank, individual, company or association at the time of the service, and if indebted, when such debt was due and payable; and if the persons summoned as having the funds of the bank, individual, company or association in their possession, shall acknowledge that funds were in their possession, and state the amount, every individual upon delivering into court the amount of funds acknowledged to be in his possession, shall be discharged without cost; and every person summoned who shall, upon his examination, deny that he was in possession of funds, or indebted to the bank, individual, company or association, shall in like manner be discharged, but shall be allowed no cost. Persons summoned to answer the second day of the term.

*Sec. 9 Be it further enacted,* That if any person summoned as aforesaid, shall not appear Proceedings thereon. Capias to issue against

persons refusing to appear and answer. when called upon the second day of the term, the court shall upon motion, issue a *capias* to bring such person forthwith before them to answer as required by the eighth section of this act; and every person brought in upon a *capias*, if, upon his answer, he shall be discharged, shall nevertheless pay the cost of the process and proceeding against him, for which judgment shall be entered against him, including an attorney's fee.

**Sec. 10.** *Be it further enacted,* That if any person summoned as aforesaid, shall refuse to be sworn or affirmed, or when sworn or affirmed, shall refuse to answer, as by this act required, such person shall be considered in contempt, and shall be punished by fine and imprisonment at the discretion of the court.

**Sec. 11.** *Be it further enacted,* That if any person summoned as having funds of the bank, individual, company or association in his possession, shall, upon his examination, admit that he had funds in his possession at the time of such service, and shall not deliver the same into court, judgment shall be entered against him for the amount, upon which execution shall be had, as in other cases.

**Sec. 12.** *Be it further enacted,* That where a person summoned as being indebted to the bank, individual, company or association, shall admit that he was so indebted at the time of such summons, if he do not forthwith pay the amount into court, judgment shall be rendered against him therefor; and if the day of payment is not passed, it shall be so specified in the judgment, and no execution shall issue until after the day of payment: all proceedings and judgments by this act directed, shall be in the name of the state of Ohio as plaintiff, and of

the bank, individual, company or association against whom the warrant issued, as defendant; and all judgments under this act shall be in behalf of the state of Ohio, against the person against whom the judgment is rendered.

Sec. 13. *Be it further enacted,* That all money, bank notes or other funds, delivered over into court pursuant to the provisions of this act, shall be disposed of by order of the court, for the satisfaction of the tax for which the warrant issued. Money &c. to be sold.

Sec. 14. *Be it further enacted,* That if any debtor of the bank, individual, company or association, shall, after such debtor has been summoned under the provisions of this act, make payment of all or any part of such debt to the bank, individual, company or association, to which the same is due, no credit shall be allowed therefor, but judgment shall go against such debtor under this act, as if no such payment had been made. No payment to bank allowed after summons.

Sec. 15. *Be it further enacted,* That from the time of summoning any person having charge of the funds of any bank, individual, company or association, all funds of such bank, individual, company or association, shall be bound for the payment of the tax in the warrant specified, and all the debtors to such bank, individual, company or association, shall be liable to the state for the amount of the debts from them due and owing to the bank, individual, company or association, until the amount of the tax is paid; and all payments afterwards made to such bank, individual, company or association, by individuals within this state, shall be regarded as payments made in the debtor's own wrong, and the amount of such payment may be recovered Continued.

from such debtor, in an action of debt in the name of the state.

**Amount of judgments restricted.** Sec. 16. *Be it further enacted,* That judgments under this act, shall not at one term be rendered for a greater sum than double the amount of tax charged against any bank, individual, company or association, and all monies collected beyond the net amount of tax and the costs of the proceeding in court, shall be returned by the auditor to the bank, individual, company or association, to which the same originally belonged, or was due.

**Persons paying money on summons or judgment to have credit with the bank.** Sec. 17. *Be it further enacted,* That every person from whom money is collected under this act, shall be entitled to credit for the amount against the bank, individual, company or association, to whom the same was due, and in any suit brought for the recovery of the same, whether in the name of the bank, individual, company or association, with whom the debt was originally contracted, or by any assignee of either, the defendant or defendants, may give such payment in evidence upon a plea of payment, or upon a plea of the general issue.

**Money to be paid over to the auditor.** Sec. 18. *Be it further enacted,* That the sheriff or other officer, who shall collect monies upon judgments under this act, shall pay the same over to the auditor of state, or his order, and for neglect or refusal, shall be liable to be proceeded against as in other cases.

**Auditor to pay the state treasurer.** Sec. 19. *Be it further enacted,* That the auditor shall pay all monies received under this act, into the state treasury, and shall make report of the same in his general report of the receipt of taxes.

**Per centum allowed for collection.** Sec. 20. *And be it further enacted,* That the person appointed to execute the auditor's warrant, and to whom the same is directed, shall

when the money is paid upon demand, or made by a levy upon bank notes or money, receive for his compensation two per cent. upon the amount; when the money is made upon a levy and sale of goods and chattels, he shall receive five per cent. upon the amount, and when further proceedings are had, he shall receive for his compensation ten per cent. of the amount of tax collected and returned.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 8th, A. D. 1819.

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#### CHAPTER LXXXIV.

An act to amend the act, entitled 'An act, to amend an act creating the office of county surveyor, and defining his duties.'

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That it shall and may be lawful for any surveyor, who shall have been appointed under the provisions of an act entitled 'An act creating the office of county surveyor, and defining his duties,' and the act amendatory thereto, passed the twenty first day of January, eighteen hundred and seventeen, to ask, demand and receive of his predecessor, any book or books relating to said office, in which it is by law made the duty of such surveyor, to record all surveys and calculations, of the contents of surveys made by himself or deputies; and whenever said office shall become vacant either by death, resignation or otherwise, it shall be the duty of any person or persons, having the possession of such books of

Books to be delivered over to successors.

records, to hand the same over on demand, to such person as the court of common pleas of such county shall appoint to fill such vacancy: *Provided*. That it shall and may be lawful for such surveyor, or his legal representative, whose duty it is hereby made to hand over the books and records, to ask, demand and receive of the commissioners of the proper county, an order on their county treasury for such sum as the commissioners shall believe to be the value of such books or records in their blank state, which have been purchased by such surveyor, at his own expense, which sum shall be paid to such surveyor or his legal representative, out of the county treasury of such county: and if the surveyor or his legal representative, whose duty it is hereby made to hand over the books and records aforesaid, shall neglect or refuse to do the same, as required by this act, he shall, for every such offence, forfeit and pay the sum of one hundred dollars, to be recovered by action of debt, at the suit of his successor in office, before any court having jurisdiction thereof, which shall, when collected, be paid into the county treasury, to and for the use of the county.

Certain books to be paid for out of county treasury.

Penalty for refusal to deliver over books.

County surveyors etc.

Sec. 2. *Be it further enacted*, That the several county surveyors who now are, or hereafter may be appointed to that office, may demand and receive for their services the following fees, viz: for each survey whose the lines do not exceed one mile, the sum of three dollars; and for each mile he may run in addition thereto, the sum of seventy-five cents; for making out and certifying an original connected plat of any number of surveys or entries, twelve and a half cents; for each survey or entry laid down on the same; for ev-

ory certified copy of a connected plot, six and a fourth cents, for each survey or entry laid down on the same; for making out a plot and certificate of survey, fifty cents; recording the same, thirty seven and a half cents; for a copy thereof, twenty five cents; for making out a calculation of the contents of a tract of land, where there are not more than four lines to the same, fifty cents; and when the number of lines exceed four, and do not exceed ten, seventy five cents: and when the number of lines exceed ten, one dollar; and for every mile he shall travel from his place of residence, in going to and returning from the tract of land he may be called on to survey, by the customary route, six and a fourth cents: *Provided* That all expense of chain carriers, markers, &c. shall be paid by the person for whose benefit the survey is made. Providing;

Sec. 3. *Be it further enacted*, That so much of the act, creating the office of county surveyor and defining his duty, passed February the twenty-sixth, eighteen hundred and sixteen, and the act amendatory thereto, passed January the twenty-first, eighteen hundred and seventeen, as comes within the purview and meaning of this act, is hereby repealed. Repealing clause:

This act to take effect and be in force from and after the first day of March next. Commencement.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ROBERT LUCAS,

Speaker of the senate.

February 8th, A. D. 1819.

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## CHAPTER LXXXV.

An act to amend the act, entitled 'An act to amend the act, entitled 'An act to incorporate the town of Cincinnati.'

Whereas it appears to this general assembly, that the act to which this is amendatory by mistake, will not take effect nor be in force until the first day of February next, which act was manifestly intended to take effect at an earlier day: For remedy whereof,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the act, entitled 'An act to amend the act, entitled 'An act to incorporate the town of Cincinnati,' passed the fifth day of February, instant, shall take effect and be in force from and after the first day of March next.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 8th, A. D. 1819.

## CHAPTER LXXXVI.

An act authorising the commissioners of Perry county, to set off twenty-four square miles of the fifteenth range and seventeenth township, into a separate incorporated township.

Whereas, in establishing the county of Perry, twenty four sections, constituting part of the township of Madison in the county of Muskingum, were included in the county of Perry, aforesaid, and whereas the inhabitants of said township of Madison wish to remain a separate township: Therefore,

**Sec. 1.** *Be it enacted by the general assembly of the state of Ohio.* That the commissioners of the county of Perry, be, and they are hereby authorised and empowered, to set off twenty-four square miles in the seventeenth township, in the fifteenth range, into a separate incorporated township: any thing contained in the act for the incorporation of townships to the contrary notwithstanding.

**JOSEPH RICHARDSON,**  
Speaker of the house of representatives.

**ROBERT LUCAS,**  
Speaker of the senate.

February 8th, A. D. 1819.



#### CHAPTER LXXXVII.

An act to enable the proprietors of the town of Mansfield to exchange certain donations therein contained.

Whereas it appears to the general assembly of the state of Ohio, that the proprietors of the town of Mansfield, in the county of Richland in said state, did make donations for certain purposes which are marked on the plat of said town by the letters A B C D and whereas it appears that the square marked with the letter C, on said plat for a public burying ground, is more eligibly situated for school purposes, than the square marked with the letter A, that was donated for the use of schools, and that the letter A is more suitable for a public burying ground than the square marked with the letter C: Therefore,

**Sec. 1.** *Be it enacted by the general assembly of the state of Ohio,* That the proprietors

of the town of Mansfield, in the county of Richland, in said state, are hereby authorised to change the donations marked A and C on the plat, so that the square marked A shall be for the use of a public burying ground and the square marked C on the plat, shall be for the use of schools.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate.

February 8th, A. D. 1819.

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CHAPTER LXXXVIII,

An act to amend the act to extend and enlarge the penitentiary.

*Sec. 1. Be it enacted by the general assembly of the state of Ohio,* That the inspectors of the penitentiary, be, and they are hereby authorised, to have erected at the expense of the state, as many work shops as to them may seem necessary, to carry on advantageously the work of the penitentiary: *Provided,* That the said work shops shall not cost more than twelve hundred dollars.

This act to take effect and be in force from and after the passage thereof.

JOSEPH RICHARDSON,  
Speaker of the house of representatives.

ROBERT LUCAS,  
Speaker of the senate.

February 8th, A. D. 1819.

## CHAPTER LXXXIX.

An act to amend the act for the punishment of crimes.

**Sec. 1.** *Be it enacted by the general assembly of the state of Ohio* That if any person shall attempt to pass any base or corrupted coin or coins, knowing them to be such, or shall pass or attempt to pass, or put in circulation, any false, forged, or counterfeit bank note or notes, bill or bills, knowing the same to be false, forged or counterfeited; or if any person shall make, utter, publish, pass or put in circulation, any note or notes, bill or bills, purporting to be the note or notes, bill or bills of a bank company or association, which never did in fact exist, and which is fabricated for imposition, such person knowing at the time of publishing, passing, or putting in circulation, any such note or notes, bill or bills, that the bank, company or association, purporting to have issued the same, never did exist; every person so offending shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be imprisoned in the penitentiary, at hard labour, for any space of time, not more than six years, nor less than six months.

**Sec. 2.** *Be it further enacted,* That no person convicted of a larceny or of the offence specified in the twentieth section of the act for the punishment of crimes, shall be punished by imprisonment in the penitentiary, according to the provisions of said section, unless the article stolen or maliciously destroyed, shall be of the value of ten dollars or upwards; and in all cases when the article stolen or maliciously destroyed, shall be under the value of ten dollars, the person convicted of the offence, shall be punished

Penalty for passing counterfeit coins or bank notes.

No person shall be sent to the penitentiary for stealing or destroying less than ten dollars worth.

agreeably to the provisions contained in the third section of the act, for the punishment of certain offences therein specified.

Penalty for  
selling . . .  
in blank.

Sec. 3. *Be it further enacted*. That if any person shall sell, barter or in any manner dispose of any false, forged or counterfeited bank note or notes; or shall sell, barter, or in any manner dispose of any counterfeit bank note or notes, the same not being filled up, or the signatures thereto forged or affixed, whether by the single bill, or by sheets, or if any person shall be detected with such blank counterfeit bank notes in his possession, for the purpose of selling the same, every such person shall be deemed guilty of a misdemeanor, and shall be confined in the penitentiary, at hard labour, for any space of time not more than ten years, nor less than one year.

Repealing  
clause.

Sec. 4. *And be it further enacted*, That so much of the act to which this is an amendment, and so much of the act, entitled 'An act to amend the act for the punishment of crimes,' as comes within the purview of this act be and the same is hereby repealed: *Provided nevertheless* That all offences committed prior to the taking effect of this act, shall be prosecuted and punished in the same manner, as if this act had never been passed.

Commence-  
ment.

This act to take effect and be in force from and after the first day of May next.

JOSEPH RICHARDSON,  
Speaker of the house of representatives,

ROBERT LUCAS,  
Speaker of the senate.

February 8th, A. D. 1819.

## CHAPTER XC.

An act making appropriations for the year one thousand eight hundred and nineteen.

**Sec. 1.** *Be it enacted by the general assembly of the state of Ohio,* That the following sums be and the same are hereby appropriated, and shall be paid out of the treasury, on the order of the auditor of public accounts, to defray the expences of government for the year one thousand eight hundred and nineteen, viz for the payment of the salaries of the governor, secretary of state, auditor of public accounts, state treasurer, judges of the supreme court, and presidents of the courts of common pleas, a sum not exceeding eighteen thousand dollars; a sum not exceeding eleven thousand dollars in addition to the sum already appropriated for that purpose, for the payment of the members of the present general assembly and including their clerks and door keepers; to David Smith, printer, for printing the journals bills and other extra printing; and to George Nashee, for printing the laws and resolutions enacted and passed during the present session of the general assembly, the amount of their accounts agreeably to contract; to Christopher Ripley for stationary and other articles, furnished for the use of the present general assembly, the amount of his accounts, to be settled by the auditor, treasurer and secretary of state, agreeably to contract.

Civil list appropriation.

Assembly appropriation.

Printing appropriation.

Stationary appropriation.

**Sec. 2.** *Be it further enacted,* That a sum not exceeding fifteen hundred dollars, be and the same is hereby appropriated as a contingent fund, subject to the order of the auditor of public accounts, for the payment of books, stationary, postage on letters and packets for the use of

Auditors contingent fund appropriation.

his office: and a report shewing the items of expenditure in applying the same shall be made to the general assembly at their next session by said auditor

\$2,000 ap-  
propriated  
for refund-  
ing money  
improperly  
paid for tax-  
es

Auditors  
fund for co-  
pies of en-  
tries.

Governors  
appropria-  
tion.

Appropri-  
ation for dis-  
tributing  
laws, &c.

Penitentiary  
appropria-  
tion.

Sec. 3 *Be it further enacted* That a sum not exceeding two thousand dollars, be and the same is hereby appropriated as a contingent fund, for the purpose of refunding money when the taxes on land have been twice or improperly charged and paid

Sec. 4. *Be it further enacted,* That a sum not exceeding two thousand dollars, be and the same is hereby appropriated, as a fund for the auditor of state, to enable him to procure copies of entries from registers of land offices in this state.

Sec. 5. *Be it further enacted.* That a sum not exceeding two thousand, be and the same is hereby appropriated as a contingent fund, subject to the order of the governor, for the year one thousand eight hundred and nineteen, who shall make report of the disbursement thereof to the next session of the general assembly.

Sec. 6 *Be it further enacted,* That a sum not exceeding nine hundred dollars, be and the same is hereby appropriated for the distribution of the laws and journals, of the present session, and also the military books procured in the last year for the use of the officers of the militia of this state.

Sec. 7. *Be it further enacted,* That a sum not exceeding twelve thousand dollars, be and the same is hereby appropriated, as a fund for defraying expences incidental to the Ohio penitentiary, for the purpose of enabling the inspectors to procure materials, for employing the convicts at the necessary labour; which sum

shall be subject to the order of the board of inspectors of said penitentiary; three thousand five hundred dollars of which at least, for the payment of sheriff for conveying convicts to the aforesaid penitentiary; a statement of the disbursements of which shall be made by the board to the next session of the general assembly.

Sec. 8. *Be it further enacted.* That a sum <sup>Fuel appro-</sup> not exceeding three hundred dollars, be, and the <sup>pritation.</sup> same is hereby appropriated for the purchase of fuel for the next general assembly, to be paid upon the order of the auditor and secretary of state; and an account of the disbursement thereof shall be made to the next session of the general assembly.

Sec. 9. *Be it further enacted,* That the sum <sup>Librarian ap-</sup> of two dollars per day, during the present <sup>propriation.</sup> session of the general assembly, shall be allowed and paid to the librarian, for his services, to be drawn at the treasury, on the order of the auditor, as in other cases.

Sec. 10. *Be it further enacted,* That a sum <sup>J. Martin's</sup> not exceeding fifty dollars and forty four cents <sup>appropriation.</sup> be, and the same is hereby appropriated for the purpose of paying John Martin for articles furnished by him during the present session.

Sec. 11. *Be it further enacted* That a sum <sup>Militia ap-</sup> not exceeding three thousand dollars, be, and <sup>propriation.</sup> the same is hereby appropriated, for the payment of the adjutant general, brigade inspectors and adjutants, the several sums allowed them by law.

Sec. 12. *Be it further enacted,* That a sum <sup>Seals for</sup> not exceeding thirty dollars, be, and the same <sup>counties.</sup> is hereby appropriated for the purpose of procuring seals for new counties.

Sec. 13. *Be it further enacted.* That a sum not exceeding sixty dollars, be, and the same is <sup>Treasurer's</sup>



contingent fund. hereby appropriated as a contingent fund, for the purchase of books and stationary for the use of the treasurer's office, to be drawn on the order of the auditor; an account of the disbursement of which shall be made by the treasurer to the next session of the general assembly.

Speaker of the senate appropriation. Sec. 14. *Be it further enacted*, That the sum of two dollars sixty-one and a half cents, be, and the same is hereby appropriated, for the payment of postage on the abstract of votes received for governor, charged to Robert Lucas, esquire, speaker of the senate.

C. Lofland's appropriation. Sec. 15. *Be it further enacted*, That the sum of two hundred dollars, be, and the same is hereby appropriated as an additional sum to the salary of Charles Lofland, chief clerk in the auditor's office; which sum shall be paid to him on the order of the auditor, at the treasury of the state, as in other cases.

Impeachment appropriation. Sec. 16. *Be it further enacted*, That the sum of eighty-seven dollars and eighty-five cents, be, and the same is hereby appropriated to pay Peleg Sisson for serving subpoenas in the case of Judge Layton, and also to pay the witnesses who attended in the same case.

B. Pike's appropriation. Sec. 17. *Be it further enacted*, That the sum of eleven dollars, be, and the same is hereby appropriated to pay Benjamin Pike, for putting the representatives hall in order for the reception of the legislature, cleaning furniture, &c. and the sum of four dollars and fifty cents to John M'Elvain, to pay for blanks for the use of the library, to be paid on the order of the auditor.

Penitentiary appropriation. Sec. 18. *Be it further enacted*, That the sum of twelve hundred dollars, be, and the same is hereby appropriated for the purpose of build-

ing additional work shops in the penitentiary, to be paid on the order of the inspectors of the penitentiary.

Sec. 19. *Be it further enacted*, That the sum of thirty dollars and thirty nine cents, be, and the same is hereby appropriated, to remunerate Moses Eldred, collector of Cuyahoga county, for monies overpaid to the non-resident collector.

M. Eldred  
appropriation.

Sec. 20. *Be it further enacted*, That the sum of thirty six dollars, be, and the same is hereby appropriated to David Robb, returned a senator from the counties of Guernsey, Coshocton and Tuskarawas, as a compensation for travelling and returning one hundred miles, and for four days attendance on the investigation in the senate of his right to a seat in that body to be drawn from the treasury upon the order of the auditor, as in other cases.

D. Robb's  
appropriation.

Sec. 21. *Be it further enacted* That the sum of one hundred dollars, be, and the same is hereby appropriated, to pay William Doherty, adjutant-general, as a compensation for settling the arms account between the United States and this.

Adjutant ge.  
general's approp-  
riation.

Sec. 22. *Be it further enacted*, That a sum not exceeding sixteen dollars and twenty cents, be, and the same is hereby appropriated, to pay for repairing the public arms, to be paid on the certificate of the quarter masters of divisions, agreeably to the act for organising the militia, passed February the 14th, 1816.

Public arms  
appropriation.

Sec. 23. *Be it further enacted*, That the sum of two hundred and sixty-five dollars and eighty two cents, be, and the same is hereby appropriated, to pay captain C. Ripley for stationary, &c. furnished on the order of the committee of

C. Ripley's  
appropriation.

ways and means, to be paid on the order of the auditor.

**Three per cent. appropriation.** **Sec. 24.** *Be it further enacted,* That the sum of forty one dollars and twenty five cents, be, and the same is hereby appropriated, for the purpose of paying Joseph Vance, of Franklin county and Abraham Pickering, of Fairfield county, for laying out, surveying and making a state road from Jacksonville, in Fairfield county to Columbus, in Franklin county, to be paid on the warrant of the auditor, and charged to the said counties of Franklin and Fairfield, in proportion to the distance said road runs through each of said counties respectively, and deducted out of the next appropriation of three per cent. fund made to said counties of Franklin and Fairfield.

**JOSEPH RICHARDSON,**

**Speaker of the house of representatives.**

**ROBERT LUCAS,**

**Speaker of the senate.**

**February 9th, A. D. 1819.**

# RESOLUTIONS.



Resolution recommending to the electors of this state, to vote for or against a convention.

*Resolved by the general assembly of the state of Ohio, (two thirds of the members of each house of the general assembly, concurring therein.)* That it is necessary to amend the constitution of the state of Ohio; and do hereby recommend to the electors, at the next election for members of the general assembly, to vote for or against a convention, agreeably to the provisions of the fifth section of the seventh article of the constitution and the judges of elections, held within each township of this state, shall receive and transmit with the return of votes given for members of the general assembly, to the clerk of the court of common pleas, within their respective counties, a statement of all votes given within their respective townships for and against a convention; and the clerks of the courts of common pleas in the several counties within the state, are directed to include in the general abstracts of votes, given within their respective counties for members of the general assembly, a statement of the number of votes returned to their respective offices for and against a convention; and forward the same to the secretary of state's office previous to the next session of the general assembly.

December 25th, A. D. 1818,



*Resolved by the general assembly of the state of Ohio,* That there be paid to the witnesses who have attended on subpoenas issued by the select committee appointed to in-

investigate the charges exhibited by John A. McDowell, against Orris Parish, president of the sixth judicial district of Ohio, the sum of three dollars for each day they have attended said committee, up to this day inclusive, together with three dollars for every thirty miles while travelling to and from Columbus, in obedience to said subpoenas; also, that there be paid to Peleg Sisson, of Columbus, the sum of thirty seven dollars twelve and a half cents, for serving subpoenas issued by said committee; and that the same be paid on the certificate of said committee, out of the monies to be appropriated for that purpose.

December 28th, A. D. 1818.

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*Resolved by the general assembly of the state of Ohio,*  
That the Governor, be, and he is hereby uthorised and requested, to procure five copies of Binns' splendid edition of the Declaration of Independence, to be deposited in the state Library for the use of the state.

January 2d, A. D. 1819.

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*Resolved by the general assembly of the state of Ohio,*  
That the Public Library, be open to the president, and associate judges of the courts of common pleas, in the same manner, and upon the same condition, provided by the rules in case of other public officers.

January 11th, A. D. 1819.

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*Resolved by the general assembly of the state of Ohio,*  
That the state treasurer be, and he hereby is authorised to receive of Homer Hine and Alexander Patterson, any of the notes on the bank of Muskingum, which they may state under oath, to have bona-fide received for taxes

as due on the duplicates, or received from county collectors, which they were charged to collect.

January 16th, A. D. 1819.

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*Resolved by the general assembly of the state of Ohio,*  
That there be paid to the witnesses, who have attended on subpoenas issued by the select committee, appointed on the memorial of Andrew M'Beth, exhibiting charges against Joseph Layton, an associate judge of Clark county, the sum of two dollars for each day they have attended said committee, together with two dollars for every thirty miles travelling to and from Columbus, in obedience to said subpoenas: and also, that the sum of one dollar be paid to each witness that attended and gave their deposition in the above case in the town of Springfield; also, that there be paid to John Daugherty, a justice of the peace in Clark county, for taking said depositions, the sum of two dollars and twenty five cents; also, that there be paid to the clerk of said county of Clark, for a copy of the proceedings on the above case, the sum of three dollars and ten cents; and that there be paid to Peleg Sisson of Columbus, the sum of twenty-four dollars, for serving subpoenas issued by said committee, out of any monies to be hereafter appropriated for that purpose: *Provided,* That the witnesses summoned in Columbus, shall not be allowed travelling fees.

January 16th, A. D. 1819.

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Whereas, it appears that there is now in the hands of the treasurer of state, eight hundred and thirty dollars, of notes on the Germu Bank of Wooster: Therefore,

*Resolved by the general assembly of the state of Ohio,*  
That the treasurer of state is hereby authorised to loan to any individual or individuals, who may apply

therefor, all the bills issued by the German Bank of Wooster, belonging to the state in his possession, for any length of time not exceeding twelve months, with legal interest, upon good and sufficient security being given for the payment of money, or bank paper, currently received in payment of taxes by the treasurer, in lieu thereof.

January 28th, A. D. 1819.

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*Resolved by the general assembly of the state of Ohio,* That John Johnston, of Piqua, in the county of Miami, and Samuel M'Clure, of the county of Shelby, be, and they are hereby appointed commissioners, to lay out and locate a state road from Piqua, in the county of Miami, to Wapaghkonetta, on the Auglaize, agreeably to the provisions of an act, entitled 'An act for laying out a state road from Piqua, in the county of Miami, to Wapaghkonetta, on the Auglaize.'

February 6th, A. D. 1819.

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Whereas, in pursuance of a resolution of the general assembly of the state of Ohio, passed January the twenty seventh, 1817, the states of Pennsylvania, Virginia and Kentucky have each appointed a commissioner on their part. to do and perform the several services pointed out and required of them by said resolution: Therefore,

*Resolved by the general assembly of the state of Ohio,* That the governor be, and he is hereby authorised and required to appoint a commissioner on the part of this state, whose duty it shall be to meet such commissioners as have or may be appointed by the states of Pennsylvania, Virginia, Kentucky and Indiana, at such time and place as may be agreed on, and then and there proceed to perform the several duties pointed out by the resolution aforesaid.

February 6th, A. D. 1819.

Whereas it is represented to this general assembly, that in pursuance of an act, passed the 28th of January. 1817, making a further appropriation of the three per cent. fund, that Jesse Williams was appointed by a resolution of the same date, as commissioner to lay out the sum of fifty-five dollars appropriated on a road from John Robertson's through the prairie, to the head of White Eyes creek; and whereas it is represented that the said Williams did not lay out the aforesaid sum of fifty-five dollars: Therefore,

*Resolved;* That John Robertson, be and he is hereby appointed commissioner to lay out the said sum of fifty-five dollars. on the road aforesaid.

February 6th, A. D. 1819.

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*Resolved by the general assembly of the state of Ohio,* That Isaac Dawson, of Ross county, Joseph J. Martin, of Pike county, and David Mitchell, of Scioto county, be, and they are hereby appointed commissioners to fix the seat of justice in the county of Meigs.

February 8th, A. D. 1819.

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*Resolved by the general assembly of the state of Ohio,* That Thomas B. Vanhorn, of Warren county John Whitsworth, of Butler county, and James Sleet, of Montgomery county be and they are hereby appointed commissioners to fix the seat of justice in the county of Shelby.

February 8th, A. D. 1819.

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*Resolved by the general assembly of the state of Ohio,* That the governor of this state be, and he is hereby requested, to issue a proclamation, recommending a day of

D D



thanksgiving to Almighty God, the present year, at such time as he may deem proper.

February 9th, A. D. 1819.

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*Resolved by the general assembly of the state of Ohio,*  
That the treasurer of state, be, and he is hereby authorised to loan the whole, or any part of the notes on the Bank of Muskingum, which are now in the treasury, agreeably to the report of said treasurer to such person or persons as he may think proper on good and sufficient security: the amount of such loan or loans to bear interest at the rate of six per centum per annum, and to be made for any term not exceeding ten months, to be paid in such money as may be received at the treasury.

February 9th, A. D. 1819.

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*Resolved by the general assembly of the state of Ohio,*  
That seventy copies of the act, entitled An act regulating the times of holding the judicial courts, and increasing the number of circuits of the courts of common pleas be printed and forwarded by the secretary of state, in the following manner viz: One copy to each of the judges of the supreme court; one copy to the president of each judicial circuit, and one copy to each clerk of the courts of common pleas of this state.

February 9th, A. D. 1819.

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*Resolved by the senate and house of representatives,*  
That his excellency the governor be requested, and he is hereby authorised, to appoint such person or persons as he may think proper, to take charge of the state house, public offices, library, and all other property belonging to the state.

February 9th, A. D. 1819.

*Resolved by the general assembly of the state of Ohio, That six thousand five hundred copies of the acts passed, and six hundred journals made this session, shall be printed; and as soon as the laws and journals as aforesaid shall be printed, it shall be the duty of the secretary of state forthwith to transmit to the clerk of the court of common pleas of each county, to be distributed according to law, the number of copies of the laws and journals as follows, to wit:*

Counties.	Laws.		Counties	Laws.		Counties.	Laws.	
	Jour.	Jour.		Jour.	Jour.		Jour.	Jour.
Ashmun	139	14	Green	130	13	Meigs	57	5
Athens	85	10	Gallia	90	11	Medina	40	7
Ashtabula	106	11	Guernsey	106	11	Morgan	30	5
Butler	166	15	Hamilton	229	22	Perry	100	7
Belmont	175	19	Highland	140	16	Pickaway	149	14
Brown	115	12	Huron	96	10	Preble	100	10
Clermont	140	14	Harrison	135	14	Portage	127	11
Clark	90	10	Hocking	80	8	Pike	80	10
Columbiana	130	20	Jefferson	166	16	Ross	190	20
Cuyahoga	100	11	Jackson	80	9	Richland	120	12
Clinton	106	11	Knox	106	11	Shelby	30	4
Champaign	90	10	Lawrence	80	8	Scioto	100	10
Coshockton	116	11	Licking	126	12	Stark	156	16
Delaware	106	11	Logan	80	10	Tuskarawas	110	14
Dark	80	8	Montgomery	156	15	Trumbull	152	18
Fayette	110	12	Miami	90	10	Washington	120	12
Fairfield	160	16	Madison	106	11	Wayne	130	14
Franklin	136	14	Muskingum	140	14	Warren	160	16
Geauga	90	11	Monroe	85	10			

*Resolved further, That the secretary of state transmit to the judges of the supreme court and district court of the United States for the district of Ohio; the judges of the supreme court and presidents of the courts of common pleas of this state, one copy each of the laws and resolutions passed during the present session; and that the remainder of the laws and journals, after distributing the number as aforesaid, shall be deposited in the office of the secretary of state, subject to the order of the legislature.*

*Resolved further, That the secretary of state, when he transmits the laws and journals of the present session, he shall transmit the military books compiled by a board of officers of the United States army, and purchased by the governor for the use of the officers of the militia of this state, to the counties as follows, to wit:*

Counties.	Copies.	Counties.	Copies.	Counties.	Copies.
Hamilton	43	Gallia	35	Trumbull	30
Butler	44	Scioto	24	Jefferson	39
Warren	44	Ross	42	Columbiana	44
Clermont	58	Pickaway	50	Fuskarawas	58
Adams	39	Muskingum	43	Wayne	27
Hig'land	38	Bemont	42	Montgomery	26
Fau'field	37	Athens	42	Miami	26
Franklin	36	Portage	31	Champaign	25
Licking	36	Geauga	31	Green	25
Pike	14	Cuyahoga	31		

JOSEPH RICHARDSON,  
Speaker of the house of representatives.  
ROBERT LUCAS,  
Speaker of the senate.

February 9th, A. D. 1819.

SECRETARY OF STATE'S OFFICE,

Columbus Ohio March 15, 1819.

I certify the foregoing acts and resolutions to be correct copies of the originals remaining on file in my office

JER. M'LENE, *Secretary of State.*

ERRATA.

- In page 98, second line from top, for 'clear and annual income,' read 'clear annual income.'
- Page 109, eighteenth line, for 'this act to be in force,' read 'this act shall be in force.'
- Page 122, first line, strike out the word 'and'
- Page 123, fourth line from bottom, at the end, insert the word 'at.'
- Page 127, sixth line from top, for 'cost.' read 'costs.'
- Page 128, thirteenth line from top, strike out the word 'suits.'
- Page 141, seventh line from bottom, for 'obtained license,' read 'obtained a license.'
- Same page, sixth line from bottom, for 'the person offending,' read 'the person so offending'
- Same page, eleventh line from top, for 'according to apparent business,' read 'according to the apparent business.'
- Page 142, eleventh line from top, for 'thereof,' read 'therefor.'
- Page 148, for 'George Stefler,' read 'George Stefler' wherever it occurs.
- Page 152, thirteenth line from bottom, for 'in aid of county taxes,' read 'in aid of the county taxes.'

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<b>An act for the relief of the purchasers of Virginia Military School lands</b>	35
<b>An act to authorise the establishment of a Medical College</b>	37
<b>An act to erect the county of Meigs</b>	40
<b>An act to amend an act, entitled 'An act, to amend an act, entitled 'An act for the inspection of certain articles therein enumerated, and for other purposes'</b>	43
<b>An act extending for the term of two years the grant of lands heretofore made to Joseph Eaton</b>	44
<b>An act to amend the act regulating Elections</b>	45
<b>An act to incorporate the Cincinnati College</b>	46
<b>An act to authorise Alexander, Skinner, to erect a dam on the Black Fork of Mehecan creek, in section thirty-five, in township twenty, of range sixteen, in Richland county</b>	51
<b>An act to enable the holders of land, within this state, to perpetuate testimony relative to their lands</b>	52
<b>An act to punish Kidnapping</b>	56
<b>An act to provide for laying out a state road from Piqua, in the county of Miami, to Wapakonetta, on the Auglaize</b>	58
<b>An act to change the name of the town of Middletown, in the county of Highland,</b>	60
<b>An act to amend an act, entitled 'An act to erect the county of Clark,'</b>	ib
<b>An act for the relief of Major Thomas Martin,</b>	62
<b>An act to amend the act providing how money shall be appropriated in counties or districts attached, and for the division of the money remaining in the treasury from which a new county may be laid off,</b>	ib
<b>An act to amend the act, entitled 'An act providing for the incorporation of townships,'</b>	64
<b>An act concerning the sitting of the courts of common pleas in the second circuit</b>	65
<b>An act to authorise Jacob Broadwell, Isaac Edwards, and their associates, to erect a toll bridge across the Little Miami river,</b>	66
<b>An act to amend the act, entitled 'An act defining the duties of justices of the peace and constables in criminal and civil cases,'</b>	69
<b>An act to amend the act, making provisions for carrying into effect the act for the punishment of crimes</b>	76
<b>An act to amend the act, entitled 'An act to regulate the admission and practice of attorneys and counsellors at law,'</b>	92
<b>An act to provide for fixing the permanent seat of justice, in the county of Clermont,</b>	93

An act more particularly defining the duties of the director of the town of Jackson, and for other purposes,	95
An act to incorporate the Cadiz Academy, in the county of Harrison,	97
An act for the relief of Nicholas Pickerel, sheriff of Logan county,	102
An act establishing the salary of the State Treasurer,	108
An act to amend the act, entitled 'An act making further appropriations of the three per cent. fund, granted by the U. S. for laying out, opening and making roads in this state. passed January 28th, 1817, and for purposes,'	104
An act to amend the act, entitled 'An for opening and regulating roads and highways,'	106
An act for the relief of Solomon Geller,	109
An act regulating the times of holding judicial courts and increasing the number of circuits of the court of common pleas,	110
An act to amend the act establishing boards of commissioners,	118
An act for the incorporation of religious societies,	120
An act to change the name of the town of New Lexington, in the county of Fayette.	122
An act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions,	126
An act to establish the line between the counties of Adams and Brown,	130
An act to amend the act, entitled 'An act to appoint an agent to lease the salt spring, and the section including the same, near the Muskingum river,	ib
An act further to amend the several acts establishing the Miami University,	131
An act to amend the act, entitled 'An act authorising the trustees of the original surveyed townships in the county of Fairfield, to grant permanent leases for their reserved sections, number 16 within said county,'	132
An act to authorise Elmore Williams, and his associates, to erect a toll-bridge over Mill creek, in the county of Hamilton	134
An act to authorise Andrew Huston, Daniel Furney, James Bell, Jonathan Renick, and their associates, to erect a toll bridge across the Scioto river	136
An act to amend the act, entitled 'An act authorising the auditor to proceed against W. W. Cotgrave, register of the Virginia Military School lands, and for other purposes	139
An act levying a tax on vendors of foreign merchandise	140
An act to amend and revive the act, entitled 'An act to regulate the Scioto salt works' passed February 19, 1810	143
An act to authorise the trustees of township 2, in range 8, in the Ohio Company's Purchase, in the county of Washington, to make a distribution of school funds in said township	144

An act to authorise Ziba Lindly, and his associates, to erect a toll bridge across the Hockhocking river	145
An act for the relief of John Knisely, Michael Swagler, Frederick Maish and George Stefler	148
An act for leasing section 16, in township 13, of range 15, in Wayne county, and for other purposes	149
An act to amend the act, entitled 'An act to erect the county of Brown	151
An act to prohibit the practice of buying and receiving bank notes at a discount	152
An act to amend the act, entitled 'An act incorporating the Circulating Library Company of Cincinnati'	154
An act to establish a college in the town of Worthington	ib
An act to amend an act, entitled 'An act to incorporate the Cincinnati and Dayton turnpike company'	160
An act to amend the act levying a tax on land	162
An act to open and secure the navigation of the Scioto river, and for other purposes	165
An act to incorporate the Cincinnati Insurance Company	168
An act to amend the act, entitled 'An act against forcible entry and detainer;	173
An act to amend the act, entitled 'An act to incorporate the town of Cincinnati'	175
An act supplementary to the act, entitled 'An act to provide for transcribing the records of the Ohio Company, in the office at Marietta, and to make such copies evidence in courts of justice'	180
An act to authorise Arthur Coates and his associates to erect a toll bridge across the Hockhocking river	183
An act to incorporate the Union Academy, in the county of Muskingum	186
An act to levy and collect a tax from all banks and individuals and companies and associations of individuals; that may transact banking business in this state, without being authorised to do so by the laws thereof	190
An act to amend the act, entitled 'An act to amend an act creating the office of county surveyor & defining his duties	199
An act to amend the act, entitled 'An act to amend the act, entitled 'An act to incorporate the town of Cincinnati'	202
An act authorising the commissioners of Perry county, to set off 24 square miles of the 15th range and 17th township, into a separate incorporated township	202
An act to enable the proprietors of the town of Mansfield to exchange certain donations therein contained	203
An act to amend the act to extend & enlarge the penitentiary	204
An act to amend the act for the punishment of crimes	205
An act making appropriations for the year 1819	207

# REPORTS

OF THE

## AUDITOR AND TREASURER OF STATE.



*Auditor's Office, Columbus Dec 9th, 1818.*

Agreeably to the duties assigned, the Auditor submits to the Honorable the General Assembly, the receipts and expenditures for the year 1818, ending on the seventh instant.

The amount of money paid into the Treasury by the several collectors within the year ending as afore-said on account of the taxes by them collected, is

108,615 87

The amount of money paid into the Treasury on lands for taxes on record in this Office, is

19,669 92 6

The amount of money paid into the Treasury by the Agent of the Scioto Salt works, is

129 09

The amount of money set apart by the Miami Exporting Company, under



the act to raise a Revenue from banks, &c. is	1,716 66 3	
The amount of money paid into the Treasury arising from tax on process and proceeding in courts of law and equity levied in 1815, is	59 00	
	<hr/>	
The total amount paid in the Treasury within the last year ending on the seventh instant, is		130,190 45 9
The amount of Audited bills redeemed between the first Monday of De- cember, 1817. and the first Monday of Decem- ber, 1818. is	117,399 86	
The deficiency of the Trea- sury to meet the expendi- tures for the year 1817,	1,167 36 6	
		<hr/> 119,007 22 6
Leave in the hands of the Treasurer at this time		<hr/> 11,183 23 3

The amount of bills drawn upon the Treasury before the first day of December 1817 and the seventh day of December, 1818, is \$117 631 62 which constitutes the expenditures for the year 1818, and also includes the amount appropriated under the act to extend and enlarge the penitentiary.

The number of acres of land the property of non residents and charged with taxes in the different dis-

districts for the year 1818,  
is 4 556,204

The number of acres of land  
the property of residents  
as returned to this office  
by the commissioners of  
the several counties, is 7,152,294

The aggregate number of  
acres of land charged with  
taxes for 1818, is 11,714,498

The amount of taxes charg-  
ed on lands of non resi-  
dent proprietors within  
the several collection dis-  
tricts including the ar-  
rears due thereon for pri-  
or years, and sent out for  
collection for the year  
1818, is 73,903 35 9

The amount of taxes charg-  
ed on lands of resident  
proprietors as returned by  
the commissioners of the  
several counties for the  
year 1818, is 95,280 17 4

The aggregate amount of  
taxes levied on lands for  
the year 1818, is 169,184 43 3

From the above sum of \$169,184 43 3 several de-  
ductions must necessarily be made to shew the amount,  
applicable to the service of the state for the year 1819.

1st. The salaries of the dis-  
trict collectors, is 2,407 00 0

2d. The resident collectors  
fees on 95,281 07 4 is 5,716 86 4

3d. The probable amount  
of travelling fees to resi-

dent collectors, say	130 00	
4th. The probable amount of defalcations returned by the resident collectors, say	4,000 00 0	
5th. The probable amount which will be paid in Wolf scalps, say	5,000 00 0	
6th The probable amount of defalcations which will be returned by the non resident collectors, say	21,000 00 0	
7th. The probable amount arising under the act to provide for the transcrib- ing the records of the Ohio Company in the of- fices at Marietta and to make such copies evi- dence in courts of justice, say	600,00 0	
8th. The proportion paya- ble to the county being 2-5 of the nett sum, is	52,148 88 8	
	<hr/>	91 002 75 2
Leaves a balance of		<hr/> 78,181 68 1
To which add the probable amount arising from the Miami Exporting Company, under the act to raise a revenue from banks, say		1,700 00 0
The probable amount which will be paid for taxes on lands through this office including arrears thereon, say		20,000 00 0
The probable amount arising from the Scioto salt works, say		100 00 0

The amount due from the county of Muskingum after deducting that county's proportion of the tax for the year 1817, is

2,405 37 3

The amount due from the collector of the fifth district, is

250 00 0

The amount of money remaining in the Treasury on the seventh inst. is

11,183 23 3

The apparent sum applicable to the service of the state for 1819, is

---

 \$113,820 28 6

From which deduct the amount necessary to meet the expenditures for the completion in extending and enlarging the Penitentiary, say

15,000 00 0

The probable amount of the civil list for the year 1819, is

---

 60,000 00 0

---

 75,000 00 0

From which calculation it appears that there will remain in the Treasury at the expiration of the year 1819,

---

 38,820 28 7

The following is a statement of the three per cent. fund.

The amount of an order drawn on the Secretary of the treasury of the U. States in favor of the treasury of this state January 23d 1818

24,200 00 0

To which add the amount

remaining in the treasury  
on the first day of De-  
cember, 1818,

26,723 39 8

---

50,923 39 8

From which sum of \$50,-  
923 39 8 there has been  
paid on proper vouchers  
for services performed  
and labor done on sundry  
roads from the first day  
December, 1817 to the  
seventh day of Decem-  
ber, 1818 is

35,907 70 0

To Hiram M. Curry state  
treasurer his fees on \$24,-  
200 at one per cent. is

242 00 0

---

36,149 70 0

Leaves in the hands of the treasurer  
at this time of the three per cent.  
fund.

\$14,773 69 8

Very respectfully,  
Your obedient servant  
RALPH OSBORN,  
*Auditor.*

# A SCHEDULE,

Shewing the quantity of land, of the different rates, and the amount of taxes charged as resident land, in the several counties, agreeably to the returns made to this office, by the county commissioners for the year 1818.

*Acres and Rates.*

*Amount of taxes including penalties and interest.*

Names of Counties	Acres and Rates			Amount of taxes including penalties and interest		
	First	Second	Third	Dollars	Cents	Mills
Adams	3 505	110 609	90 596	2 658	35	8
Athens	46	6 273	62 714	750	29	7
Ashtabula	43	16 117	183 574	1 616	54	7
Butler	11 618	134 528	41 148	3 221	26	7
Belmont	655	86 405	84 859	2 165		1
Clermont	3 345	181 044	59 640	3 617	18	5
Champaign	3 143	66 388	14 486	1 238	75	3
Clinton	585	73 695	18 675	1 387	90	
Coshocton	1 354	30 463	27 188	863	28	7
Columbiana	247	210 308	107 926	4 411	81	4
Cuyahoga	10	25 676	75 034	1 196	14	7
Clark	3 627	64 674	19 068	1 233	5	5

Delaware	545	73 755	69 009	1 897	47	3
Dark	202	2 741		42	29	3
Franklin	11 066	138 715	64 117	3 958	23	7
Fayette		57 537	13 324	998	92	
Fairfield	15 269	170 313	103 614	091	99	4
Green	1 370	153 600	63 861	3 050	1	8
Gallia	2 143	31 984	49 422	1 068	44	9
Guernsey		49 473	36 284	1 204	68	3
Geauga		6 381	114 784	1 391	61	3
Hamilton	40 598	202 792	123 837	4 585	4	3
Highland	418	114 397	38 984	2 189	16	3
Harrison		50 735	61 270	1 386	54	3
Huron		35 852	45 810	998	07	4
Jefferson	4 027	87 698	117 874	2 843	69	7
Knox	2 739	53 692	31 072	1 443	7	6
Licking	4 981	75 705	55 935	1 941	14	6
Logan	250	19 238	6 086	361	65	
Lawrence	4 027	35 456	117 271	216	90	
Montgomery	8 487	175 105	26 084	3 064	79	1
Miami	3 483	85 658	8 870	1 442	25	5
Muskingum	786	123 387	100 945	3 008	92	2
Madison	250	34 981	17 452	820	23	7
Monroe	1 544	3 291	8 981	169	70	
Preble	1 959	66 446	30 326	1 350	52	4
Pickaway	11 483	88 350	65 811	2 189	10	
Portage	768	81 575	217 640	3 653	93	7
Pike	4 663	17 888	15 135	549	70	3
Ross	20 430	222 099	187 755	5 701	19	

Richland	1 772	18 354	1 208	347	27	1
Scioto	2 142	27 500	23 702	781	4	6
Stark		144 996	25 852	2 469	10	
Tuscarawas	794	72 630	26 840	1 496	36	8
Trumbull		7 597	357 636	3 977	33	
Warren	19 503	161 176	25 705	3 064	75	
Washington	3 069	20 775	217 366	2 778	86	3
Wayne		29 409		444	95	
<b>TOTAL</b>	<b>195 784</b>	<b>3 796 900</b>	<b>3 165 610</b>	<b>95 281</b>	<b>07</b>	<b>4</b>



### A STATEMENT,

Shewing the quantity of Land and the amount of Tax charged to non residents in the different Districts, for the year 1818.

DESCRIPTION OF DISTRICTS.	ACRES & RATES.			Total amount of tax on non-resident land.	
	First	Second	Third	Dollars	Cts. M.
First District	1256	60056	1227	2580	76 9
Second District	3451	897618	413456	26987	51 6
Third District	2695	31174	582987	8458	58 1
Fourth District	1158	261836	128803	8703	49 3
Fifth District	1000	124646	9901	4061	89 9
Sixth District		2499	2632405	23111	60 1
<b>Total Non Residents</b>	<b>9960</b>	<b>1377826</b>	<b>3168788</b>	<b>73903</b>	<b>35 9</b>
<b>Total Residents</b>	<b>193784</b>	<b>2796900</b>	<b>3165616</b>	<b>95281</b>	<b>7 4</b>
	<b>203344</b>	<b>5174730</b>	<b>6354393</b>	<b>169184</b>	<b>43 3</b>
				<b>\$169184</b>	<b>43 3</b>

Total amount of Taxes for the year 1818

The Treasurer of the State of Ohio, to said State,

Dr.

To the amount of money received for taxes, &c. from  
the first day of Dec. 1817, to the fifth of December  
1818.

\$130 110 62 4  
11,188 21 5

Balance this day in the treasury,

Cr.

**CONTRA.**  
By deficiency, as reported to the General Assembly  
at their last session,

\$1 522 46 9

By the amount of audited bills redeemed from the  
first of Dec. 1817, to the fifth of December 1818,

117,399 86

11

Making	118,922 32 9
By Balance,	11,188 29 5
	<hr/>
	\$130,110 62 4

The above is a correct statement of the receipts and payments of the public money  
from the first day of December, 1817, to the fifth of December, 1818, which is very  
respectfully submitted.

**HIRAM MIRICK CURREY,**

TREASURER OF OHIO.

**TREASURER'S OFFICE, COLUMBUS,**  
9th December, 1818,

*The Honorable, the General Assembly of the state of Ohio.*

The Balance of the three per cent. fund remaining in the treasury, on the 1st December 1817, as reported to the General Assembly, at the last session, was  
Subsequent to that date, has been received of the United States of that fund,

\$26,723 39 8

24 200

---

50 923 39 8

13

\$36 149 70

---

\$14,773 69 8

Making the amount of  
From which deduct the amount which has been paid out from  
1st December, 1817, to the 5th December, 1818.

Leaves this day in the treasury, unexpended,  
Very Respectfully submitted,

**HIRAM MIRICK CURREY,**  
TREASURER OF OHIO.

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