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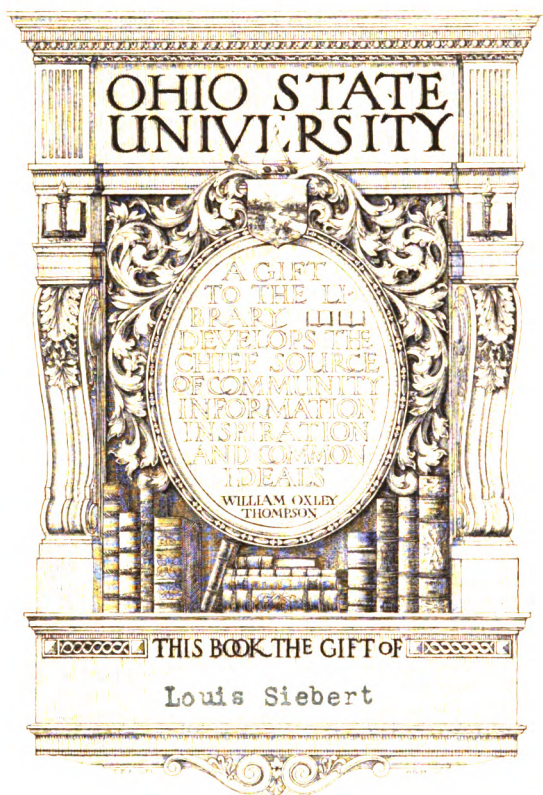
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1st Sess, 19th Ass'y

2d Sess, 20th Ass'y

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OHIO STATE UNIVERSITY

A GIFT
TO THE LI-
BRARY 
DEVELOPS THE
CHIEF SOURCE
OF COMMUNITY
INFORMATION
INSPIRATION
AND COMMON
IDEALS

WILLIAM OXLEY
THOMESON

THIS BOOK THE GIFT OF

Louis Siebert

1st Sess, 19th Ass'y

2d Sess, 20th Ass'y

1st Sess, 21st Ass'y, Gen.

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**LAWS OF OHIO
VOLUME 19-21
1820-23**

ACTS

PASSED

AT THE FIRST SESSION

OF THE

Nineteenth General Assembly,

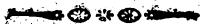
OF THE

STATE OF OHIO,

ENACTED AND HELD IN THE TOWN OF COLUMBUS,

DECEMBER 7, 1820;

And in the nineteenth year of said state.



VOL. XIX.

PUBLISHED BY AUTHORITY.

COLUMBUS:

Printed at the office of the Ohio Monitor,
BY DAVID SMITH,

.....
1821

STATE OF

NEW YORK

LAWS.

CHAPTER 1.

An Act in addition to the act entitled an act, to provide for the maintenance and support of illegitimate children;

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio, That any person who now is, or hereafter may be convicted under the act to provide for the maintenance and support of illegitimate children, and adjudged the putative father of an illegitimate child, and ordered to make provision for its maintenance, and confined in prison for not complying with the sentence and order of court, shall be entitled to the benefit of the prison rules, and of the act for the relief of insolvent debtors; in the same manner, and upon the same principles as persons imprisoned for debt.*

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

December 12, A. D. 1820.

CHAPTER II.

An act, to change the name of the town of Bloomfield, in the county of Butler.

Be it enacted by the General Assembly of the state of Ohio, That the town of Bloomfield in the county of

17274

Butler, shall hereafter be known by the name of the town of Trenton.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

December 16, 1820.

CHAPTER III

An act to amend an act, making further appropriation of the three per cent. fund, granted by the United States, for laying out, opening and improving roads in this state—passed, February twenty sixth, one thousand eight hundred and twenty.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That instead of the two dollars for each mile, allowed by the sixtieth section of the act to which this is an amendment, to commissioners for laying out and opening state roads, there shall be paid to the commissioners appointed by the General Assembly, February twenty sixth, one thousand eight hundred and twenty, to lay out a state road from Johnstown, in Licking county, thence through Howk's settlement, Bloomfield and Chester townships in Knox county, and until it shall intersect the road leading from Birkshire to New-Haven, by way of Lexington, the sum of two dollars each per day, for the time actually spent by them in laying out and making returns of said road; and each person employed by said commissioners, as surveyors, chain carriers and axmen, on said road, shall be paid the amount due them according to the agreement of said commissioners with such persons: *Provided,* That if the commissioners aforesaid, shall have paid off the persons thus employed, said com-

missioners shall be entitled to receive the same instead of such person if the amount shall appear just and equitable.

Sec. 2. *Be it further enacted*, That the commissioners of the counties in which the road aforesaid is laid out, shall, on receiving the certificate of the road commissioners, mentioned in the first section of this act, specifying the number of days spent by each individual in each county respectively, in laying out said road, issue their order on the treasurers of their counties respectively, for the amount due each individual for his services in laying out and returning that portion of the road running through such county, agreeably to the provisions of the first section of this act. And the orders thus drawn shall be paid by the treasurer of the county: *Provided*, That if any person shall have been employed by said road commissioners, without special agreement of the sum to be allowed them, the commissioners of the said counties, respectively, shall allow them such compensation as shall be just and equitable.

Sec. 3. *Be it further enacted*, That the commissioners appointed by the General Assembly, on the twenty sixth day of February one thousand eight hundred and twenty, to lay out a state road from Mount-Vernon in Knox county, thence a northwesterly course until it shall intersect the road leading from Delaware to Lower Sandusky, at or near Upper Sandusky, and the persons employed by them, in laying out said road, shall receive the same compensation, be under the same restrictions, and receive said compensation in the same manner as is provided in the first and second sections of this act, in the case of the roads therein specified: *Provided*, That if the surveying said road shall have been done by the road commissioners, then the county commissioners shall only allow them such compensation for surveying as they shall deem just and

equitable: *Provided also*, That the county of Delaware shall pay the expense of laying out said road through the territory attached to that county in the same manner as is provided in the preceding sections of this act.

Sec. 4. *Be it further enacted*, That the sum of one hundred and seventy dollars, appropriated by the aforesaid act, to aid in erecting a bridge over Indian creek at Millville, Butler county, shall be appropriated and laid out as follows, to wit: the sum of eighty five dollars for the purpose of erecting a foot bridge across Indian creek, at Millville, aforesaid; and eighty five dollars for the purpose of erecting a foot bridge across Indian creek, at or near the place where the state road from Hamilton to Lawrenceburgh crosses said creek; to be laid out under the superintendence of Ninian Beatty.

Sec. 5. *Be it further enacted*, That seventy five dollars, of the sum of one hundred and fifty dollars, appropriated by the fifty ninth section of the aforesaid act, to be laid out on the bridge over Little Beaver creek, in the township of Adams, in the county of Washington, shall be laid out and expended on the bridge over Big Run in said township of Adams. And the balance, seventy five dollars, shall be laid out and expended on the bridge over Bear creek, in said township, in the county of Washington; and Daniel Owen, is hereby appointed commissioner to superintend the laying out the money over Big Run; and William Davis is hereby appointed commissioner to superintend the laying out the money over Bear creek; and they shall enter into bonds with the county commissioners in such sum as they may require, for the faithful performance of their duties, and receive compensation for their services out of the treasury of the county of Washington, in the same manner that commissioners for old roads and bridges are required to give bonds, and entitled to receive

compensation, by the sixtieth section of the act to which this is an amendment.

Sec. 6. *Be it further enacted*, That so much of the fiftyninth section of the aforesaid act, and of the resolution appointing road commissioners, passed the twentysixth of February one thousand eight hundred and twenty, as is contrary to the provisions of the fifth section of this act, be and the same is hereby repealed.

Sec. 7. *Be it further enacted*, That the county commissioners of the counties of Ross, Pike and Adams, be and they are hereby respectively authorised and required to settle and adjust the accounts of Curtis Cannon, road commissioner, appointed by the act entitled an act, to establish a state road from Christian Platto's, in the county of Ross to the crossings of Brush creek, in the county of Adams; passed February second one thousand eight hundred and twenty; and that they allow him such compensation for laying out, marking and establishing the said road within their respective counties, as is specified in said act; which allowance shall be paid out of the county treasury upon the order of the county commissioners of such county. Any thing in the fifth section of the before recited act to the contrary notwithstanding.

Sec. 8. *And be it further enacted*, That the sum of one hundred dollars of the appropriation made within the county of Jackson, by the twenty eighth section of the act to which this is an amendment, (that sum having been omitted in the application of the money appropriated within the said county,) be and the same is hereby appropriated for the purpose of securing and repairing the bridges on the Chillicothe

road, to be drawn and applied under the direction of the county commissioners of Jackson county.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

December 16, 1820.

CHAPTER IV.

An act to authorise the trustees of the town of West Union to vacate a part of a street, in said town.

Whereas it has been represented to this general assembly, by the trustees of the town of West Union; That by vacating a part of a street on the east side thereof, it will add much to the convenience of the citizens and beauty of said town. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That the trustees of the town of West Union be, and they are hereby authorised to convey by deed in fee simple, to John Wood, his heirs and assigns forever, the street north of in lot number eighty-five, and east of in lot number one hundred and eleven, and part of in lot number eighty six. And the said street is hereby declared vacated; and the said trustees are authorised to receive from Sathiel Sparks, a deed of conveyance, to them and their successors forever, for public uses, the streets he has laid out on the east side and north end of the square in which the above described lots are situated; and the said streets are hereby declared public highways.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

December 18, 1820.

CHAPTER V.

An act, to confirm and legalize the judicial and ministerial acts of James Everett and Jacob Swigart.

Whereas it has been represented to this General Assembly that James Everett was duly elected to the office of justice of the peace, in and for the township of Westland, in the county of Guernsey, on the sixth day of November one thousand eight hundred and nineteen, and was duly commissioned, and gave bond to the trustees of said township as the law directs, but neglected to certify the date of his commission to the township clerk in the time required by law.—And it has also been represented to this General Assembly, that Jacob Swigart was duly elected to the office of justice of the peace, in and for the township of Jackson, in the county of Stark, on the seventh day of July one thousand eight hundred and nineteen, and was duly commissioned and gave bond to the trustees of said township, of Jackson as required by law, but neglected to certify the date of his commission, to the township clerk, in the time required by law. And as it appears that the said James Everett and Jacob Swigart believed they had a right to exercise the official functions of justice of the peace in and for the said townships, in which they were severally elected; and as the said James Everett and Jacob Swigart, did singularly and severally engage in, and discharge and perform all and singular the duties of justice of the peace, in and for the townships and counties in which they were severally elected. And as doubts do exist, whether the official acts of the said James Everett and Jacob Swigart are legal; and as it is of importance that such doubts should be removed. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That all and singular the acts both, judicial and ministerial, of the said James Everett

by him done and performed, as a justice of the peace for Westland township, in the county of Guernsey, shall be confirmed, and are hereby declared as legal as if he had been duly qualified, and no exceptions are to be taken against such of his acts as would have been unexceptionable had he certified the date of his commission to the township clerk in the time required by law.

Sec. 2. *And be it further enacted*, That all and singular the acts, both judicial and ministerial, of the said Jacob Swigart, by him done and performed as a justice of the peace for Jackson township, in the county of Stark, shall be confirmed, and are hereby declared as legal as if he had been duly qualified; and no exceptions are to be taken against such of his acts as would have been unexceptionable had he certified the date of his commission to the township clerk, in the time required by law.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

Speaker of the senate

December 19, 1820.



CHAPTER VI.

An act for the relief of Curtis Cannon

Whereas it has been represented to this General Assembly, that Curtis Cannon of Adams county, who was appointed by the law passed February 26, 1820, a road commissioner, to expend the sum of sixty dollars, appropriated out of the quota allowed to the county of Ross, on the road from Christian Platto's to the town of Sinking Spring; and although it appears that the said Curtis Cannon has faithfully expended the said sum of sixty dollars, yet the

commissioners of Ross county refuse to settle with him. Therefore.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the Auditor of state be, and he is hereby authorised to issue to Curtis Cannon or his order, his bills, payable at the treasury of state, for the sum of sixty dollars, to be deducted out of one thousand dollars of the three per cent. fund, appropriated to the county of Ross by the act passed February 26, 1820.

Sec. 2. *Be it further enacted*, That the Commissioners of Ross county be, and they are hereby directed, to pay to Curtis Cannon, such daily compensation as they usually allow to road commissioners for similar services.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE

Speaker of the senate.

December 19, 1820.



CHAPTER VII.

An act granting certain privileges to Philip Baker of Tuscarawas county.

Whereas an act, passed on the eighth day of February, one thousand eight hundred and nineteen, entitled, an act to open and secure the navigation of the Scioto river, and for other purposes, wherein it is provided that any person that shall erect a dam across the Scioto or Tuscarawas rivers, shall construct and place a good and sufficient lock and slope in said dam, for the safe passage of boats, craft, and rafts: and whereas it has been represented to this General Assembly that Philip Baker of Tuscarawas county, who is building a grist mill on the Tus-

carawas river, within one mile and a half of New Philadelphia, can, by placing a lock in his mill race, let boats and other craft pass with more safety and convenience, than if a lock was placed in the dam as required by the above recited act, Therefore.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That the above mentioned Philip Baker, shall have the privilege, and he is hereby authorised, to erect a dam across the Tuscarawas river, near where the road leading from said Baker's to New Philadelphia, crosses said river, and construct and place a slope in said dam in the most current or suitable point of descending said river; and said slope shall not be less than thirty feet wide, and not have more than three fourths of an inch of fall for every foot in length, and in every other respect made and placed in said dam as he is required in the above recited act.

Sec. 2. *And be it further enacted,* That the said Philip Baker shall have the privilege, and is hereby authorised to construct and place a lock in his mill race near his mills, instead of placing said lock in his dam, *Provided,* that said Baker shall have his mill race dug sufficiently wide and deep, and the lock placed therein to be as wide and in every respect made and kept in good repair for the safe passage of boats and other water craft ascending and descending said river, and at all times attend to letting boats and craft pass through without delay, as required in the before recited act, and shall likewise be subject to the same fines and penalties that are contained in the before recited act, for neglecting to make and keep in repair locks and slopes.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

Speaker of the senate.

December 23, 1820.

CHAPTER VIII.

An act, to authorise, the commissioners of Morgan county, to sell and convey certain lots in the town of M^cConnelsville in the county of Morgan.

Be it enacted by the General Assembly of the state of Ohio, That the commissioners of Morgan county, be and they are hereby empowered, to sell at public sale, upon such terms of payment, as they may agree upon, the lots numbered fifteen and twenty two in the town of M^cConnelsville, in the county of Morgan, conveyed by the proprietor of said town to the commissioners for the use of the county; and that upon such sale being effected, and the terms thereof complied with, by the purchaser or purchasers, the said commissioners be and they are hereby empowered and authorised, to make conveyances therefor, which conveyances shall pass the legal estate to the purchaser or purchasers.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

Speaker of the senate.

December 26, 1820.



CHAPTER IX.

An act to authorise and empower the court of common pleas for the county of Trumbull to appoint a guardian to Daniel Borden, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That the court of common pleas, for the county of Trumbull, is hereby authorised and empowered, to appoint a Guardian to Daniel Borden, a person non compos mentis, of Hartford in said county.

Sec. 2. *Be it further enacted*, That said guardian, when so appointed shall be authorised and empowered, to make, execute and deliver, to Ashael Borden, a deed of release signed with his hand and sealed with his seal, as required in other cases, for and on behalf of said Daniel Borden, for the following tracts of land, lying and being situate in Hartford aforesaid, to wit: one hundred and eighty six acres of land, being the east end of lot number thirty eight, bounded on the east and north by the boundary lines of said lot; on the west by land lately owned by Thomas Bushnall; on the south by the highway and the line of said lot. Also, sixty six acres of land lying in the north west corner of lot number twenty nine, excepting a small corner of said lot number twenty nine, lying north and west of the highway, running across said lot twenty nine; which sixty six acres is bounded as follows, to wit: on the north by the north line of said lot twenty nine and the highway; on the west by the west boundary line of said lot twenty nine to be in a square form; excepting the corner so cut off by the highway as aforesaid: which deed shall vest in the said Ashael Borden, his heirs and assigns as full, perfect and complete a title as though the said Daniel Borden was of sound mind, and the same had been executed by himself: *Provided*, that before the delivery of a deed for said tracts of land by the guardian to be appointed as aforesaid, the said Ashael Borden shall enter into bond to the treasurer of said county, and his successor in office, in the penal sum of two thousand dollars, secured to the acceptance of said court of common pleas, conditioned, that he and his heirs will take care of, provide for and support, the said Daniel Borden, in a decent and humane manner, during his natural life, and save the said township of Hartford free

from any expense for his support; and whenever it shall be made to appear to the satisfaction of the overseers of the poor of the township of Hartford aforesaid, that said Daniel Borden is not taken care of and provided for according to the provisions and condition of said bond, and is in their opinion in a suffering condition, that then and in that case, it shall be the duty of the overseers of the poor aforesaid to take the said Daniel Borden out of the possession of the said Ashael Bordon, and provide for his support and maintenance in the manner pointed out by such laws as may then be in force, providing for the support or maintenance of the poor.

Sec 3. *Be it further enacted*, That the overseers of the poor, for said township of Hartford, are authorised to sue said bond in the name of the treasurer of said county for the use of said township, whenever said Daniel may become a township charge; and the court before whom said bond may be sued shall render judgment thereon for its amount, and issue execution quarter yearly for such amount as the said township may have been damnified in supporting said Daniel for that period of time, to be ascertained by the overseers of the poor for said township, and certified to said court.

Sec. 4. *And be it further enacted*, That if the said Daniel should become a township charge in any other township within this state, the overseers of the poor within such township may sue on said bond, or proceed on the judgment that may have been rendered thereon, as is prescribed in the third section of this act.

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

JOSEPH RICHARDSON.

Speaker of the house of representatives.

ALLEN TRIMBLE,

Speaker of the senate.

December 26, 1820.

CHAPTER X.

An act supplementary to "the act authorising the secretary, auditor and treasurer, to contract for the printing and distribution of the laws and journals, and for other purposes."

<i>Style and manner of printing,</i>	<i>Separate proposals for each</i>	<i>3</i>
<i>&c.</i>	<i>1 item,</i>	<i>-</i>
<i>Proposals, how to be made</i>	<i>Penalty for errors in printing</i>	<i>4</i>
<i>out,</i>	<i>2 Proviso,</i>	<i>ib.</i>

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That all printing, for the use of the General Assembly, shall hereafter be executed in manner following, that is to say: the laws shall be printed with a neat small pica type, each page thereof shall be forty eight lines long, including head and foot lines, and twenty five M's wide, so as to contain twelve hundred M's—The journals shall be printed with a neat long primer type, each page thereof shall be fifty two lines long, including head and foot lines, and twenty nine M's wide, so as to contain, as near as may be, fifteen hundred M's—The governor's communications, auditor's and treasurer's reports; and all extra printing, other than bills, with the exception only of such tabular work as may not admit of it, shall be printed with a type of the same size, and contain precisely as much matter in each page; as the journals—The bills shall be printed with a neat pica type, each page shall contain twenty four lines of solid mater of the usual length, with at least a pica blank between each line.

Sec. 2. *Be it further enacted,* That all proposals for executing the printing aforesaid, shall explicitly designate the price which will be required for the composition of each page of the laws, journals, bills, and extra printing, together with the additional charge, if any, for each page of rule and figure work, which may be contained within the same: and also, the price per token of one hundred and twenty five sheets

of sixteen pages, for the press work of said laws, journals, and extra printing, as well as for the press work of each form of two pages, for any number of bills which may be required, not exceeding two hundred and fifty.

Sec. 3. *Be it further enacted*, That for each item of the printing aforesaid, separate proposals shall be required, which, after being sealed up, and directed on the outside, "Proposals for printing the Laws," (or the journals, bills or other extra work, as the case may be,) must be forwarded to the public officers who shall decide thereon agreeably to the provisions of the act to which this is a supplement.

Sec. 4. *And be it further enacted*, That if any printer, who may be employed in executing any part of the printing aforesaid, shall commit any error in the same, by which the sense or meaning may be altered, he shall forfeit to the state double the amount of the compensation to which he may have been entitled, for the composition and press work of such law, or for the composition and press work of a whole sheet of the journal, (as the case may be,) in which such error may be found: *Provided*, That no printer as aforesaid shall be deemed accountable for any error which may have originated in the copy furnished him by the clerks of the general assembly, or by the secretary of state: *Provided also*, That where in consequence of directions from the General Assembly, the work may be performed in a manner variant from the original contract, no extra allowance shall be made therefor, except by resolution of the General Assembly.

JOSEPH RICHARDSON,
Speaker of the house of representatives,
 ALLEN TRIMBLE,
Speaker of the senate.

December 29, 1820.

CHAPTER XI.

*An act supplementary to an act to establish certain roads passed,
February 26, 1820.*

Whereas it has been represented to this General Assembly, that the above recited act contains a provision for the laying out and establishing a state road from Old Town, in the county of Ross, on the nearest and best ground to Christian Benner's forge on Paint creek, and from thence to Bainbridge in the aforesaid county; and whereas no commissioner has yet been appointed to carry into effect the provisions aforesaid. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That John Clouser and Christian Benner, or either of them, be, and are hereby appointed commissioners for the purpose of laying out, making, and opening, said road, (at least forty feet wide.) The above mentioned road shall hereafter be considered a public highway.

Sec. 2. *Be it further enacted,* That it shall be the duty of the road commissioners to return to the clerk of the commissioners of the county, an accurate map and field notes of the survey of such road; and it shall be the duty of the clerk aforesaid, to record the same.

Sec. 3. *Be it further enacted,* That before the road commissioners proceed to the discharge of their duty, enjoined on them by this act, they shall, before some justice of the peace, take an oath or affirmation, faithfully to perform their duty as road commissioners; and shall moreover govern themselves by the provisions of the act to which this is supplementary.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

Speaker of the senate.

December 29, 1820.

CHAPTER XII.

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 there shall be the further sum of three thousand dollars appropriated for the purpose of discharging the debts contracted by the keeper of the penitentiary, and for the use of said institution, during the year eighteen hundred and twenty.

Sec. 2. *Be it further enacted*. That the sum of ten thousand dollars be, and the same is hereby appropriated for the payment of the members and officers of the present General Assembly, in part of their wages for the present session, on the certificate of the speaker of their respective houses; 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. 3. *Be it further enacted*, That the sum of two hundred dollars be and the same is hereby appropriated for the purpose of paying the extra salary of the president judge for the third circuit, for holding courts in the counties of Wood and Sandusky; and that the further sum of two hundred dollars be appropriated to make up any deficiency of former appropriations for the payment of the officers of government, supreme judges, and presidents of courts of common pleas.

Sec. 4. *Be it further enacted*, That the sum of one thousand dollars be appropriated as a fund for the auditor of state, to enable him to refund money when the taxes on land have been twice or improperly charged and paid.

Sec. 5. *And be it further enacted*, that a sum not exceeding two thousand five hundred dollars be appropriated for the payment of paper furnished the

legislature, and for printing the laws and journals of the present session, to be settled by the secretary, treasurer and auditor, agreeably to contract.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
 ALLEN TRIMBLE,
Speaker of the senate.

December 29, 1820.

CHAPTER XIII.

An act, respecting a canal, at the falls of the river Ohio.

Whereas much difficulty has arisen in determining satisfactorily, which side of the river Ohio at the falls, affords the greatest natural advantages for a canal: and whereas it is important that the state should have satisfactory information on this subject, from some skillful and experienced engineer, before she embarks her means in aid of a canal on either side. Therefore.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That the Governor of this state be authorised to employ a skilful and practical engineer, to examine the situation of the ground, on the line of the proposed canals, on each side of the Ohio river at its falls, and to make an accurate survey and estimate of the cost of making a permanent canal, on each side of said falls, with a detailed statement, of the advantages and disadvantages of each side of said falls, with reference to the comparative permanency, utility, and safety, of said proposed canals.

Sec. 2. *Be it further enacted,* That it shall be the duty of the Governor to lay before the next General Assembly of this state, the report of the said engi-

neer, with a correct survey and draft, of the said proposed canals shewing their comparative advantages, and disadvantages, with such other information, on the subject, as he may deem interesting to the state.

Sec. 3. *And be it further enacted*, That the said engineer, shall be allowed such compensation for his services, and the necessary expenses attending the said survey and examination, as the Governor shall deem equitable and right, to be paid out of any monies in the treasury not otherwise appropriated on the certificate of the Governor, accompanied by a proper bill of the charges and expenditures made out and signed by the said engineer.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

January 8, 1821.

CHAPTER XIV.

An act to provide for the erection of a court house, suitable for the Circuit and District courts, of the United States.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the the sum of two thousand five hundred dollarsto be paid out of the bills of the Miami Exporting Company, now in the treasury, of this state, be and the same is hereby appropriated, for the purpose of erecting, a convenient and suitable court house, for the Circuit and District courts of the United States: *Provided*, that the sum of three thousand dollars, be advanced, paid and delivered, by the citizens of Franklin county, in cash and materials, proper for the building of said court house, to the secretary, auditor and treasurer of state, on or before the first day of December next.

Sec. 2. *Be it further enacted*, That the said sum of three thousand dollars, so advanced, paid and delivered by the citizens of Franklin county, and the said sum of two thousand five hundred dollars, appropriated by the state, shall be expended in the erection of the court house aforesaid, under the direction and superintendence of said secretary, auditor and treasurer.

Sec. 3. *Be it further enacted*, that it shall be the duty of the said secretary, auditor and treasurer, or a majority of them, so soon as cash and materials, shall as aforesaid, be furnished, sufficient to cause said court house to be erected on the public square, in Columbus, as far north of the public offices, as the said public offices are north of the state house, and fronting High street, on a line parallel with the front, or west side of said public offices. And said court house, when so erected, shall forever remain the property of the state, and be used and occupied for the purposes aforesaid.

Sec. 4. *Be it further enacted*, That the sum of two thousand five hundred dollars, aforesaid, shall be paid from the treasury of this state, on the certificate of the secretary, auditor and treasurer aforesaid, or any two of them, whenever it shall appear to them, that the said sum of three thousand dollars has been advanced, paid and delivered to them, in cash and materials, suitable for building said court house, by the citizens of Franklin county.

Sec. 5. *And be it further enacted*, That the said court house, shall be erected and finished in every respect, agreeably to such plan, as may be furnished, to the secretary, auditor and treasurer, by the Governor; and shall be completely finished, on or before the first day of September, eighteen hundred and twenty two: *Provided*, that the state shall

not be liable for any additional expense, in building and finishing said court house.

JOSEPH RICHARDSON,
Speaker of the house of representatives,

ALLEN TRIMBLE,
Speaker of the senate,

January 8, 1821

CHAPTER XV.

An act, to authorise the commissioners for the county of Butler to purchase stock in the Miami Bridge Company.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the board of commissioners for the county of Butler, in the state of Ohio, be and they are hereby authorised and empowered, if in their opinion the same shall be expedient, to appropriate any monies that may be in the county treasury, not otherwise appropriated, for the purpose of purchasing stock in the Miami Bridge Company: And for that purpose, they shall have power to make and constitute an agent or agents for the purpose of purchasing the said stock from all or any of the stockholders in said company, who may be disposed to sell their stock; and to take and receive from them such transfers and assignments of the same as may be necessary for the use and benefit of said county: *Provided*, however that the said commissioners shall not be authorised to pay for any share or shares so purchased, a greater price or sum than the amount actually paid on such share or shares, together with the interest thereon, from the time the payments may have been originally paid on said stock.

Sec. 2. *Be it further enacted*, That in all general meetings and elections the said commissioners for the said county of Butler, or their agent shall be entitled to one vote for each share they shall hold in

trust for the county aforesaid, and shall in all cases be entitled to the same privileges, and shall receive the same dividends on their stock as other stockholders may be entitled to receive, which shall, immediately on the receipt thereof, be paid into the county treasury for the use of the county aforesaid. This act to be in force from and after the passage thereof.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

January 8, 1821.

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CHAPTER XVI.

An act, to legalise the official acts of certain sheriffs, herein named.

Whereas it has been represented to this General Assembly, that doubts exist as to the legality of the official acts of Thomas Orr, former sheriff of Jefferson county; and of John Shaw and Alexander Elliott former sheriffs of Knox county, in consequence of the bonds given by such sheriffs having been made payable to the treasurer instead of the commissioners of their respective counties. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That all the official acts and proceedings of Thomas Orr, late sheriff of Jefferson county, and of John Shaw and Alexander Elliott as sheriffs of Knox county, be and they are hereby confirmed and declared legal, so far as they would have been if said bonds had been in all respects legally executed.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,

Speaker of the senate,

January 8, 1821;.

CHAPTER XVII.

An act for the relief of Christian Myers,

Whereas it has been made to appear to this General Assembly, that one Daniel Hamilton, was apprehended and brought before John Myers, a justice of the peace of Jefferson county, on a charge of having purchased of one Ludwick Coe, certain goods, knowing them to have been stolen; and thereupon the said Daniel Hamilton, and christian Myers as his security, entered into a recognizance before the said justice, on the 27th day of October 1818; conditioned for the appearance of the said Hamilton, at the then next court of commonpleas of said county; and that said Hamilton did appear and attend said court, until the grand jury returned a bill of indictment, against him for purchasing stolen goods from the said Ludwick Coe, knowing them to be such, endorsed ignoramus; And that afterwards during said term, on the return of two other bills of indictment, against said Hamilton, for passing counterfeit bank bills, the said Hamilton and Myers, were called on their said recognizance and defaulted, the said Hamilton having then left the state, and that on such default, suit was commenced against said Christian Myers, on said recognizance, and judgment rendered thereon against him in favor of the state of Ohio, for the sum of five hundred dollars the amount of said recognizance, and also for costs of suit. Therefore.

Be it enacted by the General Assembly of the state of Ohio, That the amount of the judgment rendered in the case of the state of Ohio against Christian Myers, in the court of common pleas of Jefferson county, at the December term thereof, A. D. eighteen hundred and twenty, be, and the same is hereby remitted; and the said Christian Myers forever exor-

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Grated from the payment thereof: *Provided*, that the said judgment shall, for the amount of the costs in said suit remain in full force, until the same shall have been satisfied by the said Myers.

JOSEPH RICHARDSON,
Speaker of the house of representatives,
ALLEN TRIMBLE,
Speaker of the senate,

January 15, 1821.

CHAPTER XVIII.

An act supplementary to an act entitled an act appointing Allison C. Looker, agent for the heirs of Benjamin Hough, deceased, passed February 18th 1820.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That Allison C. Looker, agent for the heirs of Benjamin Hough, deceased, be and he is hereby authorised to sell either at public or private sale, for ready cash, or upon a credit of not more than three years, to be paid in such instalments as he shall deem right and advantageous, such unimproved lands belonging to the estate of Benjamin Hough deceased, lying and being within the Virginia Military district, as shall be sufficient to pay the debts of said Benjamin Hough deceased, and on the part and in the name of the heirs of said Hough, convey the same to the respective purchaser or purchasers by deed in fee simple, in as full and ample a manner as the said Benjamin Hough could have done in his life time, or which the said heirs could do, were they of lawful age.

Sec. 2. *Be it further enacted*, That said the Alison C. Looker be and he is hereby authorised to sell and convey by deed or assignment all such undivided interest, in entries, claims, or demands, of, in, and

to any tract of unimproved land, and all entries, locations or surveys of land, or Virginia Military land warrants, which the heirs of said Benjamin Hough are or may be entitled to, by virtue of any contract entered into by said Hough in his life time.

Sec 3. *Be it farther enacted*, That the said Allison C, Looker, before entering on the business aforesaid, shall make out and file in the clerk's office of Ross county, a schedule of all such lands as he may offer for sale under this act, and also, a list of claims against said estate, and shall annually exhibit an account of all sales by him made, together with the debts of said estate remaining unpaid, if any, and the amount received, and shall apply the proceeds arising from such sales, to the payment of the debts, agreeably to the statute in such case made and provided, and shall after the payment of the debts aforesaid, faithfully settle with the court of common pleas aforesaid, and pay over to the said heirs, or their guardian such sum or sums as may be remaining, if any, in his hands, belonging to said estate.

Sec. 4. *Be it further enacted*, That the said Alison C. Looker, previous to entering on the business aforesaid, shall enter into bond with good and sufficient security, to the acceptance of two of the aforesaid judges of the court of common pleas, in and for the county of Ross in such sum as the court may require, conditioned for the faithful performance of his trust, which bond shall be given in the name of the clerk of the court for the time being, and his successors in office, for the benefit of the heirs of the said Benjamin Hough, deceased, and lodged in the office of the clerk of the court aforesaid.

Sec. 5. *Be it further enacted*, That all acts, deeds, conveyances, and transactions, done and executed, and signed by the said Alison C. Looker, as agent.

for the heirs of Benjamin Hough, deceased, shall be good and valid in law to all intents and purposes.

Sec. 6. *Be it further enacted*, That the court of common pleas of Ross county, shall, from time to time, allow the said Alison C. Looker as agent, such compensation for his expenses and services as they may deem just and reasonable out of said estate.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

January 15, 1821.



CHAPTER XIX.

An act, regulating the practice of physic and surgery, within this state.

<i>Districts laid off,</i>	1	<i>Funds in the different treasuries, how disposed of,</i>	11
<i>Appointments and names of censors,</i>	2	<i>Fees allowed for attending board of censors,</i>	12
<i>Secretary of state to notify censors of their appointment,</i>	3	<i>Proceeding when censors fail to act,</i>	13
<i>Censors to appoint a clerk,</i>	4	<i>Place of three censors to be vacated annually,</i>	14
<i>Each board of censors to appoint a delegate to a convention,</i>	5	<i>Proceedings when censors fail to accept,</i>	ib.
<i>First meeting of delegates to be on 1st Monday of June 1821,</i>	ib.	<i>New districts, how created,</i>	15
<i>Powers & duty of convention</i>	ib.	<i>Two visitors to be elected by convention annually,</i>	16
<i>Proviso,</i>	ib.	<i>Duty & compensation of visitors,</i>	ib.
<i>Manner of admitting practitioners,</i>	6	<i>Further duty of convention,</i>	17
<i>Proceedings when candidates are rejected,</i>	7	<i>Their duty continued,</i>	18
<i>Penalty for practising without license,</i>	8	<i>First visitors named,</i>	19
<i>Graduate to present his diploma</i>	9	<i>Right to repeal or alter reserved,</i>	20
<i>Fees for permits and licenses,</i>	10	<i>Repealing clause,</i>	21

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That each of the circuits of the court

of common pleas within this state, shall constitute a medical district; in which there shall be appointed five censors, whose business it shall be, to examine candidates for the practice of physic and surgery.

Sec:2. *Be it further enacted*, That the board of censors; in the first district shall consist of Job Hains of Montgomery county, Samuel L. Good of Clark county, Joseph S. Carter of Champaign county, Asa Coleman of Miami county, and James H. Hills of Logan county. In the second of John Edmiston and Adam Hays of Ross, Jasper Hand of Highland, William B. Wilson of Adams, and Alexander Campbell of Brown county. In the third, of David Long of Cleveland, Dr. Gardner of Huron, Henry Manning of Trumbull, Orestes K. Hawley of Ashtabula, and Isaac Swift of Portage county. In the fourth of John J. Brice of Licking, Calvin Conant of Muskingum, Thomas Townsend of Wayne, Samuel Lee of Coshockton, and Timothy Burr of Knox county. In the fifth of William Leslie of Jefferson, William Clark of Guernsey, James Hughs of Belmont, Charles Marvin of Columbiana, and Thomas Hartford of Stark county. In the sixth, of Samuel Persons of Franklin, William W. Luckey of Pickaway county, James Wilson of Fairfield, Jesse Morris of Perry, and Royal N. Power of Delaware county. In the seventh, Joseph Canby of Warren, Loama Rigdon of Clinton, Joshua Martin of Green, Alexander Proudfit of Butler, and Walter Buell of Preble county. In the eighth of Thomas Waller of Scioto, Jacob Kitridge of Gallia, J. B. Regnier of Washington, Columbus Bierce of Athens, and Samuel C. Lewis of Pike county. In the ninth of Jesse Smith, Samuel Ramsey, Isaac Hough and Benjamin S. Bohrer of Hamilton, and William Williams of Clermont county.

Sec. 3. *Be it further enacted*, That it shall be the

duty of the secretary of state within thirty days after the passage of this act, to notify each of the aforesaid censors of his appointment, and it shall be the duty, of the first named censor, in each district, to fix on the time and place of holding the first meeting, and communicate the same to his colleagues.

Sec. 4. *Be it further enacted*, That when the censors or any three of them shall have assembled, agreeably to such notice, they shall appoint a clerk to record their proceedings; and also determine on the times, and the places of their future meetings; which meetings shall be holden at least twice in each year. Of these meetings the clerk shall give three weeks previous notice, in one of the newspapers printed within the district.

Sec. 5. *Be it further enacted*, That the board of censors thus constituted, shall every year at a regular meeting, elect one of their body as a delegate to a convention, to be holden at Columbus, in a room of the public offices, to be designated by the person having charge thereof for the time being. And if in any district the censors thus appointed, shall fail to elect such delegate it shall be the duty of the first named censor in such district to attend the said convention and discharge all the functions of the delegate who might have been elected by said censors. The first meeting of said delegates, shall be on the first Monday of June next. Any number of delegates, that may attend, this, or any subsequent meeting shall form a quorum for the transaction of every kind of business. The delegates thus assembled, and their successors, shall compose a body corporate and politic, with perpetual succession under the style of the Medical Convention of Ohio, and as such, may devise and use a common seal, and elect a president, secretary treasurer and such other officers as may be deemed necessary. It shall have ex-

exclusive power to grant licenses to candidates for the practice of physic and surgery; it shall prescribe the periods and methods of study, and the qualifications of candidates, but the period of study shall not be appointed for less than two, nor more than four years, and communicate the same, to the different boards of censors, who shall cause them to be promulgated in their respective districts, and be governed by them, in their examination of candidates. *Provided*, that no act of said convention shall in any degree affect the persons now engaged in the practice of physic or surgery in this state, as far as relates to their right to practice, nor such hereafter, who may wish to commence the practice, as have been graduated in any regular medical school, nor extend to any regulation of the charges of physicians or surgeons, for their professional services, nor be incompatible with the constitution and laws of this state.

Sec. 6. *Be it further enacted*, That the board of censors, or any three of them, after examining a candidate for the practice of physic and surgery, if they deem him qualified, shall give to him a permit, to practice within the district, in which it is granted, till the next meeting of the convention, to which meeting, the clerk shall return his name for a licence; and it shall be the duty of the convention, to determine by ballot, whether the candidate be worthy of such license, for which purpose, a majority of the delegates present, must concur in his favor. When this decision is made, it shall be the duty of the president and secretary of the convention, to issue to him a license under the seal of the corporation, whereupon he shall be permitted to practice his profession in any part of the state, and be eligible for any office of the corporation.

Sec. 7. *Be it further enacted*, That if any candidate shall be rejected by the board of censors, to

which he may apply, it shall be lawful for him to make application to any of the other boards of the state, or directly to the convention.

Sec. 8. *Be it further enacted*, That any person not a graduate in medicine, who shall hereafter commence the practice of physic or surgery, within this state, without a permit or license as aforesaid, shall not be entitled to the benefit of the laws, in the collection of his professional debts, nor be eligible for the office of censor.

Sec. 9. *Be it further enacted*, That every graduate in medicine, who may wish hereafter to commence the practice in this state, shall exhibit his diploma to the clerk of one of the medical districts, who shall record his name, and the name of the university granting the same, and until this is done, no graduate thus commencing, or prosecuting the practice shall be eligible for the office of censor.

Sec. 10. *Be it further enacted* That every person who obtains a permit from one of the boards of censors, shall pay for the same, to the clerk, the sum of one dollar; and every graduate applying to have his name enrolled, shall pay to the same officer a like sum, to be employed by him, as far as may be necessary, in defraying the contingent expenses of the board, and the remainder shall be annually transmitted by him, to the treasurer of the convention at the time of the sitting of the same. And for every license granted, which license shall be sent to the candidate through the clerk of the district, there shall be paid by the person receiving it, the sum of ten dollars, which shall be transmitted by the clerk, to the treasurer, as soon after the receipt thereof, as may be practicable.

Sec. 11. *Be it further enacted*, That the monies now in the treasuries of the different boards of censors, heretofore established in the state, shall

be paid over to the treasurer of the medical convention, so soon as one may be elected.

Sec. 12. *Be it further enacted*, That every censor, who may reside at a distance from the place where the board of censors may meet, shall be allowed a compensation of two dollars per diem, for all the time necessarily expended in attending the same; and every delegate to the convention shall receive an equal compensation, daily, while engaged in the discharge of that duty. The payments in both cases to be made out of the treasury of the convention, on the order of the president, certified by the secretary.

Sec. 13. *Be it further enacted*, That if the censors appointed in any district, shall neglect or refuse to perform their duty, none of the penalties of this act shall be enforced in that district during such omission.

Sec. 14. *Be it further enacted*, That three of the censors of each medical district shall annually vacate their seats, according to a plan to be formed by the convention, and in their place the said convention shall elect others by ballot, a majority of all the delegates present concurring. It shall be the duty of the president under the seal of the corporation to certify to him his appointment, and it shall be his duty within thirty days thereafter to signify to the president his acceptance or rejection of said appointment; and if it be refused, the president shall supply his place by appointing another to serve until the next meeting of the convention.

Sec. 15. *Be it further enacted*, That when any new judicial circuit shall by law be established, it shall become a new medical district, and it shall be the duty of the convention to appoint and organize therein a board of censors, with the same functions that may be exercised by those previously in existence; and should any alterations be made by law in the judicial circuits, the board of censors shall be organized in conformity with such alteration.

Sec. 16. *Be it further enacted*, That it shall be the duty of the medical convention to elect annually, two of its body to attend as visitors, the commencements in the medical college of Ohio; join with the faculty of that institution in the examination of candidates, for degrees, vote on their admission, and subscribe their diplomas on behalf of the convention, and for their services, they shall be paid two dollars per diem, out of the treasury of the convention. And it shall be their duty to make a report, annually, of their proceedings, and of the state of the institution, both to the legislature and the convention. The secretary of the convention shall inform the registrar of the college, who are elected visitors.

Sec. 17. *Be it further enacted*. That the convention shall have the privilege of selecting annually two students of medicine, who are destitute of the means of acquiring collegiate instruction, in the profession; and recommend them to the "Medical College of Ohio;" and it shall be the duty of that institution to extend to them, gratuitously, all its advantages.

Sec. 18. *Be it further enacted*, That it shall be the duty the convention, from time to time, to make such recommendations, to the physicians of the state, and to encourage in the different districts, the establishment of such societies of emulation as may appear to them, to be calculated to promote the improvement of the profession.

Sec. 19. *Be it further enacted*, That Joseph Canby of Warren county and John Edmiston of Ross county, be and they are hereby appointed visitors to the ensuing commencement, of the Medical college of Ohio, with the same compensation, out of the treasury of the convention, that has been already directed for visitors. It shall be the duty of the secretary of state, to notify them their appointment within thirty days after the passage of this act. And it shall be the duty of the registrar of

said college, to inform the visitors thus appointed, as well as those hereafter to be elected, of the time when the commencements in that institution are to be held.

Sec. 20. *Be it further enacted*, That the corporation hereby constituted shall be considered and held to be a public corporation which the General Assembly may at any time, repeal or modify as public good may require.

Sec. 21. *And be it further enacted*, That the different laws, heretofore enacted, for the regulation of the practice of physic and surgery, in this state, be, and they are hereby repealed. This act to take effect from and after the passage thereof.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

January 15, 1821.



CHAPTER XX.

An act providing for the permanent leasing of certain sections sixteen and twenty nine, in the county of Gallia.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That whenever three or more of the present lessees of either of the following sections of land, No. sixteen in fractional township one, range fourteen, section sixteen; in township three, range fifteen, section sixteen, and township four, range fifteen, section sixteen; in township six, range fifteen, and section sixteen; township, seven range fifteen, granted by congress for the use of schools—and section twenty nine, in fractional township one, range fourteen, section twenty nine; in township two,

range fourteen, section twenty nine; in township three, range fifteen, section twenty nine; township four, range fifteen section twenty nine, township six, range fifteen section twenty nine; township seven and range fifteen, granted by Congress for religious purposes, shall apply to the court of common pleas, for the county of Gallia, for the purpose of having their leases extended; or if any other person should apply to said court for a lease of any of the aforesaid land that has not heretofore been leased, the court shall on all such applications being made to them in writing, appoint three disinterested free holders not residing within the limits of the original surveyed township wherein the land applied for lies; which free holders, thus appointed, shall proceed on oath or affirmation; to appraise the several lots thus applied for; in which valuation the appraisers shall not take into view any buildings or orchards on said lots; and the appraisal so made shall be committed to writing, signed by the appraisers, and by them delivered to the trustees of the township to be recorded by the clerk.

Sec. 2. *Be it further enacted,* That the trustees of the original surveyed townships aforesaid, on the return of the appraisers so to them made, shall proceed to grant leases to the present lessees so applying for a lease, and if not leased to such person or persons applying for a lease, to be leased to such other person or persons as may apply for the same, for the term of ninety nine years renewable forever, subject however to a revaluation at the end of every thirty three years, at which revaluation, the land shall be appraised as though the same was in a wild and uncultivated state, and such lessee shall pay annually into the treasury of the township six per centum on the value of the lots so appraised for the benefit of the township, to be appropriated as other rents arising from

such lands are or may be by law appropriated, and all expenses which shall necessarily accrue by re-valuing the aforesaid lots shall be paid by the lessees in such proportion as the trustees shall think just and equitable.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

January 15, 1821.

CHAPTER XXI.

An act supplementary to the act regulating enclosures.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That in all cases whenever the fields, meadows, lots or other enclosures of two or more persons are divided by a fence or paling of any kind, and where either of the parties think proper to vacate their part of such field, meadow lot or other enclosure, or to make a lane or passage between the same, such person shall be at liberty to remove his or her part of said fence or paling, on giving six months notice, in writing to the other party or parties owning the adjoining fields, meadows, lots or other enclosures, or to his or her agent where such party is not a resident of the county.

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.
ALLEN TRIMBLE,
Speaker of the senate.

January 15, 1821.

CHAPTER XXII.

An act to amend the act entitled an act for the incorporation of religious societies, passed February fifth, 1819.

Whereas the Protestant Episcopal Church, in the United States have, by their usages and canons, appointed Easter Monday, for electing all church and parish officers, in the several societies and congregations, belonging to that religious denomination; and whereas doubts exist whether elections made on that day would be legal under the provisions of the act aforesaid. Therefore,

Be it enacted by the General Assembly of the state of Ohio, That all elections made conformably to the usages and canons of said church are hereby declared legal and valid; any thing in the act, to which this is an amendment to the contrary notwithstanding.

JOSEPH RICHARDSON,
Speaker of the House of Representatives,
ALLEN TRIMBLE,
Speaker of the Senate.

January 15, 1821.

CHAPTER XXIII.

An act to establish a permanent seat of justice, in the county of Brown.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That there shall be three commissioners appointed by a joint resolution of both houses of the present General Assembly, whose duty it shall be, to fix on a place for the permanent seat of justice for the county of Brown; who, in the discharge of their duty, shall be governed in all res-

pects, by the provisions of the act; entitled "an act to establish seats of justice;" and the place fixed upon by the said commissioners, shall be the permanent seat of justice for said county; any place heretofore selected by commissioners for the seat of justice for the county of Brown, to the contrary notwithstanding.

Sec. 2. *Be it further enacted*, That the county commissioners of said county, shall not make any further contract for the erection or completion of any public buildings, in the county of Brown, until the commissioners to be appointed, to fix the permanent seat of justice in said county, shall have performed that duty.

Sec. 3. *And be it further enacted*, That no exception shall ever be taken against the proceedings of the court of common pleas, for the county of Brown, on account of said court having been holden in the town of Ripley, and the several courts for said county shall continue to be holden, in said town of Ripley until the first day of June next, and until said commissioners shall have fixed on a permanent seat of justice of said county; after which time the courts for said county shall be holden, at the place selected by the commissioners appointed by virtue of this act.

JOSEPH RICHARDSON,

Speaker of the house of representatives,

ALLEN TRIMBLE,

Speaker of the senate.

January, 19, 1821.

CHAPTER XXIV.

An act for the relief of Nathaniel Crookshank.

Whereas Nathaniel Crookshank, of the county of Hamilton, by the performance of his official duties, as a road commissioner, subjected himself to a suit, for trespass, commenced against him, by a certain Jonas Crane, which suit compelled said Crookshank, to incur a considerable expense, in employing counsel, and attending to the defence of the same: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the commissioners of Hamilton county, be and they are hereby authorised and required to audit and settle the account of Nathaniel Crookshank, and pay to him out of the treasury of Hamilton county, such compensation, as they may think proper and reasonable, (not exceeding ninety dollars) to remunerate him for his expense and trouble, in defending a suit instituted against him as road commissioner by Jonas Crane.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

Speaker of the senate.

January 22, 1821.

CHAPTER XXV.

An act to confirm and legalise the judicial acts of William Massie a justice of the peace, in Deerfield township in Morgan county.

Whereas it appears to this General Assembly that William Massie of Deerfield township, was duly elected a justice of the peace in said Deerfield township, in the year eighteen hundred and eighteen and

was commissioned and took the oath of office on the nineteenth day of November in the same year; but by mistaking the law on that subject he gave bonds for the faithful performance of the duties of his office with but one security, instead of two as the law directs; and as doubts do exist whether the official acts of the said William Massie are legal, and as it is important that such doubts should be removed; Therefore,

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That all and singular the acts, both judicial and ministerial of the said William Massie by him done and performed, as a justice of the peace for Deerfield township, in the county of Morgan, shall be confirmed, and are hereby declared to be as legal as they would have been if there had been no mistake in his bond.

JOSEPH RICHARDSON,
Speaker of the house of representatives,
ALLEN TRIMBLE,
Speaker of the senate.

January 22, 1821.



CHAPTER XXVI.

An act to establish a state road from Fort Loramies to Fort St. Mary's.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That there shall be a state road established in the county of Shelby beginning at Fort Loramies, running thence the best way to Fort St. Mary's.

Sec. 2. *Be it further enacted*, That Robert Huston, of Shelby county, and John M'Corkle of Miami county are hereby appointed commissioners to lay

out and locate said road from Fort Loramies to Fort St. Mary's and are hereby authorised to employ a surveyor and two chain carriers, to their assistance, all of whom shall be paid for their services whatever the commissioners of Shelby county shall deem just and equitable, to be paid out of the three per cent. fund by said Shelby county commissioners, so soon as an apportionment shall be assigned Shelby county for road purposes.

Sec. 3. *Be it further enacted*, That the commissioners appointed to lay out and locate said road herein named shall make out and transmit to the commissioners of Shelby county a correct plat of said road as soon as practicable after said road is located, and it is hereby made the duty of the Shelby county commissioners to cause the same to be recorded.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

Speaker of the senate.

January 22, 1821.



CHAPTER XXVII.

An act to establish certain state roads.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That John Stewart, James Larimore and Daniel Cooke, be, and they are hereby appointed commissioners to lay out a road from Mansfield in the county of Richland to Upper Sandusky on the following route, to wit: beginning at the public square in the town of Mansfield, thence due west (as near as the ground will admit of, for a good road) to the west boundary line of Richland county, thence the nearest and best route to the Old Fort in Upper Sandusky.

Sec. 2. *Be it further enacted*, That John Hawn, junior, of Knox county, and Thomas Watts of Richland county, be, and they are hereby appointed commissioners to lay out a road from Mansfield, in the county of Richland to Shrimplin's mill, in Knox county, on the following route, to wit: Beginning at the public square in the town of Mansfield, thence to Frederick Herring's mill, thence to Danville, thence to intersect the state road leading from Mount Vernon to Coshocton, at or near Shrimplin's mill.

Sec. 3. *Be it further enacted*, That it shall be the duty of the commissioners aforesaid, as soon as practicable to lay out and locate said roads in pursuance of the first and second sections of this act; and they are authorised to take to their assistance, a surveyor, (if necessary) and such other assistants as may be necessary for the purpose of laying out and locating said roads; and transmit a correct plat of the same to the commissioners of the several counties through which said roads may pass, and it shall be the duty of said commissioners to cause the same to be recorded in their respective counties.

Sec. 4. *And be it further enacted*, That the aforesaid commissioners appointed to lay out and locate said roads, shall receive each as a compensation, the sum of one dollar and fifty cents per day, while actually employed in laying out, locating and making returns of said roads, the surveyor employed by them, the sum of two dollars per day, and such other persons as may be necessarily employed in laying out and locating said roads the sum of seventy five cents each per day for their services, all of which shall be paid out of the county treasury of the respective counties, through which said roads may be laid out and located, in proportion to the distance said roads may pass through each county: *Provided*, the expense of laying out and locating the

road from Mansfield to Upper Sandusky, shall be paid out of the county treasury of Richland county: *Provided also*, that if either of the commissioners aforesaid, shall survey said roads, he shall be allowed fifty cents per day in addition to his pay as commissioner.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

January 22, 1821.

CHAPTER XXVIII

An act to establish and lay out a state road from Wooster in Wayne county, to Croghansville, upon the river Sandusky.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That there shall be a state road laid out and established as follows, to wit: beginning at Wooster in the county of Wayne, thence the nearest and best route to the town of Vermillion, in section, eleven, township twenty five, range seventeen, in the county of Richland, thence the nearest and best route to the town of Croghansville, upon the river Sandusky.

Sec. 2. *Be it further enacted*, That there shall be three commissioners appointed, whose duty it shall be, to lay out and locate said road, in pursuance of the first section of this act, who are hereby authorised and empowered to take to their assistance a surveyor and such other assistants as may be necessary for the purpose of laying out, and locating said road, and transmit a correct plat of the same to the commissioners of the several counties through which said road may pass, and it shall be the duty of said

commissioners to cause the same to be recorded in their respective counties.

Sec. 3. And Be it further enacted, That John Smith, of Wayne county, John Freeborn, of Richland county, and Seth Brown of Huron county, be, and they are hereby appointed commissioners, to lay out and locate said road in pursuance of this act, who shall receive each as a compensation for their services, the sum of one dollar and fifty cents per day, while employed in laying out and locating said road; the surveyor employed by them, the sum of one dollar and fifty cents per day, and such other persons as may be necessarily employed in laying out and locating said road, each the sum of seventy five cents per day, for their services, all of which shall be paid out of the county treasury, of the respective counties, through which said road may be laid out and located in proportion, as the said road may pass through said county or counties.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

Speaker of the senate.

January 22, 1821.

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CHAPTER XXIX.

An act regulating the license to be paid by travelling merchants:

Sec. 1. Be it enacted by the General Assembly of the state of Ohio, That any pedlar, or travelling merchant, previous to his engaging in such trade shall obtain from a clerk of some court of common pleas within this state, where he may intend to offer goods for sale, a license authorising him to trade for one year in the state from the date thereof, for which

license, the person applying shall pay to the county treasurer of the county where such application is made twenty dollars, for the use of the state and shall also pay fifty cents to the clerk for his fees; and if any pedlar or travelling merchant shall hereafter be found in any part of this state, or on the waters bordering the same, offering any goods other than the growth or manufacture of the United States, for sale, without having first obtained a license for that purpose, as herein provided; or shall on the demand of any person of lawful age, neglect or refuse to show his license, as evidence of his having been legally licensed to vend merchandize, it shall be taken and deemed good evidence against him, of his not having license, agreeably to the provisions of this act; every such person trading without license shall be liable to pay a sum not exceeding sixty, nor less than eighteen dollars, for the use of the county, with costs of suit, to be recovered before any justice of the peace, of the county in which the offence shall have been committed.

Sec. 2. *Be it further enacted*, That it shall be the duty of the treasurer of each county who may have received any money from travelling merchants under the provisions of this act, to pay the same over to the collector of taxes within his county, on the first day of December in each year; and each collector shall account with the Auditor for all monies so by him received at the time of settling his duplicate of taxes, and pay the same into the state treasury.

Sec. 3. *And be it further enacted*, That the sixteenth section of an act entitled an act, for granting licenses and regulating ferries, taverns and stores, passed February 25th, 1820, and the twenty sixth section of the act regulating county levies passed February 27th, 1816 be and the same are hereby repealed.

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

JOSEPH RICHARDSON,
Speaker of the house of representative,
ALLEN TRIMBLE,
Speaker of the senate,

January 22, 1821.

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CHAPTER XXX.

An act to confirm the official acts of certain road commissioners:

Whereas by an act of the General Assembly of the state of Ohio, entitled "An act making further appropriation of the three per cent. fund, granted by the United States, for laying out, opening and improving roads in this state," passed the 26th day of February 1820, There was appropriated to the county of Champaign one thousand dollars, to the county of Logan one thousand dollars, and to the county of Wood one thousand dollars, the whole to be expended in exploring the route for, and in laying out and making a state road from Bellfontain, in Logan county to the foot of the Rapids of the Miami of the lake in Wood county, to be expended under the direction of three commissioners to be appointed by the legislature. And whereas no appointment of commissioners was made as contemplated in and by said act. And whereas it appears to this General Assembly that the commissioners of the counties of Champaign, Logan and Wood, have appointed three commissioners, to wit: John W. Vance, John Shelby and Peter G. Oliver, who have proceeded to explore and lay out said road, and to let out the opening and improving the same into

lots agreeably to the provisions of the above recited act. Therefore.

Sec. 1. *Be it enacted, by the General Assembly of the state of Ohio,* That all and singular the acts of the said John W. Vance John Shelby and Peter G. Oliver, as commissioners in exploring the route for, and in laying out a state road from Bellfontaine, in the county of Logan to the foot of the Rapids of the Miami of the lake, in Wood county, and in letting out the opening and improving said road, be, and the same is hereby legalised and confirmed, and the said John W. Vance, John Shelby and Peter G. Oliver shall be entitled to receive the same compensation for their services as they would have been had they been appointed commissioners under the above recited act.

JOSEPH RICHARDSON,
Speaker of the house of representatives,
ALLEN TRIMBLE

Speaker of the senate.

January 22, 1821.

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CHAPTER XXXI

An act authorising the auditor of state to make deeds for lands heretofore sold for taxes.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That the auditor of state is hereby authorised to make deeds for any tract or part of any tract of land that has heretofore been sold for taxes; in the same manner, that non resident collectors were authorised to do by virtue of the laws heretofore in force on that subject; and to the deed or deeds thus made, the auditor shall affix his seal of office which shall be evidence of the execution of

such deed or deeds; and the same shall have all the force and effect, as deeds heretofore made by the non resident collectors; and the auditor shall be entitled to receive for every deed by him made seventy five cents.

JOSEPH RICHARDSON,
Speaker of the house of representatives,
ALLEN TRIMBLE,
Speaker of the senate.

January 22, 1821.



CHAPTER XXXII.

An act concerning the state road from Neville in the county of Clermont, to Hillsborough in the county of Highland.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That Benjamin V. Hunt, Levi Pigman and George J. Trantwine, be, and they are hereby appointed commissioners to receive donations and subscriptions for opening and repairing the state road laid out by Gideon Minor from Neville, in the county of Clermont, to Hillsborough in the county of Highland agreeably to the act to establish certain state roads; and shall have power to sue for and recover every subscription for opening said road, and shall apply the same together with all donations for that purpose, to the opening and repairing said road.

Sec. 2. *Be it further enacted*, That the said commissioners have power to alter or change the location of said road, when in their opinion it may be necessary, but shall not remove said road more than two hundred poles off its present location; and the said road when opened and repaired by said commissioners or any part of the same, it shall not

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be subject to discontinuance, alteration or obstruction by the township or county authorities, through which the same may pass.

Sec. 3. *Be it further enacted*, That the supervisors of roads through, whose district the aforesaid state road may pass shall do and perform the same work thereon as if the same was a county road.

Sec. 4. *Be it further enacted*, That Gideon Minor, the commissioner who laid said road shall receive for his services one dollar per mile, one half to be paid out of the treasury of the county of Clermont and the remaining half equally out of the counties of Highland and Brown.

JOSEPH RICHARDSON,
Speaker of the house of representatives
 ALLEN TRIMBLE,
Speaker of the senate.

January, 22, 1821.

CHAPTER XXXIII.

An act to repeal the letters of incorporation granted to the town of West Union.

Whereas the town of West Union, in the county of Adams, has been duly incorporated by letters of incorporation from the secretary of state, according to the provisions of the act, to provide for the incorporation of towns: And whereas the citizens of said town have preferred a petition, requesting that said letters of incorporation may be repealed: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the letters of incorporation granted to the town of West Union, in the county of Adams, pursuant to the provisions of the act, to provide for the incorporation of towns, be and the same is hereby repealed.

Sec. 2. *Be it further enacted*, That, notwithstanding the repeal of the letters of incorporation, as declared in the first section of this act, the town of West Union shall remain liable for all debts contracted by the said corporation; and the present president, recorder, and trustees, and in case of their refusal, such other person, as the court of common pleas of Adams county shall for that purpose appoint, shall have power to collect all taxes now due to said corporation, and shall apply the same to the payment of any debts due from said corporation; and in case of a deficit, the said president, recorder and trustees, or such other person, as, upon their refusal, the court may appoint, shall have power to levy and collect such additional tax as shall be sufficient to discharge all debts due from said corporation; such tax to be levied and collected in the same manner as in case the said letters of incorporation were still in force.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
 ALLEN TRIMBLE,
Speaker of the senate.

January 22, 1821.



CHAPTER XXXIV.

An act to provide for the regulation and support of common schools.

Township trustees to give	}	tees of adjoining town	
notice in March, -	1	ships, -	ib.
Trustees to lay off school	}	Trustees may lay off school	
districts, - - - ib.		districts on petition sign-	
School districts may be com-	}	ed by the inhabitants, -	3
posed of parts of more	}	Township clerk to record	
than one township, -	2	school districts, -	4
Notice to be given to trus-	}	Provision against reducing	

former school districts,	5	ers	-	-	-	10
School committees to be elect-		Costs of tuition to be assess-				
ed on the first Monday of		ed on parents or guardians ib.				
May annually	6	Proviso in favor of persons				
Committee to appoint a		unable to pay	-	-	-	ib.
clerk	-	Collector and Treasurer to				
	ib.	give bonds	-	-	-	11
Powers of committees in		Duty of the clerk	-	-	-	ib.
erecting schoolhouse purchas-		Penalty on Treasurer for				
ing land &c.	7	default	-	-	-	ib.
What funds to be applied	8	Proviso as to fees	-	-	-	ib.
What property subject to		Each school district to have				
taxation for school purposes	9	their proportion of rents				
How levied and collected	ib.	arising from school lands				12
Committee to employ teach-						

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That the trustees of the several townships in this state shall give public notice in writing, set up at three of the most public places within their respective township elections in March, notifying the electors within said township to vote at the next township election, for or against organising said township into school districts, and if a majority of all the votes given by householders should be in favor of such organization the trustees shall, within twenty days thereafter lay off the same or any part thereof into school districts, which districts when so laid off, shall not contain less than twelve nor more than forty householders: Provided always, that the trustees shall not allow themselves, or receive any compensation for their services under the provisions of this act.

Sec. 2. *Be it further enacted*, That if the trustees of any township should be of opinion, that the interest of the inhabitants of any neighborhood would be better subserved by laying off school districts from parts of one or more of the adjoining townships, and it should appear to be the wish of the inhabitants of such neighborhood so situated, they

shall notify the trustees of such adjoining township or townships, to meet at such time as they may appoint, at some place within the district to be laid off; and when so met, if a majority of them think expedient, they may lay off such district.

Sec. 3. *Be it further enacted*, That whenever the inhabitants of any neighborhood may wish to be laid off into a school district, the trustees having previously omitted to lay off said neighborhood into school districts, may on petition signed by two thirds of such householders, be entitled to be laid off into a school district, for the purposes contemplated in this act, if the trustees of such township or townships shall deem it expedient, and the petitioners shall be bound to pay the expenses thereof; and on petitions as aforesaid, the trustees may proceed to lay off new districts from parts of one or more contiguous districts, if it shall appear to them that the petitioners aforesaid, are situated at an inconvenient distance from the school house or houses of their district or districts, (as the case may be) or that the interest of such neighborhoods would be promoted thereby, so that in no case shall the number of householders in such district, or either of the old districts from which it may have been laid off, be less than twelve, such petitioners paying the expense as aforesaid.

Sec. 4. *Be it further enacted*, That the trustees shall, in all cases, cause the township clerk to make a record of each district so laid off, and when such district shall consist of parts of two or more townships, the clerks of the several townships in which such district maybe situated, shall record the same.

Sec. 5. *Be it further enacted*, That the trustees, in laying off school districts, shall have regard to any school company incorporated under the provisions of the act, entitled "An act to provide for the incorporation of school and library companies," or under

any other law for the incorporation of school companies; so far as to include the members of such incorporation within one district, and not to affect their corporate rights.

Sec. 6. *Be it further enacted*, That the householders in each of the school districts, shall meet at such places as may be agreed upon in said district, on the first Monday of May, in each year, and when so met, to the number of ten or more, they may proceed to elect three of said householders, as a school committee for said district, and also some suitable person as collector, who by virtue of his office, shall be treasurer for said district; and said committee shall appoint a clerk, whose duty it shall be to keep a record of such meetings, and to make out such tax bills and keep such accounts as the committee may direct; and said committee, collector and clerk shall hold their appointment until their successors are elected and qualified.

Sec. 7. *Be it further enacted*, That the committee aforesaid, be and they are hereby authorised to cause the erection of a school house, in some convenient place in each district; and for that purpose, they are hereby authorised to receive by donation or purchase, any quantity of land, not exceeding two acres that they may think expedient, and the title of the same shall be vested in said school committee and their successors in office, to and for the use of said district, for the purposes as aforesaid. Two thirds of such house holders having previously at their meeting agreed upon the erection of such school house.

Sec. 8. *Be it further enacted*. That for the purpose of purchasing land on which to erect such school house, the committee may apply any donation or subscription, which may be made for that purpose, together with the taxes which they are authorised to raise by the provisions of this act.

Sec. 9. *Be it further enacted*, That the property of all persons residing in said district, and which property may be situated therein, and liable to taxation, for state or county purposes, shall be liable to be taxed for the purpose of erecting a school house as aforesaid, and also for the purpose of making up the deficiency, that may accrue by the schooling of children, whose parents or guardians are unable to pay for the same, and said committee is hereby authorised to assess taxes for those purposes, on property as aforesaid, not exceeding in any one year, one half of the amount of taxes which might by law have been levied on the same objects for state or county purposes and said collector shall have power to collect the same, in such manner as county taxes are collected.

Sec. 10. *Be it further enacted*, That the committee aforesaid are hereby authorised to employ a competent teacher or teachers, for such term of time as they may judge for the interest of the district, in each year, and such school shall be open to all the scholars of a suitable age within said district, and the committee are hereby authorised quarterly or at such other times as they may deem expedient, to cause the expenses of said school, to be assessed on the parents or guardians of all the scholars in proportion to the number of scholars, who may have been schooled, being residents in such district, and the collection shall be made by the collector as aforesaid. *Provided however*, that said committee may remit the whole or any part of said assessment, which in their opinion may have been assessed on parents or guardians, who are unable to pay the same, and such deficiency, if any such there should be, shall be paid from the fund raised by taxes, as are, in the ninth section of this act, authorised to be raised for that purpose.

Sec. 11. *Be it further enacted*, That the commit-

tee may require of the collector acting as treasurer, for the proper district, such bonds as they may think sufficient, for the punctual paying over, all monies by him received, on the orders of the committee attested by the clerk, for the purposes aforesaid, excepting the amount of two per cent. which he may be allowed to retain, as a compensation for his services, and the clerk shall keep an account with the treasurer, which shall be adjusted and settled under direction of said committee from time to time, as said committee may deem expedient, and on failure of such treasurer to pay over the money, he may have in his hands, on the order of the committee, he shall be liable on the suit of such committee in any court having competent jurisdiction to pay the same without stay of execution together with ten per cent. damages, and said committee are hereby authorised to sue for and recover the same. *Provided however*, that no person except the collector shall be allowed any fees or compensation for his services under this act.

Sec. 12. *Be it further enacted*, That in such townships, as by law are entitled to public monies from the rent of section number sixteen, or other school lands the trustees of such township, shall allow said school district, its proportion of such money, to be ascertained, and proportioned under such laws as may be in force at the time application may be made, regulating the application and division of such school fund, and the treasurers of the several school districts are hereby authorised to receive the same, for which they shall be accountable to said committee in the same manner, as they are accountable for the other monies, coming into their hands by the provisions of this act.

JOSEPH RICHARDSON,

Speaker of the House of Representatives.

ALLEN TRIMBLE,

January 22, 1821.

Speaker of the Senate.

CHAPTER XXXV.

An act for the relief of Sylvanus B. Day, collector of Richland county, Daniel Radcliff, collector of Clinton county, Jesse Loring, collector of Washington county, William A. Green, collector of Fairfield county, and William Hunter, collector of Muskingum county.

Whereas it appears to this General Assembly, That Sylvanus B. Day was appointed collector of Richland county, Daniel Radcliff collector of Clinton county, Jesse Loring collector of Washington county, William A. Green collector of Fairfield county, and William Hunter collector of Muskingum county; all of whom were appointed in their proper counties, to fill vacancies in the office of county collector, occasioned by the non acceptance or resignation of persons formerly appointed to fill that office, in their several counties for the year 1820. And whereas, in consequence of the late appointment of of the said Sylvanus B. Day, Daniel Radcliff, Jesse Loring, William A. Green and William Hunter, difficulties have arisen in consequence of their not being able to make a demand of the taxes, and collect the same, within the time prescribed by law. Therefore,

Sec. 1. *Be it enacted, by the General Assembly of the state of Ohio,* That the said Sylvanus B. Day, Daniel Radcliff, Jesse Loring, William A. Green and William Hunter, be, and they are hereby authorised to proceed in completing the collections of the taxes for the several counties, of which they are severally appointed collectors, in the same manner as if regular demand of the taxes had have been made within the time limited by law: and further time is hereby given to the said Sylvanus B. Day, Daniel Radcliff, Jesse Loring, William A. Green and William Hunter, collectors as aforesaid, until the fifteenth day of February next to complete the collection of the taxes in their several counties,

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Sec. 2. *And be it further enacted*, That the different county collectors, provided for by this act, shall be allowed until the first day of March next to pay over such taxes as they may have severally collected, and shall be proceeded against for a failure to comply with the provisions of this act, in the same manner pointed out by the act under which they severally gave bond for any violation of that act.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

January 22, 1821.



CHAPTER XXXVI

An act establishing a Commercial Hospital and Lunatic Asylum for the state of Ohio.

<i>Style of the corporation</i>	1	<i>What boatmen may be admitted into the Hospital</i>	7
<i>Ten thousand dollars appropriated,</i>	2	<i>Proviso</i>	ib.
<i>Township trustees to be managers</i>	3	<i>The faculty of Ohio College to attend the institution</i>	8
<i>Brick-buildings to be erected ib.</i>		<i>Surplus funds how applied ib.</i>	
<i>Cincinnati township to give bond to the state</i>	4	<i>Township trustees to appoint officers</i>	9
<i>Money how paid over ib.</i>		<i>Provision for supporting the institution</i>	10
<i>Associate judges to visit the institution</i>	5	<i>Trustees to report annually ib.</i>	
<i>Further duty of associate judges</i>	ib.	<i>Office of poor overseers abolished</i>	11
<i>Bond may be sued by General Assembly</i>	ib.	<i>Lunatic ward to be completed</i>	12
<i>Proceedings thereon</i>	ib.	<i>Ward for Boatmen to be completed</i>	13
<i>What persons to be admitted into the institution</i>	6	<i>Duty of Governor</i>	14
<i>Proviso</i>	ib.	<i>Governor and medical visitors to be inspectors</i>	15
<i>Further proviso</i>	ib.		

<i>Duty of trustees and faculty ib.</i>	{	<i>Provision in favor of Cin-</i>	
<i>Relating to plan of the build-</i>		<i>cinnati township</i>	17
<i>ings</i>			16

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That there shall be established in the township of Cincinnati, in the county of Hamilton, a public infirmary, to be called and known by the name of the Commercial Hospital, and Lunatic Asylum of Ohio.

Sec. 2. *Be it further enacted*, That there shall be appropriated for the erection of said Infirmary, the sum of ten thousand dollars to be composed of the following items, viz: notes of the Farmers' and Mechanics' Bank of Cincinnati, two hundred thirty nine dollars; notes of the Bank of Cincinnati, six thousand eight hundred one dollars; interest on the same, one hundred seventy dollars; amounting to six thousand nine hundred seventy one dollars; corporation scrip of the city of Cincinnati, one hundred and seventy dollars; bank notes in the hands of the treasurer of Hamilton county, arising from the tax on sales at auction, supposed to be twelve hundred dollars, (be the same more or less) twelve hundred dollars: notes of the Miami Exporting Company fourteen hundred twenty Dollars, or so much thereof as may be necessary, after the preceding appropriations to make ten thousand dollars,

Sec. 3. *Be it further enacted*, That the trustees of said Cincinnati township, for the time being, shall be managers of this fund; they shall provide, out of the funds of the township, a site for the edifice, consisting of not less than four acres, situate in a healthy part of the township, within one mile of the principal landing place of the township, for boats navigating the Ohio river. They shall erect suitable and permanent brick buildings on the same, and so construct them that they may serve for the re-

ception, comfort, and medical and surgical treatment of such persons, not residents of the said township, as may be herein after designated; and also such paupers, residents of the township, as the trustees may choose to place therein; those who are diseased or infirm, to be treated as patients; those who are able to work, to be kept at such employments as the trustees may prescribe, and the proceeds of their labors to pass into the treasury of the township, to be applied entirely and exclusively to the use and benefit of the institution. 1

Sec. 4. *Be it further enacted*, That the said township of Cincinnati, before receiving the aforesaid sums, shall give to the state such bond and security in the penal sum of twenty thousand dollars, for the faithful execution of the duties enjoined on them by this act, as the associate judges in Hamilton county may approve. This bond shall be deposited with the clerk of the court of said county, who shall give two certificates of the same under the seal of the court to the said trustees one of these shall be presented to the Auditor of state, who shall thereupon issue an order upon the treasurer of state, in favor of said township, for such of the aforesaid sums as may be in the treasury; the other certificate shall be presented to the treasurer of Hamilton county who shall thereupon pay to said trustees, the monies remaining in his hands, received on account of the duties on sales at auction as specified in the second section of this act.

Sec. 5. *Be it further enacted*, That it shall be the duty of the associate judges of Hamilton county, to visit the aforesaid Hospital and Asylum, at each term of the court of common pleas, during the erection of said Hospital and Asylum and afterwards, and inspect and ascertain the progress of the same; and whether the persons designated in this act receive such admission and accommodations as are herein re-

quired. And it shall be the duty of the trustees of said township, to lay before the said associate judges at each meeting, a full and correct account of the manner, and the purposes to which the appropriations made in this act have been applied; and also to satisfy them whether the persons provided for in this act, have been admitted into said Hospital and Asylum. And if it shall at any time appear to the said associate judges, that all, or any of the trusts confided to the said trustees, have not been faithfully performed, according to the true intent and meaning of this act, they shall certify the same to the next session of the legislature, and it shall be lawful for the legislature, to direct a prosecution of said bond in the supreme court, for Hamilton county against the trustees of the township aforesaid, for the time being, which bond shall operate as a lien from the execution of the same, upon the real estate belonging to said Hospital, and upon the Hospital edifice itself, which the legislature may direct to be sold at public auction for any violation of the provisions of this act, or so much of the real estate or Hospital aforesaid, as will indemnify the state for the amount of money (without interest) which may have been appropriated by the state to the use of said Hospital under the provisions of this act.

Sec. 6. *Be it further enacted*, That the said Asylum shall be at all times open for the reception, safe keeping, comfort and medical treatment of such of the idiots, lunatics and insane persons of this state, as may be brought to it for those purposes. That, whenever in any township of the state, any person shall be adjudged an idiot, lunatic, or insane person, according to the first and second sections of the act, entitled "An act to provide for the safe keeping of idiots, lunatics, and insane persons, the protection of their property and other purposes," and shall in consequence thereof, pass into the cus-

tody of the overseers of the poor, it shall be lawful for them to send such idiot, lunatic or insane persons, at the expense of the county if he be a pauper, or at his own expense if otherwise, to the said Asylum; and the trustees of said township of Cincinnati, shall require and receive for the keeping of such idiot, lunatic or insane person, a sum to be agreed upon between the said trustees of Cincinnati township and the overseers of the poor, by whom such lunatic or insane person is sent to said Asylum, which shall not exceed two dollars a week, besides the amount of such necessary wearing apparel as such person may require: the trustees of the township of Cincinnati to provide, and for which they shall be compensated, the whole to be paid out of the treasury of the county, sending the same, if he be a pauper, or out of his estate if otherwise: *Provided*, That no term of residence in said Asylum, shall entitle the said idiot lunatic or insane person to support from the township of Cincinnati. The said Asylum moreover shall receive, and afford comfortable accommodations, to any citizen of Ohio, in a state of idiotism or lunacy, but not in the keeping of the overseers of the poor, who may be taken thither by his or her friends, for which they shall make such compensation as may be agreed upon: *Provided, as before*, That no residence of this kind shall give any legal claim to support, from the township of Cincinnati: after the erection of said Asylum every idiot, lunatic or insane person belonging to the township just named, who may come into the custody of the trustees of said township, shall be sent to said Asylum, instead of being committed to jail; and the keeping of the same shall be paid for out of the treasury of Hamilton county, at the same rate as keeping the insane persons sent by other townships.

Sec. 7. *Be it further enacted*, That all boat men

belonging to boats owned by citizens of Ohio and then in service; and all such as may be returning from voyages or otherwise, and may be ill in the township of Cincinnati, shall be entitled to admission, comfortable nursing, and medicines in said Hospital, free of expense; and all boatmen belonging to any of the states or territories lying in whole, or in part upon the Mississippi, or its tributary waters, which may erect hospitals in commercial places on those waters, and give to the boatmen of Ohio gratuitous admission into them; or which may make appropriations to such hospitals, on the condition that they shall be open to the boatmen of Ohio, shall be entitled to free admission into the said commercial hospital, and to the necessary nursing and medicine: *Provided*, in all cases, that no boatmen of Ohio, or any other state, shall acquire by remaining in said Hospital the legal right of support from the township of Cincinnati, after his discharge.

Sec. 3. *Be it further enacted*, That it shall be the duty of the faculty of the medical college of Ohio, to give to all the patients in said Commercial Hospital and lunatic Asylum, the medical and surgical advice and service which their cases may require; without charge, in consideration of which they shall be at liberty under such regulations as they may choose to prescribe, to introduce the pupils of said college, into the said Hospital and Asylum, to witness the treatment of the patients there assembled; and whenever the faculty of said college shall cease or neglect to perform said services, they shall be debarred from the privilege of thus introducing their pupils. The monies that may accrue to the said college from the admission of the pupils into the said Hospital and Asylum, shall be employed exclusively, in the purchase of books, anatomical preparations and philosophical apparatus, for said college.

Sec. 9. *Be it further enacted,* That the trustees of the township of Cincinnati shall have the exclusive management of said Hospital and Asylum, with full power to appoint a steward, matron, and such other servants as may be deemed necessary, with the exception of the assignment of the days on which said faculty shall visit said Hospital and Asylum, and of the appointment of the apothecary or house surgeon, which shall be made by the faculty of said college.

Sec. 10. *Be it further enacted,* That to defray the expenses of said Hospital and Asylum, one half of the proceeds of the duties or tax on sales at auction, in the township of Cincinnati, shall, after the acceptance of this act, by the trustees of said township, be paid over quarterly by the treasurer, of the corporation of the city of Cincinnati (taking receipts for the same) to the treasurer of the said township, and further to effect the same object the trustees shall appropriate such portion of the township taxes as may be found necessary; and it shall be their duty to make a statement on the day of the annual township election, of the receipts and expenditures relative to said Hospital and Asylum, embracing the number of persons received into the same, together with the amount of articles manufactured and produced from the soil by the paupers; which statement shall be posted up conspicuously at the time and place of said election.

Sec. 11. *Be it further enacted,* That the office of overseer of the poor in the township of Cincinnati shall, after the next annual election of township officers, be abolished and cease. And it shall be the duty of the trustees of said township, thereafter, to perform the functions heretofore discharged by the said overseers, for which they shall be entitled to the same compensation.

Sec. 12. *Be it further enacted,* That when the said

trustees shall have completed a lunatic ward, they shall notify the same to the people of the state, by an advertisement inserted in one of the newspapers of Cincinnati and also in one published in Columbus.

Sec. 13. *Be it further enacted*, That it shall be the duty of the trustees when they have finished a ward for the reception of boatmen, to inform the governor of the same; and it shall be the duty of the governor, from time to time, to inform the said trustees what state or states are entitled to the benefits of this act, from having acceded to its provisions.

Sec. 14. *Be it further enacted*, That it shall be the duty of the governor to open a correspondence with the governors of all the states and territories interested in the trade or navigation of the Mississippi, and tender to them the use of the hospital aforesaid, on the conditions specified in this act.

Sec. 15. *Be it further enacted*, That the visitors from the medical convention of Ohio, shall be inspectors of the said hospital and asylum, so far as it relates to the patients required by this law to be admitted into them. This duty they shall perform when at Cincinnati, to attend the commencement of the medical college of Ohio. It shall be requisite for the trustees of said township, and the faculty of said college, to lay before the said inspectors, such information as they may possess, relative to that object; and it shall be the duty of the said inspectors to make an annual report to the legislature; on the condition of said hospital and asylum, and if it should appear, that the said trustees and the said faculty have failed to discharge the trusts confided to them, such remedy shall be applied as the legislature may deem expedient.

Sec. 16. *Be it further enacted*, That the plan of the buildings for said hospital and asylum shall be

fixed on by a joint meeting and consultation of the trustees of said township and medical college.

Sec. 17. *Be it further enacted*, That should the commissioners of the county of Hamilton see proper to erect a county poor house, the township of Cincinnati shall be exempted from any taxes for the building or support of the same.

JOSEPH RICHARDSON,

Speaker of the house of representatives

ALLEN TRIMBLE,

Speaker of the senate.

January, 22, 1821.



CHAPTER XXXVII.

An act for the relief of David S. Waters.

Whereas it has been represented to this General Assembly, that David S. Waters, late a constable in the town of Somerset, in the county of Perry, has been rigorously prosecuted for the amount of a fine laid upon a certain William Saxton, who, by the direction of the commissioners of said county, was released from the payment thereof; which fine, amounting to sixty two dollars and fifty six cents has been collected off the said David S. Waters, and paid into the county treasury. Therefore.

Be it enacted by the General Assembly of the state of Ohio, That the commissioners of Perry county are hereby authorised and required to issue their order to the treasurer of Perry county, directing him to pay unto David S. Waters of the town of Somerset, in the county of Perry the sum of sixty two dollars and fifty six cents, in remuneration for the

same amount of fine collected from him and paid into the treasury of said county.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
 ALLEN TRIMBLE,
Speaker of the senate.

January 22, 1821.

CHAPTER XXXVIII.

An act for the relief of the Agent of the Ohio Penitentiary.

Whereas it appears to this General Assembly, that in consequence of the agent of the Ohio Penitentiary receiving manufactured articles of the keeper by the quantity, and selling the same at retail at the same prices, and in consequence of the depreciation of certain bank paper in the hands of said agent, which was received for manufactured articles sold, a loss of four hundred and fifty one dollars and thirty cents was sustained by him. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That the Auditor of state is hereby authorised and required to credit the agent of the Ohio Penitentiary, with the sum of four hundred and fifty one dollars and thirty cents.

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

JOSEPH RICHARDSON,
 Speaker of the house of representatives.
 ALLEN TRIMBLE,
 Speaker of the senate.

January 24, 1821,

CHAPTER XXXIX.

An act to remunerate the county of Huron for expenses incurred in prosecuting two Indian murderers.

Whereas it has been represented to this General Assembly, that the county of Huron has been at great expense, in apprehending three Indians, and convicting two of them of murdering George Bishop and John Wood, two citizens of said county, near Carrying river, in the spring of 1819. And whereas the peace and safety of the frontier settlements are greatly promoted in bringing to justice the Indians who may murder our citizens, within their territory or elsewhere. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the collector for the county of Huron be, and he hereby is directed to pay to the treasurer of the county of Huron, the sum of six hundred dollars, from the state tax he may collect, on his duplicate for the year one thousand eight hundred and twenty one, and a receipt from the treasurer aforesaid, shall be good accounting by the said collector with the Auditor of state for the amount.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

Speaker of the senate.

January 24, 1821.

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CHAPTER XL.

An act making provisions for locating a state road leading from Duck creek salt works in Morgan county, to Uricks' mill in Tuscarawas county.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That William Thompson of Guernsey

county is hereby appointed a commissioner to locate a state road established by an act, passed February 26, 1820, commencing at Marietta in Washington county, and running north to Millner's mill in Guernsey county.

Sec. 2. *Be it further enacted*, That said William Thompson shall proceed before the first day of June next, at the Duck creek salt works to locate said road, from thence to Seneca salt works, thence to Milner's mill, thence to Uricks' mill, on the nearest and best ground, for a road, from the two extremes, by the points above mentioned.

Sec. 3. *Be it further enacted*, That the said commissioner before entering on his duties, shall take an oath or affirmation, before some justice of the peace, faithfully to discharge the duties enjoined on him by this act.

Sec. 4. *Be it further enacted*, That, the said Thompson shall cause said road to be laid out at least sixty feet wide, and return to the clerk of the commissioners of the different counties, through which said road shall pass, an accurate map and field notes of the survey of said road, as far as it may pass through the same, and it shall be the duty of the said clerks to record the same, at the expense of the different counties to be allowed by the commissioners thereof.

Sec. 5. *Be it further enacted*, That the said commissioners shall receive the sum of two dollars per day, and the surveyor two dollars per day, also the chain carriers the sum of seventy five cents per day each, as a compensation during the time they and each of them may necessarily be employed in the discharge of the duties required of them by this act.

Sec. 6. *Be it further enacted*, That the expense of locating said road shall be paid out of the coun-

ty treasuries in proportion to the distance said road may pass through each county.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

January 24, 1821.



CHAPTER XLI.

An act to incorporate the Trustees of the Bishop's fund of the Protestant Episcopal church of the Diocese of Ohio,

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That Benjamin Gardiner, John Mathews and John C. Wright, and their successors in office and they are hereby created a corporation and body politic by the name and style of the Trustees of the Bishop's fund of the Protestant Episcopal Church of the Diocese of Ohio, by which name they shall be, and are hereby made capable of receiving, holding and disposing of any estate real or personal, which may be in them invested, for the support and maintenance of the bishop of the protestant episcopal church within the Diocese of Ohio, and by which name they may sue, and be sued, and in relation to the property in them invested, do and perform every act necessary for the receiving, safe keeping, using and disposing of the same to the best advantage: *Provided*, that the actual value of the property invested as aforesaid, shall not exceed ten thousand dollars, nor the annual income therefrom, fifteen hundred dollars.

Sec. 2. *Be it further enacted,* That the trustees of the bishop's fund, of the protestant episcopal church of the diocese of Ohio, shall be elected triennially by the convention of the diocese of Ohio

and shall continue in office until their successors are duly appointed. And this corporation shall at all times be subject to be altered, new modelled or repealed, as the General Assembly may deem useful: *Provided*, that no alteration, modification or repeal, shall divert the use of said fund from its original destination, which is hereby declared to be, making provisions for the support of the bishops, of the protestant episcopal church for the diocese of Ohio.

JOSEPH RICHARDSON,
Speaker of the house of representatives
ALLEN TRIMBLE
Speaker of the senate.

January 24, 1821.

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CHAPTER XLII.

An act, to amend the act, entitled, an act to incorporate the town of Marietta, passed 2d December, 1800.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the inhabitants residing within the limits of the corporated bounds of the town of Marietta, in the county of Washington, who shall be qualified to vote for members of the General Assembly, are hereby declared to be legally qualified to vote for town officers, agreeably to the third section of the sixth article of the constitution of this state; and as such shall be admitted to vote at all elections held for justice of the peace, and all other town officers, under authority of the above recited act, but shall not be legal voters to levy any town tax, who are not subject to pay a tax on property.

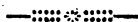
Sec. 2. *Be it further enacted*, That no poll tax, except what now is, or hereafter may be, authori-

sed by law, for opening and repairing roads and highways, shall be levied and collected within the bounds of the above incorporated act.

Sec. 3. *And be it further enacted*, That so much of the above recited act, as is contrary to this act, be, and the same is hereby repealed. This act to take effect and be in force from and after the first day of April next.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

January 24, 1821.



CHAPTER XLIII.

An act to provide for a revaluation of certain school lands.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That upon the lesee, of the north east, quarter of section sixteen, in township number six in range three in Preble connty, surrendering up his present lease to the trustees of said original surveyed township number six, it shall be lawful for said trustees to receive and cancel the same, and thereupon the said north east quarter of section sixteen, in township six, may be revalued and leased in the same manner as if no valuation or lease had ever been made: and upon such valuation the present lessee shall be entitled to a new lease therefor, if he elect to take it; and the trustees of said original surveyed township are hereby authorised to remit to the said lessee, such part of the rents, now due, as they may deem just and equitable.

Sec 2. *Be it further enacted*, That the section number sixteen, in township number three, in range five, in Montgomery county, may be revalued and releas-

ed in the same manner as is provided in the first section of this act, for the north east quarter of section sixteen in township six, range three, in Preble county.

JOSEPH RICHARDSON,
Speaker of the house of representative,
ALLEN TRIMBLE,
Speaker of the senate.

January 24, 1821.



CHAPTER XLIV.

An act establishing the boundaries of certain counties therein named.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the line formerly run by Solomon M'Culloch, as the eastern boundary line of Champaign county, be, and the same is hereby declared the eastern boundary of said county.

Sec. 2. *Be it further enacted*. That so much of said line as lies north of a point, six miles north of the south east corner of the county of Champaign, be, and the same is hereby declared the eastern boundary of the county of Clark.

Sec. 3. *Be it further enacted*, That the line between the counties of Madison and Union shall be run parallel with the line formerly run as the dividing line between the counties of Madison and Franklin, and the county of Delaware.

JOSEPH RICHARDSON,
Speaker of the house of representatives,
ALLEN TRIMBLE,
Speaker of the senate.

January 29, 1821.

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CHAPTER XLV.

An act, to change the application of certain appropriations of the three per cent. fund, therein named.

Sec. 1. *Be it enacted, by the General Assembly of the state of Ohio,* That the sum of thirty three dollars heretofore appropriated by an act of twenty eighth January, eighteen hundred and seventeen, for the purpose of building a bridge over the east fork of Mad river, at Prickett's mill, in the township of Springfield, in the county of Clark, be and the same is hereby placed at the disposal of the trustees of Springfield township, to be laid out and expended on such public roads as the said board of trustees shall direct, provided the same shall be laid out and expended within said township, to be paid by the treasurer on the certificate of the commissioners of Clark county, in the same manner as other monies of the three per cent. fund are paid.

Sec. 2. *Be it further enacted,* That fifty dollars appropriated by the thirty ninth section of the act making further appropriation of the three per cent. fund granted by the United States for laying out, opening and improving roads in the state, passed February twenty sixth, eighteen hundred and twenty upon the road from the county line of Morgan, running into the county of Monroe until the same intersects the road from Marietta, and which has not been expended, be, and the same is hereby appropriated upon the road from the Washington county line, through the county of Monroe, to intersect the road from Woodsfield at Joseph Dodd's to be laid out under the direction of Joshua Craig.

Sec. 3. *Be it further enacted,* That there shall be paid to the commissioners appointed to lay out a road from Greenville in Dark county, to some point on the St. Mary's river, at or near Shane's crossing,

the sum of seventy five dollars out of the sum of seven hundred dollars appropriated for said road,

JOSEPH RICHARDSON,
Speaker of the House of Representatives,
 ALLEN TRIMBLE,
Speaker of the Senate.

January 29, 1821.

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CHAPTER XLVI.

An act for the relief of certain lessees of section sixteen in the third township and first entire range, in the Miami purchase.

Whereas it has been represented to this General Assembly, that certain lessees of section sixteen, in the third township, and first entire range of townships in the Miami purchase, are laboring under great embarrassment in consequence of the present reduced price of agricultural produce, and the high rents they are compelled to pay. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That William Snodgrass, Nathaniel Mayhugh, Caleb Crane, John Schooley and Abraham Lindley, or a majority of them shall have power and they are hereby authorised to examine into the complaint of certain lessees of section sixteen, in township three, and first entire range, in the Miami purchase; and they shall have power to cancel the former leases and grant such relief as they may think just and reasonable by reducing, the present rents or by granting a new lease to the present lessees; but no reduction or new lease shall have any force or effect, for a longer term of time than three years from the taking effect of this act. 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.

ALLEN TRIMBLE.

Speaker of the senate.

January 29, 1821.

CHAPTER XLVII.

An act for the relief of the three idiot children of Charles D. Wells, of the county of Harrison.

Whereas it has been represented to this General Assembly that the three idiot children of Charles D. Wells of Harrison county, are likely to become a charge to the township of Cadiz in said county, and that the said Wells wishes so far as it may be in his power to indemnify said township for the expence it may thus incur. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the trustees of the township of Cadiz in Harrison county, may if they judge it for the interest of said township receive any conveyance of land from the said Wells as an indemnity for such expenses as said township may incur in the support of those idiots, and if necessary they may advance to the said Charles D. Wells for the support of said idiots, any sum of money, which to the said trustees may seem just and reasonable; and said trustees or their successors in office, shall have power to make any deed or other instrument in writing to reconvey to said Wells or to convey to any other person such land, at any time where they may judge it for the interest of said township of

Cadiz, to sell or release the title of said township to the same.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

January 29, 1821.

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CHAPTER XLVIII.

An act relating to section No. twenty nine, in the original surveyed township of Cincinnati, in the county of Hamilton.

Whereas it has been represented to this General Assembly that fractional section, No. 29, fourth township, first fractional range, in the Miami purchase, in the county of Hamilton, which was granted by Congress for religious purposes is situated so that its principal value consists in timber and wood thereon standing. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That the trustees of fractional section number twenty nine, fourth township, first fractional range in the Miami purchase, in the county of Hamilton which was granted by Congress for religious purposes, be, and they are hereby authorised and empowered with the consent of the present lessee, to release the same upon any terms, which, in their opinion would best secure the interest of the township to which it belongs.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

January 29, 1821.

CHAPTER XLIX.

An act for the relief of John Kerr.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the commissioners of the counties of Gallia, Athens and Hocking, are authorised and required to pay John Kerr, for his services as road commissioner, in laying out and surveying a state road from Gallipolis to Wilksville and Logan in the county of Hocking, two dollars for each mile of said road; to be paid by said counties in proportion to the distance said road was laid out and surveyed, in each of the same; to be paid so soon as said commissioner shall make returns of said road agreeably to the provisions of the law that authorised the laying out and surveying the said road.

JOSEPH RICHARDSON,

Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate.

January 29th, 1821.

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CHAPTER L.

An act to enable the trustees of the fractional school section, number sixteen, in the sixth township and tenth range, in the county of Clark, to make a permanent lease to William Roberts, for part of said land.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the trustees of the school section, number sixteen, in the sixth township and tenth range in the county of Clark, be, and they are hereby authorised to make to William Roberts, a lease for the term of ninety nine years, for twenty acres of the south part of the fractional school section,

number sixteen, in the sixth township and tenth range in the county of Clark, so as to include the seat where the saw mill now stands, and so much of the mill race as is now situate on said school land.

Sec. 2. *Be it further enacted*, That before any lease shall be executed, the said trustees shall apply to the court of common pleas of Clark county, who, upon such application, shall appoint three disinterested freeholders of said county, who shall not be residents of said township, and whose duty it shall be, under oath or affirmation, to set a valuation upon said twenty acres of land, and make report of such valuation, in writing, under their hands and seals, to said trustees; and said land shall not be leased for less than six per cent. per annum, on such valuation.

Sec. 3. *Be it further enacted*, That the lease so to be given shall contain a provision that, at the end of every thirty three years from the execution thereof, there shall be a revaluation of the premises aforesaid made by three disinterested freeholders of Clark county, in the same manner as is provided in the second section of this act, on the application of the trustees as aforesaid, or the lessee then in possession of the premises, to be valued agreeably to the rates of unimproved lands in the same neighborhood, taking into consideration however the value of said mill seat without any improvement thereon, and from and after every such revaluation, the rents for the thirty three years next succeeding, shall not be less than six per cent. per annum, upon such revaluation, and shall be recovered in the same manner that rents are in cases of other school lands.

Sec. 4. *Be it further enacted*, That if the said William Roberts, his heirs or assigns, shall not, within nine months from the passage of this act, accept.

and execute on his or their part a lease in pursuance of the provisions herein contained—then, and in that case, this act shall be null and void, and cease to have any effect; and if the said William Roberts, his heirs or assigns, shall fail after the term of one year from the date of such lease so to be executed, to erect and have in operation on said premises, a good saw mill as aforesaid, then in case of such failure, the lease to be given as aforesaid to be void and of no effect.

Sec. 5. *Be it further enacted*, That if the said William Roberts, his heirs or assigns, shall at any time for any one year together, neglect or omit to keep in operation a good saw mill upon said premises, his or their estate therein shall be forfeited, and the trustees shall enter thereon, and dispose of the same as though no estate had been created by this act.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate.

January 29th, 1821.

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CHAPTER LI.

An act supplementary to the act entitled 'An act appointing William Creighton, Jun'r. trustee for the heirs of Nathaniel Masie, deceased:' passed February twenty fifth, one thousand eight hundred and twenty.

Whereas it has been represented to this General Assembly, That in consequence of the resignation of the above named William Creighton, Jun'r. Cadwallader Wallace was, on the twenty fourth day of April, eighteen hundred and twenty, by the court of common pleas of Ross county, appointed trustee

for the purpose of carrying into effect the provisions of the before recited act; and whereas it has also been represented to this General Assembly that the said trustee is not vested with sufficient powers to enable him to carry the provisions of the aforesaid act into full effect. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the said Cadwallader Wallace, trustee as aforesaid, be, and he hereby is authorised and empowered to sell and convey all the lands to, which the said Nathaniel Massie, deceased, had in his life time, obtained a legal title, and also all the lands, the legal title to which has heretofore been or may hereafter be granted to the children of the said Nathaniel Massie, to or for which the said Nathaniel Massie, deceased, had right, claim or interest at the time of his death, for the purposes contemplated in the act to which this is supplementary.

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

JOSEPH RICHARDSON,
Speaker of the house of representatives,
ALLEN TRIMBLE,
Speaker of the senate.

January 29, 1821.



CHAPTER LII.

An act to amend the act entitled, "An act to prevent the sale of town lots for taxes in certain cases.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That when the owner or owners of unimproved or unoccupied town lots or parts of lots, do not reside within the limits of such town,

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and the taxes assessed upon such lot or lots or part of a lot or lots shall not be paid within the time required by law, the collector shall make return of all such delinquent lots or parts of lots to the authority from whence he received his duplicate, whereupon a penalty of twenty five per centum upon the amount of each year's tax shall be incurred and each lot or such part thereof as may be delinquent, shall be bound for the tax and penalty due thereon, and the owner or subsequent purchaser shall be liable therefor.

Sec. 2. *Be it further enacted*, That when a part of an in or out lot in any town of record in this state is owned by a resident proprietor, and it shall by the resident proprietor be made appear, to the satisfaction of the township lister, that he owns only a part of such lot, the lister shall list the same accordingly.

Sec. 3. *And be it further enacted*, That the first section of the act, to which this is an amendment, passed January twenty ninth, eighteen hundred and eighteen, 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.
 ALLEN TRIMBLE,
Speaker of the senate.

January 29, 1821.

CHAPTER LIII.

An act for the relief of Israel Harington and Alexander Morrison, and for other purposes.

Whereas Israel Harington and Alexander Morrison

son, were appointed road commissioners, by an act of the last General Assembly, passed February 26th 1820, to lay and open a state road, from the town of Croghansville, in the county of Sandusky, to the house of William S. Drake, at the south line of Marion county, and no provision being made by the aforesaid recited act, for their compensation in laying out said road. Therefore:

Sec. 1. Be it enacted by the General Assembly of the state of Ohio, That the said Israel Harington and Alexander Morrison be allowed the sum of two hundred and fifty one dollars for their services, as aforesaid, to be taken out of the next appropriation of the three per cent fund, for the counties of Sandusky, Seneca, Crawford and Marion, and the auditor of state, whenever said appropriation may be made, is hereby authorised to draw on the Treasurer for the aforesaid amount.

Sec. 2. And be it further enacted, That there shall be allowed to Milton M'Neal, road commissioner on a road from Clarksburgh in the county of Ross, on the route by Vaughn's tavern and New London, to Urbana, the sum of two dollars per day, to the surveyor two dollars per day, and to the chain carriers and marker each seventy five cents per day, to be paid by the several counties, in proportion to the distance through which such road shall have passed; and also the several county commissioners shall allow said M'Neal such compensation as they may think just and reasonable for making out and returning the plat and field notes of the aforesaid road.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

Speaker of the senate.

January 29, 1821.

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Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That every person sentenced to hard labor and imprisonment; agreeably to the provisions of the act for the punishment of crimes, shall within thirty days after his or her conviction, be transported at the expense 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 imprisonment, and the costs of the prosecution, including the constable's, justice's, sheriff's, witnesses', and clerk's, fees certified under the hand and seal of the clerk of said court attested by the presiding judge, or one of the associate judges of the proper county, 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 ten cents per mile going to, and seven 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 one dollar fifty cents for every twenty five miles for transporting and sustaining each prisoner: *Provided*, that if at the term of any court, there should be more than one person convicted, it shall be the duty of the court to make an order di-

fecting the number of men for guards (not exceeding one to each convict) which in their opinion may be necessary for the safe transportation of such convicts; a certificate whereof shall be made out by the clerk under the seal of the court and delivered to the officer, and the officer shall deliver the certificate to the keeper, who shall be governed thereby in making out his order for the transportation of such convicts. All which sums shall be certified by the said keeper, and paid on his order, by the treasurer of the state, out of any monies in his hands not otherwise appropriated.

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 term of his or her confinement.

Sec. 3. *Be it further enacted*, That all offenders committed as aforesaid, 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 suitable to their sex; and the males shall have the right side of their heads shaved close, at least once in every month, if it be deemed proper by the Keeper; 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 law

ful for the director herein after mentioned, when in his 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 be kept as separate from each other as the nature of their employment, and the apartments of the prison will admit.

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.

Sec. 5. *Be it further enacted*, That there shall be elected by joint ballot of the General Assembly, a keeper and an agent for the penitentiary, who shall be commissioned by the Governor. and continue in office one year from and after their election, and until their successors are elected and qualified: and before entering on the duties of their office, they shall take an oath, well and faithfully to discharge the duties of their respective offices; and the said keeper, shall, before he enters upon the duties of his office, give bond in the sum of ten thousand dollars with security, to be approved of by the director, payable to the treasurer of state, and conditioned, that he, his deputy, and assistants, shall faithfully discharge the duties required of them by law; which bond shall be recorded in the office of the secretary of state, and a copy thereof, certified by the said secretary, shall be evidence in any court, in any suit against such keeper or his securities. The keeper shall reside in the penitentiary, and

occupy such part of the house as shall be provided for that purpose.

Sec. 6. *Be it further enacted*, That the keeper shall hereafter receive as a salary the sum of six hundred dollars per annum, and two per cent upon all manufactured articles, to be paid quarter yearly out of any money in the state treasury not otherwise appropriated: *Provided*, that, in no case, shall the keeper receive more than one thousand dollars per annum.

Sec. 7. *Be it further enacted*, That the agent shall hereafter receive as a salary, the sum of five hundred dollars per annum, to be paid at the state treasury; and three per cent on the money paid by him into the treasury which salary and percentage shall be paid quarter yearly: *Provided*, however, that such salary and percentage shall in no case exceed one thousand dollars per annum.

Sec. 8. *Be it further enacted*, That the agent to be elected as aforesaid, shall before he enters upon the duties of his appointment, give bond to the state of Ohio, to be approved of by the Governor, in the sum of twenty thousand dollars; conditioned that he will well and truly collect and account to the auditor of state, and pay into the treasury, all monies that shall come into his hands by virtue of his said appointment, and shall weekly account with the auditor, and pay into the treasury, all monies by him received on account of said penitentiary, for articles sold, and debts collected during the preceding week; and in all other respects well and truly to perform the duties enjoined on him by law; which bond shall be filed and recorded in the office of the secretary of state, and a certified copy thereof by the said secretary, shall be evidence in any court within this state; and said bond shall not be void on the first recovery, but may be put in suit from time to time for a breach of the condition

thereof. But if said agent shall refuse or neglect to give such bond within five days after notification of his election, the office shall be deemed vacant, and the Governor shall proceed to fill the same; *Provided*, the legislature shall not be in session.

Sec. 9. *Be it further enacted*, That there shall be a director of the penitentiary, who shall be appointed by joint resolution of both houses of the General Assembly and commissioned by the Governor and shall hold his office for one year: but the Governor is hereby authorised and empowered to remove said director and appoint another, in his stead, at any time during the recess of the legislature, when, in his opinion, the interest of the state may require it.

Sec. 10. *Be it further enacted*, That the director, previous to entering upon the duties of his office, shall give bond, payable to the treasurer of state, with security to be approved of by the Governor, in the sum of ten thousand dollars, conditioned for the faithful performance of the duties required by this act; and it shall be the duty of the said director to superintend and manage the concerns of the penitentiary, as herein is after provided.

Sec. 11. *Be it further enacted*, That it shall be the duty of the director, to make application in writing, to the Governor, at the commencement of each quarter of the year, for such sum of money as he may deem necessary for the purchase of raw materials, clothing and other articles for the use of the penitentiary, stating the probable amount that such articles will cost; for which sum the governor, if in his opinion, the interests of the state require it, shall give an order on the auditor of state, who shall issue a warrant on the treasury, which warrant shall be paid by the treasurer, out of any money in his hands, not otherwise appropriated: *Provided*, that the director shall in all cases purchase the materials of the

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growth and manufactures of the state of Ohio, if they can be had on as good terms, and of as good quality.

Sec. 12. *Be it further enacted*, That the said director shall discharge the debts of the institution now contracted, taking receipts therefor; and shall purchase all raw materials, clothing and other articles necessary for the penitentiary, and deliver the same to the keeper, taking his receipt therefor; which receipts shall specify the price quantity, and quality of such articles so delivered; distinguishing the raw materials to be manufactured, from the articles otherwise necessary for the maintenance of the institution. The director shall deposit such receipts with the auditor of state, and take his receipt for the same; and in all cases where the director shall purchase any article for the use of the penitentiary, he shall take a receipt for the money or other article paid out; specifying the number, quantity, quality and price of the article or articles purchased, and deposit said receipts in the auditor's office.

Sec. 13. *Be it further enacted*, That the director 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 the monies received out of the treasury; and he shall also keep a fair and regular account, in his books, with the keeper of the penitentiary, charging the same with all raw materials, clothing and other articles, delivered to him for the use of the institution; it shall, also, be the duty of the director, to make out a fair abstract of all his accounts, including each item thereof and report the same, together with the receipts and vouchers, to the Governor, on the first Monday of December, March, June and September, in each and every year; and also to make out an

annual abstract of his account, including each item as aforesaid, on the first Monday in December, and report the same to the General Assembly.

Sec. 14. *Be it further enacted*, That it shall be the further duty of the director, to instruct the keeper of the penitentiary, what articles shall be manufactured in said prison, the quantity and quality thereof, and also to instruct the agent, whenever he may deem it necessary, to procure a store house in some convenient place near the centre of the town of Columbus, for the purpose of vending all manufactured articles received by said agent; and also to direct the agent to make contracts with merchants or others, for the sale of such articles on a credit or otherwise, as, in his opinion, the interest of the state may require. *Provided however*, that when said articles are to be sold, by wholesale, on a credit, it shall be the duty of the director to limit the time of payment, and to judge of and accept the security. And it shall be the further duty of the director to instruct the agent from time to time, to receive in exchange for manufactured articles, such materials or produce, for the use of the penitentiary, as he may deem necessary; which materials or produce the agent shall deliver to the director, and take his receipt therefor.

Sec. 15. *Be it further enacted*, That the director shall have power to employ a skilful physician by the year or for any less time to attend upon the convicts in the penitentiary, when in his opinion it may be necessary, provided the compensation paid such physician for medicine and attendance in any one year shall not exceed two hundred dollars.

Sec 16. *Be it further enacted*, That the auditor of state shall open and keep a regular account with the director of the penitentiary, charging him with all money paid on account of the institution, and

crediting him for all materials delivered to the keeper, and also for all other expenses incurred, which shall be certified by the Governor; which certificate the auditor shall file in his office, and give the director his receipt therefor.

Sec. 17. *Be it further enacted*, That the auditor of state shall open a new account with the keeper of the penitentiary, in which he shall charge said keeper, with all the raw materials on hand, upon the certificate of the director; and also with the raw materials delivered to him from time to time, by the director; together with all such necessary expenses, on account of tools and implements manufactured in the penitentiary, for the use of the convicts, as the director shall certify to be correct; which certificate shall be lodged with the auditor, who shall give his receipt therefor.

Sec. 18. *Be it further enacted*, That it shall be the duty of the auditor to make out an abstract of all his accounts with the director, keeper and agent of the penitentiary, and report the same to the General Assembly on the first Monday in December annually.

Sec. 19. *Be it further enacted*, That the books of the agent and keeper shall be open for the inspection of the auditor and director; and abstracts from the books certified by the auditor shall be good evidence in any suit against either of them.

Sec. 20. *Be it further enacted*. That it shall be the duty of the keeper of the penitentiary to deliver to the agent, on every Saturday, all the articles manufactured in the penitentiary during the preceeding week. And it shall also be the duty of the director to affix a fair price to each article, at which price such article must be sold, unless said price be afterwards changed with the consent of the director, and at the time said articles are delivered to the agent, the director shall allow such deduction.

or per centage on articles that are to be sold by retail as he may think proper, and credit the agent accordingly. And the agent, at the time of receiving said manufactured articles, shall receipt for the same to the keeper, stating therein the price of each article; which receipt the keeper shall deposit with the auditor of state, who shall charge the agent with the amount, and give the keeper credit therefor.

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 of collection of debts, during the preceding week, taking the treasurer's receipt for such sums, and deposit the same with the auditor who shall credit the agent with such amount, together with the reduction of the price of any article sold, and all necessary costs and charges, incurred by the agent, which reduction, costs and charges, shall be certified by the director, and the certificate thereof to be filed in the auditor's office. And it shall be the duty of the agent to submit an abstract of his accounts annually on the first Monday of December, to the General Assembly.

Sec. 22. *Be it further enacted*, That the keeper of the penitentiary shall appoint a deputy and as many guards as he may deem necessary, provided the whole number including himself, shall not amount to more than one guard to every fifteen convicts; *Provided further however*, that the keeper with the assent of the director may make a temporary addition to the number of guards when danger is apprehended from an insurrection of the convicts. And the said deputy and guards shall receive such compensation as the director may deem just and reasonable; which, together with the compensation of the keeper and the agent, and the per centage of the agent and keeper on articles manufactured and

sold, shall be paid out of the treasury, on the order of the director.

Sec. 23. *Be it further enacted*, That the keeper shall have power to make such rules and regulations, for the government of the penitentiary, and for carrying the provisions of this act into effect, as he may deem necessary, provided such rules and regulations be not inconsistent with the constitution and laws of this state. A copy of said rules and regulations shall be posted up in some conspicuous place in said prison; he shall, also, have power to punish all such prisoners as may be guilty of disorderly or improper conduct, by confinement in the cells of the penitentiary, and by feeding them on bread and water, for any time not exceeding thirty days, And he shall have the same power, as to the admission of strangers, that was vested in the inspectors of the penitentiary, before the passage of this act. *Provided always*, that the director shall, at all times, have admission into the penitentiary; and any person shall be admitted, during proper hours, upon the order of the director.

Sec. 24. *Be it further enacted*, That the keeper shall keep a fair and regular account, in his books, with the director of the penitentiary, crediting the same with all raw materials, clothing and other articles, delivered to him for the use of the institution, abstracts of which account and of his account with the agent, together with all other accounts for disbursements of money made by him under this act, shall be submitted by him on the first Monday of December, in each and every year, to the General Assembly.

Sec. 25. *Be it further enacted*, That the director shall receive an annual compensation of five hundred dollars, to be paid to him quarterly out of the treasury, on the order of the Governor.

Sec. 26. *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. 27. *Be it further enacted*, That the agent shall permit no account of the penitentiary to remain open longer than six months; before 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, except sales authorised by the director, and specially provided for by the fourteenth section of this act.

Sec. 28. *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 summons 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 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, 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 shown, 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."

Sec. 29. *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 said officer, he shall become liable for the debt.

Sec. 30. *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.

Sec. 31. *Be it further enacted*, That the agent shall on the first Monday of December in each year, make a report to the auditor, in which he shall specially state, the amount of manufactured articles then on hand, the amount of debts owing to the institution, specifying those by bond, note, and book account, by whom owing, when contracted, and when due; and if put out for collection in what situation, and the amount of officer's 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 man-

ufactured 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 costs 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.

Sec. 32. *Be it further enacted*, That in all suits, or prosecutions in behalf of the penitentiary, the style shall be "The Ohio Penitentiary."

Sec. 33. *Be it further enacted*, That no person except the governor, and other executive officers of state and members of the General Assembly and such other persons as may be admitted by the director and keeper, shall be admitted within the walls of the penitentiary; 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 o'clock in the afternoon, and one or more guards under arms shall patrol the said prison at least twice in every hour, until the return of the hour of labor in the succeeding morning.

Sec. 34. *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 director 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 director, to work in the yard: *Provided*, such airing and working, be in the presence or view of the keeper, his deputy or assistant.

Sec. 35. *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 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.

Sec. 36. *Be it further enacted*, That the sheriffs of the several counties of this state, during the time that they or any of them shall agreeably 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 within 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.

Sec. 37. *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 director may think reasonable,

for the necessary expense incurred, to be paid by the treasurer of state, on the order of the director.

Sec. 38. *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 spiritous 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 by action of debt, before any court having competent jurisdiction thereof, and to be applied to the use of the institution

Sec. 39. *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, the said keeper shall forfeit and pay for every such escape the sum of fifty dollars, to be recovered and applied as 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.

Sec. 40. *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 director shall adjudge or 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.

Sec. 41. *Be it further enacted*, That the director

shall furnish each convict, a bible of the common kind, to be paid for out of the state treasury, and shall permit, as often as he may think proper, regular ministers of the gospel to preach to such convicts.

Sec. 42. *Be it further enacted*, That all debts contracted after the passage of this act, with the officers of the penitentiary, for the use of the institution, and all penalties which shall accrue under the provisions of this act, shall be collected without stay of execution or valuation of property.

Sec. 43. *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 time of his or her confinement, as the court before whom such conviction may be had, shall, in their sentence, direct and appoint; and the said director shall have power to direct the infliction of such solitary confinement, at such intervals and in such manner as he may judge proper.

Sec. 44. *Be it further enacted*; That all acts and parts of acts, heretofore passed on this subject, be, and the same are hereby repealed. *Provided however*, that all debts contracted and judgments rendered in favor of said institution, shall be collected in the same manner as is directed by said acts.

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

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

Speaker of the senate.

January 29, 1821.

CHAPTER LV.

An act to amend the act entitled an "act for the prevention of certain immoral practices.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That if any person shall at any time interrupt, molest or disturb any religious society, or any member thereof, or any persons when meeting or met together for the purpose of worship, or when meeting or met together for the purpose of performing any other duties enjoined on, or appertaining to them as members of such society, the person or persons so offending may be arrested and detained in custody not exceeding six hours at any one time; and shall be fined in a sum not exceeding twenty dollars; and any judge of the court of common pleas or justice of the peace within the proper county, be, and they are hereby empowered, authorised and required to proceed against and punish every person offending against the provisions of this act, upon view, or hearing, may, or on information given on oath or affirmation, shall, if need be, issue their warrant to bring the body of the accused before them, and shall, in a summary way, inquire into the truth of the accusation; and if guilty, shall enforce the penalty by this act annexed to the offence, which shall be collected and disposed of in the manner pointed out in the act to which this is an amendment.

Sec. 2. *Be it further enacted*, that the third section of the act, entitled "an act, for the prevention of certain immoral practices, passed, Janua-

ry third, 1816, be, and the same is hereby repealed.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
 ALLEN TRIMBLE,
Speaker of the senate.

January 29, 1821.



CHAPTER LVI.

An act relative to permanent leases.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That all lands of whatever description, lying within this state, the owners or occupiers of which, hold their titles thereto by the tenure of permanent leases, shall, in cases of judgments had and executions levied thereon, be considered as real estate; and the officer levying the execution or executions, shall conform to, and be governed by, the provisions of the several acts regulating judgments and executions, and such other laws as may hereafter be made and provided, for the sale of real estate taken in execution: *Provided however*, that nothing therein contained, shall be so construed, as to impair or affect any of the obligations stipulated in the lease or leases, by virtue of which the owner or owners or occupiers hold said lands.

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

JOSEPH RICHARDSON,
 Speaker of the House of Representatives.
 ALLEN TRIMBLE,
 Speaker of the Senate.

January 29th, 1821.

CHAPTER LVII.

An act to change the place of holding the courts in the county of Meigs.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That until there be erected a court house in the county of Meigs, or otherwise provided for, at the seat of justice of said county; the courts of said county shall be holden at the house of Levi Stedman, in the third township and twelfth range in said county.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

January 29, 1821.



CHAPTER LVIII

An act supplementary to the act to authorise Timothy Buell and others to erect toll bridges over Duck creek and little Muskingum river, in the township of Marietta, in the county of Washington.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That Timothy Buell and his associates, be allowed a further time for the completion of said bridges, of two years from the first of January, one thousand eight hundred and twenty one.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

January 29, 1821.

CHAPTER LIX.

An act authorising and empowering Samuel Quimby, administrator on the estate of John Leavitt, deceased, to sell the lands belonging to said estate, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That Samuel Quimby administrator on the estate of John Leavitt, be and he hereby is authorised and empowered to sell, subject to the right of dower of the widow, where the same has not been set off; either at public or private sale, for ready cash or on credit if not more than three years, to be paid in such instalments as he shall deem most advantageous; such lands belonging to the estate of John Leavitt, deceased, lying and being within the Connecticut Western Reserve, as shall be sufficient to pay the debts of said John Leavitt, deceased, and on the part and behalf of the heirs of Leavitt, convey the lands so sold, to the purchaser or purchasers, by deed, in as full and ample manner as the said John Leavitt could have done in his life time.

Sec. 2. *Be it further enacted*. That the said Samuel Quimby, before entering on the business aforesaid, shall make out and file in the clerk's office of the several counties where the lands are situate, a schedule of all such lands as he may offer for sale under this act, and also a list of claims against said estate, and shall annually exhibit in each of said counties an amount of all sales by him made, together with the debts of said estate remaining unpaid, if any, and the amount received, and shall apply the proceeds arising from such sales, to the payment of the debts, agreeably to the statute in such cases made and provided, and shall, after the payment of the debts aforesaid, faithfully settle with the court of common pleas, in the counties

aforesaid, and pay over to the said heirs such sum or sums as may be remaining (if any) in his hands belonging to said estate.

Sec. 3. *Be it further enacted*, That the said Samuel Quimby shall enter into a bond, in such sum and with such security, as the court of common pleas, in the county where the land is situate, may direct, conditioned for the faithful performance of his trust, previous to selling or offering any tract or lot of land for sale; which bond shall be in the name of the treasurer of the county and his successor in office, and deposited with the clerk.

Sec. 4. *Be it further enacted*, That whenever the condition of said bond shall be broken, it shall be lawful for any person interested to prosecute suit in the name of the treasurer, and the court shall enter judgment for the amount the person prosecuting may prove that he has sustained damage, by reason of the breach of the condition; *Provided*, that the sum shall, in no instance, exceed the amount of said bond, on which may be due thereon, after deducting the prior judgments, if any.

Sec. 5. *Be it further enacted*, That all sales made, deeds or conveyances executed, by the said Samuel Quimby, as administrator as aforesaid, to carry into effect this act, shall be good and valid in law.

JOSEPH RICHARDSON,

Speaker of the house of Representatives,

ALLEN TRIMBLE.

Speaker of the senate.

January 29, 1821.

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CHAPTER LX.

An act further to amend an act, entitled "an act to incorporate the town of Cincinnati."

City council to be elected 1st	;	City council to select sixty	
Monday of April annually	1	grand and forty eight	
Treasurer and clerk to be	;	petit jurors annually	4
appointed	2	Duty of Marshal in sum-	
Marshal allowed to serve	;	moning jurors	id.
process throughout the	;	Marshal and clerk to give	
county	3	bond &c.	5
Provision when the Mar-	;	Repealing clause	6
shal is a party	id		

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That all the members of the City Council of the city of Cincinnati, shall hereafter be elected annually on the first Monday in April, by the qualified voters of said city, in the manner prescribed by the act to which this is an amendment; and it shall be the duty of the judges of the election, in the different wards within two days after the election, to make out a certified list of the trustees elected to represent their respective wards, and deliver the same to the Mayor, who shall cause the said trustees to be notified to assemble at the council chamber on a day to be by him appointed, not exceeding ten days from the time of the election.

Sec. 2. *Be it further enacted,* That the treasurer and clerk shall be appointed from among the qualified voters of the city, by the council, and shall not be members of the council; and in case of the absence of the president and recorder from any meeting of the council, it shall be lawful for the council to appoint a president pro tempore.

Sec. 3. *Be it further enacted.* That the Marshal of said city shall be authorised to serve writs of subpœna and execution in any part of the county of Hamilton, and where any execution shall be directed to him from the city court against any per-

son or persons possessed of real or personal property situate without the bounds of said city and within the county of Hamilton, it shall be lawful for the said Marshal to take such property in execution in any part of said county and to sell and convey the same in satisfaction of such execution, agreeably to the laws regulating sales on execution. And the Marshall shall, in all cases be subject to the same amercements and penalties for neglect of any of his official duties, in the same manner as sheriffs are liable for similar neglects; and wherever the Marshal is a party in any suit in said court the process shall be directed to the sheriff or coroner of the county of Hamilton, who shall execute and return the same under the same penalties as if the process was issued from the court of common pleas.

Sec. 4. *Be it further enacted*, That there shall be sixty grand and forty eight petit jurors, judicious persons residing in said city, having the qualifications of electors, annually selected by the city council to serve as a grand and petit jury; and the clerk of the city court shall, in the presence of the Marshal, five days previous to each term, draw by lot from the number so selected, fifteen grand and twelve petit jurors, and the said clerk shall forthwith issue writs of venire facias, directed to the Marshal, commanding him to summon the jurors drawn as aforesaid, to attend at the court room of said court then next to be holden on the first day of the 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 act entitled "an act relating to juries;" and if from challenge or otherwise there shall not be a sufficient number to make up the pannel, the court shall direct the Marshal to supply the deficiency by summoning an adequate number of talesmen.

Sec. 5. *Be it further enacted*, That the Marshal and clerk of the city court, shall give such security for the faithful performance of the duties on their respective offices as the city council shall from time to time direct.

Sec. 6. *And be it further enacted*, That all laws and parts of laws, coming within the purview of this act, be and the same are 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.
ALLEN TRIMBLE,
Speaker of the Senate.

January 29, 1821.

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CHAPTER LXI.

An act to withdraw from the Bank of the United States the protection and aid of the laws of this state, in certain cases

<i>Duty of sheriffs</i>	1 §	<i>acting contrary to this act</i>	4
<i>Duty of judges, justices &c.</i>	2 §	<i>This act to be suspended on</i>	
<i>Duty of notary public</i>	3 §	<i>certain conditions</i>	5
<i>Penalty on said officers for</i>	§		

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That from and after the first day of September next, it shall not be lawful for any sheriff or other keeper of a jail within this state to receive into his custody any person arrested upon mesne process, or taken or charged in execution at the suit of the president, directors & co. of the Bank of the United States, or any person committed for or upon account of any offence alleged and charged to have been committed upon the property, rights

interests, or corporate franchises of said bank, when acting under a law of this state.

Sec. 2. *Be it further enacted*, That from and after the first day of September next it shall not be lawful for any judge, justice of the peace, or other judicial officer appointed under the authority of this state, to receive any acknowledgement or proof of the acknowledgement of any deed of conveyance of any kind whatever, to which the president, directors, & co. of the bank of the United States, are or may be a party, or which may be taken or made for their use; and no recorder shall receive into his office, or record any deed of conveyance of any description whatsoever, in which the said president, directors, & co. of the Bank of the United States, are or may be a party, or which may be made for their use, after the said first day of September next.

Sec. 3. *Be it further enacted*, That from and after the first day of September next, it shall not be lawful for any notary public appointed under the authority of this state, to make a protest or give notice thereof, of any promissory note, or bill of exchange, made payable to the president, directors & co. of the bank of the United States, endorsed to them, or made payable at any office of discount and deposit established by them in this state.

Sec. 4. *Be it further enacted*, That if any sheriff, or jailor, shall violate the provisions of the first section of this act, he shall forfeit and pay the sum of two hundred dollars for every such offence, to be recovered of him in an action of debt, by the party so received in custody. And if any judge, justice of the peace, or recorder shall do or perform any act prohibited by this act, every such judge, justice of the peace, or recorder shall be deemed guilty of a misdemeanor in office. and upon conviction thereof, upon indictment shall be fined any sum not ex-

ceeding five hundred dollars at the discretion of the court; and if any notary public shall make a protest, or give notice thereof, of any promissary note or bill of exchange made payable to or endorsed to the bank of the United States, or made payable at any office of discount and deposit by them established in this state, every such notary public shall be considered guilty of a misdemeanor in office, for which he shall be prosecuted by indictment and upon conviction thereof, he shall be removed from office and such shall be the judgment of the court.

Sec. 5. *And be it further enacted*, That if, at any time the officers of the bank of the U. States, or their agent duly authorised by them, shall officially notify the governor of this state, that they have actually discontinued the suits that are now prosecuted by said bank against the public officers or against any other person or persons on account of any act or acts done in conformity to the laws of this state, and that the bank will in future submit to the payment of a tax equal to four per cent per annum, on the dividend arising from the business transacted by such bank within this state: or that having discontinued the suits as aforesaid, the bank will withdraw its branches from this state, and leave only an agency to settle its business and collect its debts: the governor shall, on receiving official notice from the bank of the United States as aforesaid, issue his proclamation accordingly; and from the date of such proclamation, this act shall be suspended and cease to have effect.

JOSEPH RICHARDSON,
Speaker of the house of representatives,
ALLEN TRIMBLE,
Speaker of the senate.

January 29, 1821.

CHAPTER LXII.

An act, to amend the act entitled 'An act, levying a tax on land.

<i>Rates of taxation</i>	1	<i>deeds for land sold for taxes</i>	9
<i>Duty of auditor to transmit lists of non residents lands & forms by 1st June next</i>	2	<i>Collector on receiving duplicate to proceed to demand taxes</i>	10
<i>Proviso as to sales</i>	ib.	<i>Collector to collect until 30th November</i>	11
<i>County auditors to correct errors</i>	3	<i>To settle with county auditor, and pay over to treasurer by 15th December</i>	ib.
<i>Further duty of county auditor in correcting errors</i>	4	<i>County auditor to be elected annually</i>	12
<i>20 per cent for county purposes</i>	5	<i>Further provisions as to county auditors</i>	13
<i>Town plats exempt from taxation</i>	6	<i>Certain officers ineligible to the office of county auditor</i>	ib.
<i>Land for school or religious purposes exempt from taxation</i>	7	<i>Bounty for killing wolves repealed</i>	14
<i>County auditors to make duplicates by first Monday of August annually</i>	8	<i>County commissioners to appoint collectors</i>	15
<i>Form thereof</i>	ib.	<i>Repealing clause</i>	16
<i>County auditor to make</i>			

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That there shall be levied and paid yearly and every year on each hundred acres of first rate land, one dollar: on each hundred acres of second rate land, seventy five cents: on each hundred acres of third rate land, fifty cents: and in the same proportion for a greater or less number of acres.

Sec. 2. *Be it further enacted,* That the auditor of state shall transmit to the several county auditors, a correct list of all the non resident lands situated in their several counties, which may have been listed with him, under the provisions of the forty second section of the act to which this is an amendment, on or before the first day of June next: he shall, likewise at the same time, transmit

such forms as may be applicable to the different sections of the state, by which such county auditor shall be governed, in ruling and keeping their books: he shall also give such instructions to the county auditors, as he shall deem proper, and most conducive towards establishing an uniformity in the listing, taxing, and transferring the lands within this state: *Provided* that nothing in this section shall be so construed as to effect or invalidate the sale or title of any tract of land sold for taxes by virtue of the thirty ninth section of the act to which this is an amendment; but all sales of land for taxes within the Virginia Military district (so called) whether resident or non resident which shall be returned two years delinquent, under the act aforesaid, shall be conducted in the same manner, as provided in the aforesaid section: any thing in the act to which this is an amendment to the contrary notwithstanding.

Sec. 3. *Be it further enacted*, That the several county auditors, be, and they are hereby authorised and empowered to correct all errors that may from time to time be discovered in the lists of lands within their respective counties, or that may be listed with them for taxation; and when at any time it may be ascertained to their satisfaction that any entry, survey or subdivision thereof contains a greater or less quantity of land than is therein called for, it shall be their duty to correct the lists so as to have entered for taxation the actual quantity of land that may be contained in any such entry, survey or subdivision thereof, that may be entered with them for taxation.

Sec. 4. *Be it further enacted*, That the several county Auditors, on satisfactory proof being made to them that the taxes on any lands within their respective counties, or that may be entered with them for taxation (on which arrearages of taxes are now

charged) has been heretofore, paid or any part thereof, they shall be authorised to correct the list of taxes charged, and strike therefrom any arrearages that may be ascertained to have been improperly charged thereon; also to remit any penalty that may have accrued without the fault or negligence of the proprietor or agent, of any such lands, on the payment of the tax and interest that may be found due thereon, being made to the collector of the county and his receipt therefor deposited with such county auditor, and a correct statement of all such corrections and receipts, shall be by the county auditors annually forwarded with their duplicate to the auditor of state.

Sec. 5. *Be it further enacted.* That twenty per cent only, of the nett amount of taxes collected from lands lying within each county, shall be paid into the treasury of such county, for county purposes; which shall be ascertained and paid over, in the manner provided in the forty seventh section of the act to which this is an amendment.

Sec. 6. *Be it further enacted,* That nothing in this act or the act, to which this is an amendment, shall be so construed as to lay a tax on any land that may be included within the plat of any town in this state, that may be regularly laid out and recorded according to law.

Sec. 7. *Be it further enacted,* That all tracts of land with the houses and improvements not exceeding fifteen acres, the title of which is vested in any person or persons for the use and in trust for any religious society within this state, and occupied solely by such society, as a meeting house and burying ground, shall hereafter remain free from taxation, for state, road, township or county purposes; as shall all land which is the property of any academy, college or other seminary of learning,

which now is or hereafter may be established within this state.

Sec. 8. *Be it further enacted* That the county auditor shall on or before the first Monday of August in each and every year, make from the books or lists in his office a complete duplicate of all the lands listed in his office subject to taxation, with the taxes charged thereon, having special regard to all new entries, alterations or transfers which may have been legally made in his office previous to the first Monday of June in each year; in which duplicate, the names of the proprietors shall be arranged in alphabetical order, the names of proprietors residing in the county shall be entered in one column, and the names of proprietors residing out of the county in another column; each tract shall be entered opposite to, or immediately succeeding the proprietors name (where the name shall be known, and where the proprietors name shall not be known, it shall be so noted in the column of names) opposite to each tract shall be entered in columns designated for that purpose, the number of range, township, section, quarter section, tract or lot, as the nature of the general surveys may require; and if the land is situated within the Virginia Military district, it shall be described by entering opposite to each tract in columns designated for that purpose, the number of entry or location, for whom originally entered or located, the quantity of land contained in the original entry, in what county the land is situated, and on what water courses, as far as such description may be known, the number of acres contained in each tract, the rate and amount of taxes charged thereon, shall also in all cases be entered in columns designated for that purpose, opposite to each tract; and the duplicate in each county shall be arranged in such columns properly designated at the top as may be necessary

to describe each tract, according to the nature of the original or particular surveys falling within such county, together with a blank column on the right hand side of each page for remarks.

Sec. 9. *Be it further enacted*, That the person purchasing a tract of land or a part of a tract of land, which has been sold for the taxes charged on the whole tract, shall be entitled to receive from the county auditor a certificate of such sale, upon which certificate, the county surveyor shall proceed at the request of the purchaser, to lay off by metes and bounds, the quantity of land so purchased by lines parallel with the lines of the tract in as near a square form as may be practicable, and in such case the said purchaser on producing to the county auditor the surveyor's plat and certificate of survey of such land, shall be entitled to receive of the county auditor a deed for the same; for the drawing and executing of which deed, the county auditor shall be entitled to receive from the purchaser the sum of one dollar, and all deeds of land sold for taxes, shall convey to the purchaser all the rights, title and interest of the former proprietor, in and to the land so sold, and shall be received in all courts as good and sufficient evidence of title in such purchaser.

Sec. 10. *Be it further enacted*, That the collector after having given the bond and taken the oath required by the twenty third section of the act to which this is an amendment, may, on or at any time after the first day of August annually, call on the county auditor, for a copy of the tax duplicate of his proper county; after receiving such duplicate, and previously to the twentieth day of October in each year, shall proceed to demand of each person residing within his county the amount of taxes charged to such person on his duplicate; and upon receiving the amount of tax.

es charged on any tract of land, the collector shall give such person his receipt therefor, and enter the same as paid on his duplicate.

Sec. 11. *Be it further enacted*, That the collector shall attend at the seat of justice of his proper county, from the twentieth day of October to the thirtieth day of November in each year, for the purpose of receiving the balance of taxes not previously collected, either from residents or non residents; and no penalty shall accrue until the time for collecting the taxes in each year has elapsed; and on the first Monday in December, each collector shall settle with the county auditor agreeably to the provisions of the thirtieth section of the act to which this is an amendment; and such collector shall pay over to the treasurer of state the monies by him collected on or before the fifteenth day of December in each year, agreeably to the thirty first section of the aforesaid act, and he shall be allowed the sum of eight cents a mile, for travel to and from the seat of government, to be computed from the seat of justice of his proper county: and the collector shall return delinquent all lands, on which the taxes have not been paid previous to the first Monday of December in each year.

Sec. 12. *Be it further enacted*, That there shall be chosen by the qualified electors of each county, within this state, on the second Tuesday in October annually, one county auditor for each county, who shall hold his office for one year, and until his successor shall be elected and qualified.

Sec. 13. *Be it further enacted*, That the county auditor shall be elected, and receive the certificate of his election, in the same manner, as county commissioner are by virtue of the act, regulating elections; and the duties of county auditor shall commence on the first day of March annually: and the

several county auditors for the present year shall be appointed by a resolution of the General Assembly ; and in all cases where the county auditor shall die, remove from the county, or his office by any means become vacant, the county commissioners shall fill such vacancy, and the county auditor shall deliver over to his successor in office, all books, papers and other property belonging to his office, whenever the said office shall become vacant in any other way except by death ; and in case of death, the books and papers belonging to the office shall be given over to the successor of such deceased auditor, by his legal representatives. *Provided however* that no judge of the court of common pleas, clerk of the supreme court, or court of common pleas or county commissioner shall be eligible to the office of county auditor.

Sec. 14. *Be it further enacted*, That the act entitled an act, to encourage the killing of wolves, passed February nineteenth eighteen hundred and ten, be, and the same is hereby repealed.

Sec. 15. *Be it further enacted*, That nothing contained in the act, levying a tax on land passed February eighth eighteen hundred twenty, shall be so construed as to prevent the county commissioners from appointing collectors of land tax in all cases where either by death or otherwise said office may be vacant.

Sec. 16. *And be it further enacted*, That the third, eighth, twenty fourth, fortieth, forty second, twenty eighth, forty third and forty eighth sections, together with such other parts of the act to which this is an amendment, as may be contrary to the provisions of this act, be and the same are hereby repealed.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

February 2, 1821:

Speaker of the senate.

CHAPTER LXIII.

An act regulating the times of holding judicial courts.

Supreme court, when hold- en, - - - 1	In the fifth circuit, when holden - - - 6
Nine circuits provided for 2	In the sixth circuit when holden - - - 7
Courts of common pleas in the first circuit when hold- en - - - ib.	In the seventh circuit when holden - - - 8
In the second circuit, when holden - - - 3	In the eighth circuit when holden - - - 9
In the third circuit, when holden - - - 4	In the ninth circuit when holden - - - 10
In the fourth circuit, when holden - - - 5	Provision as to Sunday 11
	Repealing clause - 12

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That the supreme court shall commence and hold its sessions as follows, to wit: In the county of Pike, on the ninth day of April; in the county of Jackson, on the twelfth day of April; in the county of Meigs, on the sixteenth day of April; in the county of Gallia on the nineteenth, day of April; in the county of Lawrence, on the twenty third day of April; in the county of Scioto, on the twenty sixth day of April; in the county of Adams on the thirtieth day of April; in the county of Brown, on the tenth day of May; in the county of Highland, on the eighteenth day of May; in the county of Fayette, on the twenty fourth day of May; in the county of Clinton, on the twenty eighth day of May, in the county of Greene, on the thirty first day of May; in the county of Warren, on the fourth day of June; in the county of Clermont on the eleventh day of June; in the county of Hamilton, on the fifteenth day of June; in the county of Butler, on the ninth day of July; in the county of Preble, on the thirteenth day of July; in the county of Montgomery, on the sixteenth day of July; in the county

of Dark, on the twentieth day of July; in the county of Miami, on the twenty third day of July; in the county of Shelby, on the twenty sixth day of July; in the county of Logan on the twenty eighth day of July; in the county of Champaign, on the thirtieth day of July; in the county of Clark, on the second day of August; in the county of Madison, on the sixth day of August; in the county of Union, on the eighth day of August; in the county of Delaware, on the tenth day of August; in the county of Franklin, on the thirteenth day of August; in the county of Pickaway, on the twentieth day of August; in the county of Fairfield, on the twenty seventh day of August; in the county of Perry, on the third day of September; in the county of Licking, on the sixth day of September; in the county of Knox, on the tenth day of September; in the county of Coshiocton, on the fourteenth day of September; in the county of Tuscarawas, on the seventeenth day of September; in the county of Wayne, on the nineteenth day of September; in the county of Richland, on the twenty fourth day of September; in the county of Sandusky on the twenty eighth day of September; in the county of Wood, on the first day of October; in the county of Huron, on the fourth day of October; in the county of Medina, on the eighth day of October; in the county of Cuyahoga, on the tenth day of October; in the county of Geauga, on the fifteenth day of October; in the county of Ashabula, on the eighteenth day of October; in the county of Trumbull, on the twenty second day of October; in the county of Portage, on the twenty fifth day of October; in the county of Stark, on the twenty ninth day of October; in the county of Columbiana, on the thirty first day of October; in the county of Jefferson, on the third day of November; in the county of Harrison, on the tenth day of November; in

the county of Belmont on the twelfth day of November; in the county of Monroe, on the fourteenth day of November; in the county of Guernsey, on the sixteenth day of November; in the county of Muskingum, on the nineteenth day of November; in the county of Morgan, on the twenty sixth day of November; in the county of Washington, on the twenty eighth day of November; in the county of Athens, on the third day of December; in the county of Hocking, on the sixth day of December; and in the county of Ross, on the tenth 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 Montgomery, Miami, Clark, Champaign, Logan, Shelby and Dark; and the courts of common pleas shall commence and be holden therein as follows, to wit: in the county of Montgomery, on the twenty sixth day of February, twelfth day of June, and fifteenth of October; in the county of Miami, on the twelfth of March, eighteenth of June, and twenty ninth of October; in the county of Clark, on the nineteenth of March, twenty fifth of June, and fifth of November; in the county of Champaign, on the second of April, second of July, and nineteenth of November; in the county of Logan, on the ninth day of April, ninth day of July, and twenty sixth of November; in the county of Shelby, on the sixteenth of April, twentieth of August, and third of December; in the county of Dark, on the nineteenth of April, Twenty third of August and sixth of December.

Sec. 3. *Be it further enacted*, That the second circuit shall be composed of the counties of Hocking, Fayette, Highland, Brown, Adams, and Ross; and the courts of common pleas, shall be holden therein as follows: in the county of Hocking, on the twelfth day of March, the thirtieth day of July, and

the first day of October; in the county of Fayette, on the nineteenth day of March, the sixth day of August, and the eighth day of October; in the county of Highland, on the twenty sixth day of March, the thirteenth day of August, and the fifteenth day of October; in the county of Brown, on the second day of April, the twentieth day of August, and twenty second day of October; in the county of Adams, on the ninth day of April, the twenty seventh day of August, and the twenty ninth day of October; and in the county of Ross, on the twenty eighth day of May, the third day of September and the fifth day of November.

Sec. 4. *Be it further enacted*, That the third circuit shall be composed of the counties of Portage, Medina, Huron, Cuyahoga, Ashtabula, Geauga and Trumbull; and the courts of common pleas shall commence and be holden therein as follows: In the county of Portage, on the third Monday in February, third Tuesday of May, and first Tuesday in November; in the county of Medina, on the Mondays next succeeding the times of holding the court in the county of Portage; in the county of Huron, on the first Thursday in March, first Monday in June, and fourth Monday in November; in the county of Cuyahoga, on the second Monday in March, second Monday in June, and first Monday in December; in the county of Ashtabula, on the fourth Monday in March, fourth Tuesday in June, and second Tuesday in September; in the county of Geauga, on the first Monday in April, third Tuesday in June, and first Tuesday in September; in the county of Trumbull, on the second Monday in April, first Tuesday in July, and third Tuesday in September. And the counties of Wood and Sandusky shall be attached to the third circuit, and the courts of common pleas, shall be holden in the

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county of Wood, on the fourth Monday in May and third Monday in November: and in the county of Sandusky, on the Thursdays next succeeding the times of holding the courts in the county of Wood; and the president of said court shall be allowed the sum of two hundred dollars as a compensation for going to, and holding courts in said counties of Wood and Sandusky, so long as the same may remain attached to his circuit, in addition to the salary heretofore allowed said president by law, to be paid in the same manner as his salary is now paid.

Sec. 5. *Be it further enacted*, That the fourth circuit shall be composed of the counties of Licking, Knox, Richland, Wayne, Tuscarawas, Coshocton and Muskingum; and the court of common pleas shall commence and be holden therein as follows, to wit: in the county of Licking, the twenty sixth day of February, the twenty eighth day of May, and the thirteenth of August: in the county of Knox, on the fifth day of March, the fourth day of June, and the first day of October; in the county of Richland on the fifteenth day of March, the eleventh day of June, and the eighth day of October: in the county of Wayne on the nineteenth day of March, the second day of July, and the sixteenth day of October; in the county of Tuscarawas, on the twenty sixth day of March, the ninth day July, and the twenty second day of October; in the county of Coshocton, on the second day of April, the sixteenth day of July, and the twenty ninth day of October; In the county of Muskingum on the twenty third day of April, the thirtieth day of July, and the fifth day of November.

Sec. 6. *Be it further enacted*, That the fifth circuit shall be composed of the counties of Monroe, Guernsey, Belmont, Harrison, Stark, Columbiana

and Jefferson; and the courts of common pleas shall be holden therein as follows: in the county of Monroe, on the first day of March, twenty fourth day of August, and eighth day of November: in the county of Guernsey on the fifth day of March, twentieth day of August, and twelfth day of November; In the county of Belmont, on the twelfth day of March, twenty seventh day of August, and nineteenth day of November: in the county of Harrison, on the nineteenth day of March, fourteenth day of August, and twenty sixth day of November: in the county of Stark, on the twenty ninth day of March, thirty first day of July and sixth day of December; in the county of Columbiana on the second day of April, sixth day of August, and tenth day of December; in the county of Jefferson, on the twenty third day of April, seventeenth day of September, and twenty fourth day of December.

Sec. 7. *Be it further enacted*, That the counties of Franklin, Delaware, Union, Madison Pickaway, Fairfield and Perry, shall compose the sixth circuit; and the courts of common pleas shall commence and be holden therein as follows, to wit: in the county of Franklin, on the twentieth day of February, fourth day of June, and first of October; in the county of Delaware, on the seventh day of March, thirteenth of June, and tenth day of October; in the county of Union, on twelfth day of March, the eighteenth of June and fifteenth day of October; in the county of Madison, on the fourteenth day of March, the twentieth of June, and seventeenth day of October; in the county of Pickaway on the nineteenth day of March, twenty fifth of June, and twenty second day of October; in the county of Fairfield, on the second day of April, the thirtieth day of July and the twelfth day of November; in the county of Perry, on the eleventh day of

April, the twenty fifth day of July, and twenty seventh day of November.

Sec. 8. *Be it further enacted*, That the seventh circuit shall be composed of the counties of Clinton, Green, Warren Preble and Butler; and the courts of common pleas shall commence and be holden therein as follows: in the county of Clinton, on the twenty sixth day of February, fourth day of June, and first day of October; in the county of Green, on the fifth day of March, eleventh day of June, and eighth day of October; in the county of Warren, on the twelfth day of March, eighteenth day of June, and fifteenth day of October; in the county of Preble, on the twenty sixth day of March, second day of July, and twentieth day of October; in the county of Butler, on the second day of April, thirtieth day of July and fifth of November; and Whenever it shall so happen that any term of the courts in this section contained, shall be required to be holden before the trustees in the different townships in such county, shall have made out and returned the apportionment of Jurors for such county, for the year eighteen hundred and twenty one, or where the sheriff of such county will not have time to summons such jury, should such return of jurors be made, before the time the court is required to be holden. Then, and in that case, it shall be lawful for the sheriff of such county to summon of the bystanders a sufficient number of grand and petit jurors for the term so required to be holden.

Sec. 9. *Be it further enacted*, That the eighth circuit shall be composed of the counties of Pike, Jackson, Athens, Morgan, Washington, Meigs Gallia, Lawrence and Scioto; and the courts shall commence and be holden as follows; in the county of Pike, on the nineteenth of February, the eighteenth June, and the twenty fourth of Sep-

tember; In the county of Jackson on the twenty sixth day of February, the twenty fifth of June, and the first of October; in Athens, the fifth of March, the second of July, and the eighth of October: in the county of Morgan, the twelfth of March, the ninth of July and eleventh of October; in the county of Washington, the nineteenth of March, the sixteenth of July, and the fifteenth of October; in the county of Meigs, twenty sixth of March, the twenty third of July, and the twenty second of October; in the county of Gallia, the second of April, the thirtieth July, and the twenty ninth of October; in the county of Lawrence, the ninth of April, the sixth of August, and the fifth of November; and in the county of Scioto, the seventh of May, the thirteenth of August, and twelfth of November.

Sec. 10. *Be it further enacted*, That the counties of Clermont and Hamilton shall compose the ninth circuit, and the courts of common pleas shall be holden therein as follows, to wit: in the county of Hamilton, on the fourth Monday of April, August and December; in the county of Clermont on the third Monday of April, the first Monday of August, and the third Monday of November.

Sec. 11. *Be it further enacted*, That if the day mentioned in this act, or any section thereof, for the holding of any court should fall on Sunday, the court shall commence on the following day.

Sec. 12. *Be it further enacted*, That this act except the fifth section thereof, shall take effect and be in force, from and after the first day of February next. And the said fifth section shall take effect, and be in force from and after the first day of April next. And all the act entitled an act, regulating the times of holding judicial courts passed February twenty fourth, eighteen hundred and

twenty, except the fifth section thereof, shall be and the same is hereby repealed; and the said fifth section shall be repealed from and after the first day of April next. But all suits and process, pending in any of the courts aforesaid, at the time of the taking effect of this act, in relation to such courts respectively; shall be continued or returned to the terms of said court respectively, which shall be holden next after the taking effect of this act, in relation to such courts.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

February 2, 1821.



CHAPTER LXIV

An act authorising collectors to distrain for taxes in certain cases.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the different collectors of state or county taxes, for the year eighteen hundred and twenty shall have the power to collect by distress and sale, any state or county tax, which may be in arrear and unpaid, upon his duplicate after the fifteenth day of January, eighteen hundred and twenty one, in the same manner that collectors are authorised to collect taxes by distress and sale under the twenty eighth section of the act entitled "an act levying a tax on land," passed February the eighth, eighteen hundred and twenty; *Provided* that in all cases where a demand of the taxes have not been made, it shall be the duty of such collector

before he shall be authorised to distrain, to make a demand of such tax or arrearage of tax.

Sec 2. *Be it further enacted*, That the auditor of state, be, and he is hereby authorised, whenever it may be made to appear to his satisfaction, that an collector is in default, in consequence of not having received his duplicate in time, to enable him to complete his collections, as required by the afore-said act, to omit charging such collector with the penalty accruing under said act, and also to omit putting such collector's bond in suit, on account of an defalcation, until the first day of May next.

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

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

February 2, 1821.

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CHAPTER LXV.

An act for the relief of Daniel Voorhees.

Whereas it is represented to this General Assembly, that Daniel Voorhees, of Lebanon in the county of Warren, in the month of Januar, in the year of our Lord, one thousand eight hundred and nineteen, was lawfully married to Julia Ann Frost, of the same place; and whereas it also appears, that the said Julia Ann's conduct, both before and after her marriage with the said Daniel, has been such as to entitle the said Daniel to a divorce; and it also appears that the said Dan-

iel cannot obtain relief in the supreme court, by virtue of the act concerning divorce and alimony.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the marriage contract, entered into by and between Daniel Voorhees, of the town of Lebanon in the county of Warren, and Julia Ann his wife, late Julia Ann Frost, of the same place, be, and the same is hereby annulled and made void; and the parties released and discharged from all obligations of the same, as fully, effectually and absolutely as if they had never been joined in marriage.

Sec. 2. *Be it further enacted*, That, the said Daniel shall return to the said Julia, all the property of every description, that he obtained with her by marriage, in kind, if the same can be, and if not to pay her the value in money.

JOSEPH RICHARDSON,
Speaker of the house of Representatives.
ALLEN TRIMBLE.
Speaker of the senate.

February 2, 1821.



CHAPTER LXVI.

An act for the relief of occupying claimants of land.

Certain causes to be re-	}	ments to be re docketed	2
docketed	1 }	Proviso as to notice	ib.
Certain applications to recov-	}	Certain acts revived	3
er the value of improve-	}		

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That all applications now pending in any court of record in this state, for the value of improvements under the acts, for the relief of occupy-

ing claimants of land, passed February sixteenth, one thousand eight hundred and ten, and January the nineteenth, eighteen hundred and sixteen, shall be heard, adjudicated and determined, under the above recited acts, and where any applications for pay for improvements have failed solely on the ground that the acts aforesaid under which such application was made, have been and are repealed, it shall be the duty of the court where such application was made, to redocket such application, and proceed in the same manner as such court would have done if such acts had not been repealed: any thing in the repealing clause of the act, entitled "an act for the relief of occupying claimants of lands," passed the twenty third day of February eighteen hundred and twenty, to the contrary notwithstanding.

Sec. 2. *Be it further enacted*, That in all cases where application has been made for the value of improvements, by virtue of the acts mentioned in the first section of this act, and where such application has failed, because the deed or deeds of the occupying claimant had not subscribing witnesses to the same, or for the reasons set forth in the first section of this act, or for either or both of said causes; it shall be the duty of the court before which judgment of eviction was rendered, on application of such claimant, to enter each application on their docket, and proceed therein as is required by virtue of the aforesaid acts when judgment of eviction had been rendered in such court; and the want of subscribing witnesses or acknowledging such deed or deeds, shall be no objection to the same, if the court shall be satisfied by other proof which such occupying claimant may produce, that the grantor or grantors executed the same: *Provided*, that thirty days' notice in writing, of such intended application be given to the person, or persons, or

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left at his or her usual place of abode, who may have obtained such judgment of eviction.

Sec. 3. *Be it further enacted* That for the purpose of carrying into effect, the provisions of this act, the acts for the relief of occupying claimants, passed February sixteenth, eighteen hundred and ten, and January nineteenth eighteen hundred and sixteen, be, and the same are hereby revived, and declared to be in full force, as if the same had never been repealed. And in all cases where the person holding the paramount title, is in the possession of the land, the court shall cause execution to issue by virtue of this act, in the same manner as executions issue in other cases.

Sec. 4. *Be it further enacted*, That it shall be the duty of the secretary of state, forthwith after the passage of this act, to send to the clerks of the different courts of record in this state, a certified copy of this act.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate,

February 1, 1821.

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CHAPTER LXVII.

An act appointing Horatio Bruce agent for the heirs of John Beasley, late of Adams county, deceased.

<i>Agent appointed</i>	1	{ <i>completing titles.</i>	4
<i>Duty of agent in surveying and returning entries</i>	2	{ <i>Agent to have power to sell and convey land</i>	ib.
<i>Agent authorised to receive titles &c</i>	3	{ <i>Also to make partition of land</i>	5
<i>Provision for widow's dower</i>	b.	{ <i>Agent to be paid any reasonable expense.</i>	7
<i>Further duty of agent in</i>		{ <i>Agent to give bond, &c.</i>	8

In case of a vacancy the *Repealing clause*
court to appoint 9½

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Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That Horatio Bruce, of Lewis county and state of Kentucky, be, and he is hereby appointed agent for the heirs of John Beasley, late of Adams county and state of Ohio, deceased.

Sec. 2. *Be it further enacted*, That the said Horatio Bruce, be, and he hereby is authorised, empowered and required to examine and ascertain, as near as may be, the true situation of the lands belonging to said heirs, as well within the state of Ohio, as elsewhere, and, as far as practicable, have all entries surveyed, where the same shall not appear to conflict or interfere with other older or better claims; and in cases where there may not be older or conflicting claims, to have the entries in which the heirs of the said John Beasley may have an interest surveyed; and the surveys returned to the office of the principal surveyor for the district in which the same may be situated: and also to remove and locate according to law, any entries or parts of entries that may appear to be lost by interference with other older or better entries, and survey and return the same, as in other cases.

Sec. 3. *Be it further enacted*, That said Horatio Bruce, shall have power, and he hereby is vested with full power, to ask, demand, sue for, recover and receive, in the name and for the use of the heirs aforesaid, any and all the titles, which the said heirs may have been, are or may be entitled to during their infancy; and when the titles are complete in the heirs aforesaid, whether by patent or deed of conveyance, or where the legal title was complete in the said John Beasley, deceased, in his life time, the said Horatio Bruce as agent for the heirs aforesaid, be, and he hereby is authorised

to convey by deed sufficient in law, any lands which the said John Beasley, deceased, had in his life time in any way become bound, either in law or equity, to convey to the person or persons holding the evidence of such claim, legally obtained, or otherwise entitled to such conveyance; which conveyance shall vest in the person to whom such conveyance is made, all the title which the said John Beasley, deceased, could have done in his life time, or which the said heirs could do were they of lawful age. *Provided*, that no conveyance thus made, shall in any way affect the right of dower which the widow may have in such estate.

Sec. 4. *Be it further enacted*, That said Horatio Bruce, be, and he is hereby authorised, empowered and required to use all convenient dispatch in obtaining legal titles in the name of the heirs aforesaid, for all lands, to or for which the said John Beasley, deceased, had claim, right or interest at the time of his death, or to which the heirs aforesaid have derived a claim right or interest since the death of their parent, by virtue of his claim or for his services; and when the legal title shall be obtained or when the legal title was in the said John Beasley in his life time; that he sell to the best advantage, for the heirs and the creditors of the said Beasley, all or any part of such lands (the widow's dower excepted) for the purpose of paying the debts due from said estate; and the taxes which are now or may hereafter become due on said land; and that he convey by deeds sufficient in law, in the name of the heirs all the lands sold for the purpose aforesaid.

Sec. 5. *Be it further enacted*, That the said Horatio Bruce, be, and he hereby is authorised and empowered to make divisions of all lands in behalf of said heirs with those persons with whom they hold lands in partnership.

Sec. 6. *Be it further enacted,* That the title which the heirs of the said John Beasley, deceased, may be vested with hereafter, or by virtue of any proceedings under this act, shall be considered in all courts as being taken by descent and held by them, subject to all legal or equitable claims on their ancestor.

Sec. 7. *Be it further enacted,* That the expenses which the said Horatio Bruce shall incur, in carrying into effect the provisions of this act, after being certified by the court of common pleas of Adams county to be reasonable, and that they ought to be allowed, shall be first paid out of the proceeds of any sale made under the authority of this act, and the residue of all sales shall be applied to the payment of all legal or equitable claims on the estate of the deceased; any custom, law or usage to the contrary notwithstanding.

Sec. 8. *Be it further enacted.* That the said Horatio Bruce, previous to his entering on the business as aforesaid, shall enter into bond with good and sufficient security, to the acceptance of two of the associate judges of the court of common pleas in and for the county of Adams, in such sum as the court shall require, conditioned for the faithful performance of his trust; which bond shall be given in the name of the clerk of the court, for the time being, and his successor in office, for the benefit of the heirs of the said John Beasley, deceased, and lodged in the office of the clerk of the court aforesaid.

Sec. 9. *Be it further enacted,* That in case of the death or resignation of the said Horatio Bruce, the court of common pleas for the county of Adams shall appoint a suitable person to act as agent in his stead, who shall qualify himself agreeably to the provisions of this act, whose powers shall be the same and acts as valid as the agent appointed by this act.

Sec. 10. *And be it further enacted,* That the act entitled "an act appointing Nathaniel Beasley agent for the heirs of John Beasley, deceased, passed the twentieth day of January one thousand eight hundred and eight, be, and the same is hereby repealed.

JOSEPH RICHARDSON,
Speaker of the House of Representatives,
ALLEN TRIMBLE,
Speaker of the Senate.

February 2d, 1821.



CHAPTER LXVIII.

An act supplementary to the act relating to juries.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That in the county of Hamilton, there shall be eighty four petit jurors, judicious persons, having the qualifications of electors annually selected to serve as petit jurors; and the clerk of the court of common pleas in said county, shall on the first Monday of February, annually direct the proportions to be selected from each township in the same manner as is required by the act relating to juries. And the clerk of said court, shall, at the times and in the same manner as is directed by the act to which this is an amendment, draw two juries for each term of the court of common pleas, one of which juries shall be summoned to attend the first day of the term of the court, and the other on the first day of the third week of said term, to serve respectively as jurors, under the same provisions and regulations as is now provided in the act to which this a supplement.

Sec. 2. *Be it further enacted.* That the sheriffs of the different counties within this state, shall have

twenty days to summon grand, and petit jurors from the date of the venire facias, any thing in the act relating to juries, passed February 27th 1816, to the contrary notwithstanding; except in case the whole array be set aside, or a challenge for cause as is provided for in the in eleventh section of the act to which this is a supplement.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

February 2, 1821.

Speaker of the senate.

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CHAPTER LXIX.

An act to amend the act, for the proving and recording wills and codicils, defining the duties of executors and administrators, the appointment of guardians and the distribution of insolvent estates.

Proceedings when witnesses	1	line runs through a tract	
die before probate of a		sold by a deceased person	3
will		Manner of proceeding a-	
Court may allow executors	1	gainst administrators on	
&c. longer time to settle		their failing to settle es-	
tate	2	tate	4
Proviso	3	Proviso	ib.
Proceedings when a county			

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That whenever any witness or witnesses to the will of any person deceased, shall die before the probate thereof, so that there be not two credible witnesses to said will still living and able to prove the same according to the law and the usages of the court of common pleas; any person interested in the establishment of said will may file a bill in chancery in the court of common pleas for that purpose making all persons interested parties

thereto; upon which bill it shall be competent for the court sitting in chancery before which such bill may be pending, to inquire by all proper testimony, into all the circumstances, attending the making and executing said will, and on the final hearing may establish said will, and order the same to be recorded, if said court be satisfied that said will was duly made and executed according to law, and that no manifest injustice will result from establishing the same. *Provided*, that no such bill shall be sustained except the same be filed within three years from the death of the testator or testatrix.

Sec. 2. *Be it further enacted*, That the court of common pleas shall have power, upon good cause shewn, to allow such time to executors, and administrators, for the settlement of estates of their testators or intestates as shall seem just and reasonable, and the situation of the estate may require: *Provided*, that the time so allowed shall not exceed five years from the time of the death of the testator or intestate.

Sec. 3. *Be it further enacted*, That in all cases where county lines shall run through any tract of land, sold by any deceased person and not conveyed in the lifetime of the vendor, it shall be lawful for the executor or administrator of the vendor, to apply in either of the counties in which any part of the land may lie for an order to carry such contract into effect; and the court of common pleas in such cases shall have the same power to make an order for completing such contract as they would have if the whole tract of land was situate within the county; but the deed shall be recorded in all the counties where any part of the land may lie.

Sec. 4. *Be it further enacted*, That if any administrator, shall neglect or refuse to adjust and settle with the court within the time allowed by law for the settlement of the estates of their testator or intestate,

tate, it shall be lawful for the court, upon the application of any person interested to grant a writ against such executor or administrator, to shew cause why the estate of his testator or intestate shall not be settled; and upon service of such writ, if such executor or administrator shall neglect or refuse to come forward and adjust and settle with the court, the estate of the testator or intestate the condition of the bond of such executor or administrator, shall be considered broken; and suit may be immediately brought thereon, by any person injured thereby: provided however that no creditor resident within this state shall be entitled to the provisions of this section, unless such creditor shall have presented his or her claim duly proven to the executor or administrator within one year from the notice given by such executor or administrator as required by law.

JOSEPH RICHARDSON,
Speaker of the house of Representatives,
ALLEN TRIMBLE.
Speaker of the senate,

February 2, 1821.

CHAPTER LXX.

An act to amend the act entitled an act defining the duties of sheriffs and coroners; in certain cases.

Sheriff and coroner to give bond in ten days	1	Sheriff may send execution by mail	2
Conditions thereof	ib.	Ten days notice to be given before a motion for amercement can be sustained	3
Court may require additional security	ib.	Repealing clause	4
How released from said bond	ib.		

Sec. 1. *Be it enacted by the General Assembly of the*
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state of Ohio, That the sheriff and coroner of each and every county, shall, within ten days after they shall have received their commissions, severally give bond to the treasurer, of the county, with two or more sufficient securities, to be approved of by the court of common pleas of the proper county while in session or during the recess of said court by a majority of the associate judges, which bond shall be recorded by the clerk of the court in the same book where other records are kept, conditioned for the faithful discharge of their duties respectively, and for the faithful accounting for, and paying over all monies which may come into their possession by virtue of their respective offices; and the court shall be authorised at any time thereafter to require of the sheriff or coroner such additional security as they may deem expedient and proper for the better security of those concerned, and the sheriff or coroner and their sureties shall not be released from the obligation of their bond, but by an order of the court of common pleas of the proper county, which order shall certify that the sheriff or coroner (as the case may be) has performed the duties of his office, and that he has paid over agreeably to law, all the monies by him collected, or that he was legally authorised to collect and pay over, or that he has otherwise been legally discharged therefrom. *Provided* that no associate judge, clerk of the court, or attorney shall hereafter be taken as security for any sheriff or coroner.

Sec. 2. *Be it further enacted*, That when execution shall be issued, in any county in this state and directed to the sheriff or coroner of another county, according to the fiftieth section of an act entitled an act to organize the judicial courts and regulate their practice; it shall be lawful for such sheriff or coroner having such execution, in possession after having discharged all other duties required of

him by law, to enclose such execution by mail to the clerk of the court who issued such execution; and on proof being made by such sheriff or coroner that such execution was mailed and postage paid a sufficient or reasonable time to have reached the office wherre it issued within the time prescribed by law; such sheriff or coroner shall not be liable to any amercement or penalty for any failure of the safe arrival of such execution, if such failure does exist, any thing in the above recited act to the contrary notwithstanding: *Provided however*, that no sheriff shall forward any money made on any such execution by mail, unless he shall be specially instructed so to do by the plaintiff or his agent.

Sec. 3. *Be it further enacted*, That when any plaintiff or plaintiffs or any other person concerned shall consider him, her or themselves aggrieved by the proceedings of any sheriff or coroner in this state, it shall be the duty of such person, before he, she or they shall sustain any motion before any court of justice within this state, for the amercement of such sheriff or coroner to serve such sheriff or coroner with a written notice at least ten days previous to making such motion: *Provided however*, that nothing in this act shall be so construed as to prevent proceedings against the sheriff or coroner agreeably to the laws now in force, where the sheriff or coroner has absconded, or absented himself from his proper county.

Sec. 4. *Be it further enacted*, That the first section of the act to which this is an amendment, passed January fifth eighteen hundred and five, be and the same is hereby repealed. This act to take effect and be in force from and after the first day of June next.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

February 2, 1821.

Speaker of the senate.

CHAPTER LXXI.

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

<i>Secretary to be Treasurer</i>	}	<i>Proceedings thereon</i>	<i>ib.</i>
<i>also - - -</i>	1	<i>Further proceedings on sale</i>	
<i>Duty of persons in paying</i>	}	<i>by execution -</i>	<i>4</i>
<i>rents - - -</i>	2	<i>Repealing clause -</i>	<i>5</i>
<i>Secretary to make out exe-</i>	}	<i>Trustees appointed -</i>	<i>6</i>
<i>cution against delinquents</i>	3	<i>Notice to be given</i>	<i>ib.</i>

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That the president and trustees of the Miami University shall have the power, to constitute and make the secretary of the board, the keeper of the seal of said University and the principal officer in the collection of the revenue arising from the lots and lands of the said University, which have been sold or leased, and in the issuing of executions or duplicates for the collection of the same.

Sec. 2. *Be it further enacted,* That it shall be the duty of each and every person owning lots or lands, of the Miami University, to make payment of their rents or interests on the purchase of their lot, or lots, to the treasurer of the institution, and take his receipt therefor, which receipt the payor shall without delay deposit with the secretary of the University, who shall thereupon give a receipt, or certificate for the reception of the treasurer's receipt being deposited with him, and give the person filing said receipt, a credit on his books for the amount so paid, and no person or persons who shall fail to file the receipt of the treasurer with the secretary shall be entitled to a credit for any monies by him paid to the treasurer, until the receipt shall be deposited as aforesaid.

Sec. 3. *Be it further enacted,* That it shall be the duty of the secretary of the Miami University,

in all cases where the rents or interest on the purchase money of any lot or lots shall have been due for the space of three months, immediately to make out an execution or executions, comprehending accurate lists, of all such delinquents. which said executions or lists shall specify the number of each lot, the person in whose name it is charged on the books of the institution, together with the amount due thereon and shall be certified under the hand of of the secretary, with the seal of the corporation prefixed and delivered to the collector, which said lists or executions certified as aforesaid, shall be sufficient power and authority for the collector to seize or distrain the goods and chattels of each and every delinquent, and the goods and chattels thus seized and distrained, shall be appraised, advertised and sold as goods and chattels are required to be sold when under execution in other cases.

Sec. 4. *Be it further enacted*, That for want of goods and chattels whereon to levy, the collector shall levy on such lot or lots, if the same be improved, and shall have the improvements valued by three disinterested freeholders of the county, but not of the township, and shall advertise the same for sale by posting up four advertisements, at the most public places within the township, giving at least thirty days' notice of the time and place of sale, and if the rents together with the costs remain unpaid on the day of sale, he shall proceed to sell said lot or lots to the highest bidder: *Provided* they will sell for two thirds of the valuation of the improvement and the collector shall keep a fair and accurate statement of his sales so made, and return the same to the secretary, who shall record the same, which shall be sufficient authority for the corporation to make a new lease to the purchaser subjecting him to the conditions contained in the lease of the delinquent, and the collector shall after deduct-

ing from the proceeds of the sale the rents and costs, pay over the residue to the original proprietor or lessee; and if there should be no bidders or such lots should not sell for two thirds of the valuation of the improvements, it shall be the duty of the collector to make return of such lot or lots to the secretary as reverted to the said University, and on the application of the late proprietor or lessee, the president and secretary shall draw an order on the treasurer in his favor, for the residue if any of two thirds of the valuation as aforesaid, after deducting therefrom the said rents, costs and fees.

Sec. 5. Be it further enacted, That the act, entitled an act to amend the several acts establishing the Miami University, passed February the first, one thousand eight hundred and fourteen, and so much of the sixteenth section of the act entitled "an act establishing the Miami University," passed the seventeenth day of February, one thousand eight hundred and nine, as makes it the duty of the treasurer of said institution to make out lists or executions and transmit them to the collector for collection of rents due the institution, be, and the same is hereby repealed.

Sec. 6. And be it further enacted, That the following named persons be and they are hereby appointed trustees of the Miami University (to wit) Joseph S. Benham, John C. Short, Nathan Guilford, Stephen Wood, and Luke Foster of Hamilton county, John Reiley, Arthur Elliott, James M'Bride, Alexander Proudfit and Stephen Gard, of Butler county, William Gray, Martin D. Lathrop and Horace D. Chipman of Warren county, Benjamin Vancleve and Joseph H. Crane of Montgomery county, John P. Findlay and Robert Morris of Miami county, Archibald Steele and David Higgins of Clark county, Samuel Hitt of Champaign county, John Smith and John Steele of Green county and Samuel Newel of Logan county. And it is hereby made the

duty of the secretary of state, immediately after the passage of this act, to transmit a notice in writing to each of the trustess hereby appointed.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

February 1, 1821.

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CHAPTER LXXII.

An act for the relief of Horace Wolcott.

Whereas it has been represented to this General Assembly that Horace Wolcott of Franklin county, was employed in the year 1817 to make a turnpike road in said county, and for which service he has not yet received full compensation. Therefore.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That Horace Wolcott shall be allowed the sum of two hundred dollars to be paid out of the sum of that part of the three per cent fund, that may be coming and due to the county of Franklin, at the next appropriation of said fund. And the auditor and treasurer of state are hereby required to govern themselves accordingly.

Sec. 2. *And be it further enacted*, That the act for the relief of Horace Wolcott, passed February 24th, 1820, be and the same is hereby repealed.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

February 1, 1821.

CHAPTER LXXIII

An act for the relief of lessees on school sections number sixteen in the county of Fairfield.

Be it enacted by the General Assembly of the state of Ohio, That previous to the year one thousand eight hundred and twenty three, the several boards of trustees for the school section number sixteen within any township in the county of Fairfield, may, with the consent (in writing) of at least two thirds of the householders in any township, relinquish any part not exceeding one half of the yearly rent or interest on any lot in school section number sixteen within such township: *Provided* however that the relinquishment of such rent or interest shall extend only to the years eighteen hundred and twenty, eighteen hundred and twenty one and eighteen hundred and twenty two.

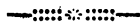
JOSEPH RICHARDSON,

Speaker of the house of representative.

ALLEN TRIMBLE,

Speaker of the senate.

February 2, 1821.



CHAPTER LXXIV.

An act to repeal the act for the relief of an Indian orphan child.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That the act, entitled "an act for the relief of an orphan Indian child, passed February twenty sixth, eighteen hundred and twenty, be, and the same is hereby repealed.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

Speaker of the senate

February 2, 1821.

CHAPTER LXXV.

An act to amend the act entitled an act to perpetuate the evidence of the original field notes of the Miami Purchase.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That Isaac Hawley, be, and he is hereby appointed commissioner on the part of the county of Butler, to collect and cause to be perpetuated evidence of the original field notes of all that part of the third or military range, which lies in the county of Butler agreeably to the same provisions and for the same uses and purposes intended by the provisions of the act to which this is an amendment.

JOSEPH RICHARDSON,

Speaker of the House of Representatives;

ALLEN TRIMBLE,

Speaker of the Senate;

February 2d, 1821.



CHAPTER LXXVI.

An act authorising a loan for the use of the state of Ohio.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the Governor, be, and he is hereby authorised to borrow on the credit of this state, any sum not exceeding twenty thousand dollars, for one year, at a rate of interest not to exceed six per centum per annum, and pay the same into the treasury of this state, taking the treasurer's receipt for the amount and depositing it with the auditor of state, and cause to be issued by the auditor to the loaner or loaners, suitable and proper evidences of the debt incurred on the part of the state, for the repayment of which sum so to be borrowed and the interest arising thereon an amount equal thereto.

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to of the revenue of the state for the year one thousand eight hundred and twenty-one, is hereby pledged.

Sec. 2. *And be it further enacted*, That the Virginia military school fund now in the treasury, shall be subject to the use of the state on the same terms as the Governor may make for other monies which he may borrow.

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

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

February 2, 1821.

Speaker of the senate.

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CHAPTER LXXVII.

An act for the relief of John Johnston.

Whereas it has been represented to this General Assembly that the said Johnston of Madison county has three idiot and helpless children. Therefore.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the said Johnston is hereby authorised, on the certificate of the commissioners of Madison county, to call on the auditor of state, who shall issue his order on the treasurer of state, in favor of said Johnston for such sum as the commissioners aforesaid shall allow said Johnston, to be paid per annum out of the state treasury, and the same amount to be deducted from the appropriation of the land tax, due to the said county of Madison, for county purposes.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after the passage thereof.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

February 1, 1821.

Speaker of the senate.

CHAPTER LXXVIII.

An act regulating the duties of county auditors and county commissioners.

<i>Auditor to be clerk of commissioners</i>	1	<i>Commissioners may hold extra meetings</i>	3
<i>Commissioners to hold three meetings annually</i>	2	<i>County auditor's compensation</i>	4
<i>Continuance of their meetings</i>	ib	<i>Repealing clause</i>	5

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That from and after the first day of March next the county auditor, shall, by virtue of his office, be clerk of the board of commissioners, and shall do and perform all the duties now done and performed by the board of commissioners respectively, except as is herein after provided.

Sec. 2. *Be it further enacted*, That the boards of commissioners shall hold three sessions in each year, at the seat of justice in their respective counties, which sessions shall be held on the first Mondays of March, June and December, at which sessions they shall hear and determine, applications for roads and bridges, and at their June sessions shall settle and determine the rate of the county levy, for the current year, and shall appoint the county treasurer, and the county collectors, and direct in what sum bond with security shall be taken of them by the county auditor. At their March session they shall examine and compare the accounts and vouchers of the county auditor, and the county treasurer, and cause the auditor to publish a statement of the county expenditures for the current year; and no session of the boards of commissioners shall continue for a longer time than three days except at their June session.

Sec. 3. *Be it further enacted*, That the boards of commissioners, at any one of their stated sessions, may take every necessary and proper order for

erecting or repairing public buildings or bridges, and may hold an extra session at such time as they may appoint for entering into contracts for erecting or repairing public buildings or bridges; and the auditor shall not draw upon the treasurer, to make any payments thereon, until an order to that effect is made by the commissioners.

Sec. 4. *Be it further enacted.* That at their March session, annually, the commissioners shall determine the compensation to be allowed to the auditor for the preceding year, which shall be, as near as can be ascertained, at the rate of one dollar and seventy five cents per day, for the time actually employed in the duties of his office. At which time the auditor shall exhibit his account for the current year's services, which account shall be filed with the treasurer, and shall be open to the examination of all citizens of the county.

Sec. 5. *And be it further enacted,* That all acts and parts of acts coming withing the purviw of this act, be, and the same are hereby repealed.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

February 2, 1821.

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CHAPTER LXXIX.

An act to provide for a more speedy and equitable collection of debts, where banks and bankers are parties.

<i>Fieri facias to issue on judgment</i>	1	which are held by mortgage	ib.
<i>Proceedings thereon</i>	ib.	<i>Further proceedings on execution against lands held</i>	
<i>Lands subject to execution</i>			

<i>in trust</i>	2	<i>session of land after sale</i>	5
<i>Proceeding by sheriff after</i>	3	<i>Proceedings when a com-</i>	
<i>levy</i>	3	<i>pany are sued</i>	6
<i>Further proceedings after</i>	4	<i>Further proceedings on judg-</i>	
<i>levy</i>	4	<i>ments</i>	7
<i>Manner of recovering pos-</i>			

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That where any judgment or judgments heretofore have been, or hereafter may be recovered against any bank or bankers, body politic or corporate, which now is, or heretofore has been engaged in banking, upon the notes, bills, bonds or obligations of such bank or bankers, body politic or corporate, it shall be lawful for the plaintiff or plaintiffs, to sue out a writ or writs of fieri facias, and proceed to collect the amount due on such judgment or judgments, under the act entitled "an act to regulate judicial proceeding where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," or the plaintiff or plaintiffs, may at his or their election, sue out on such judgment or judgments, while the whole or any part thereof remains unpaid a writ or writs of fieri facias, by virtue of which it is hereby made the duty of the officer to whom the same is directed, to levy on the goods and chattels of such bank or bankers, body politic or corporate, and to sell the same, as in other cases on execution, and if goods and chattels cannot be found, sufficient to satisfy such judgment or judgments, after disposing of what may be found in the manner aforesaid, it shall be the further duty of the said officer to levy on the lands, tenements or hereditaments, which such bank or bankers, body politic or corporate, may hold by deed in fee simple, deed of trust, or mortgage deed of conveyance; and to sell the same under the restriction and limitations herein after mentioned, and upon the receipt of the purchase

money, to make to the purchaser or purchasers a deed therefor, therein and thereby conveying to him her or them, all the right title interest and estate which such bank or bankers, body politic or corporate, had in, or to the property sold, at the time the same was levied upon, in manner aforesaid. And such purchaser or purchasers after such sale may pursue the usual legal means to foreclose the mortgage, or collect the amount due on such deed of trust, or mortgage deed of conveyance, as such bank or bankers, body politic or corporate, might or could do, had such property not been sold.

Sec. 2. *Be it further enacted*, That when any person or persons shall hold any lands, tenements or hereditaments by deed in fee simple, deed of trust, or mortgage deed of conveyance, in trust and for the use of such bank or bankers, body politic or corporate, whether such trust be expressed in the deed or not, it is hereby made the duty of the officer holding a writ or writs of fieri facias against such bank or bankers, body politic or corporate, after disposing of what goods and chattels may be found, in manner aforesaid, to levy on the lands, tenements and hereditaments, so held by such person or persons, in manner aforesaid, in trust and for the use of such bank or bankers, body politic or corporate, and to sell the same under the restriction and limitations hereinafter mentioned, and upon the receipt of the purchase money, to make to the purchaser or purchasers, a deed therein, and thereby conveying to him, her or them, all the right, title, interest and estate which such person or persons, had in, or to the property sold at the time the same was levied upon, in manner and form aforesaid; and it is hereby made the duty of the person or persons holding such lands, tenements and hereditaments in trust and for the use of such bank or bankers, body politic or corporate, whether such trust be expressed in

deed or not, to make to the purchaser or purchasers, a deed upon demand for the property sold, therein and thereby conveying to him, her or them, all the estate such person or persons had in the property at the time the same was levied upon, in manner aforesaid, and the equitable interest of such bank or bankers, body politic or corporate to the property so sold, shall forever after be extinguished.

Sec. 3. *Be it further enacted,* That when any lands, tenements or hereditaments, held by such bank or bankers, body politic or corporate by deed of trust or mortgage deed of conveyance, are levied upon, in the manner pointed out in the first section of this act, or when any lands tenements or hereditaments, held by any person or persons by deed of trust or mortgage deed of conveyance in trust, and for the use of such bank or bankers, body politic or corporate, whether the trust be expressed in the deed or not, and levied upon in the manner pointed out in the second section of this act, it is hereby made the duty of the officer who made the levy immediately thereafter, to appoint three judicious and disinterested men of his county, whose duty it shall be, under oath to ascertain as nearly as practicable, the amount due on such deed of trust, or mortgage deed of conveyance, and for that purpose, they may examine any books or papers that they may think necessary, and may also examine the mortgagee or grantor, and such other witness or witnesses as they may think necessary, under oath, which oath any one of them are hereby authorised to administer, touching the amount due on such deed of trust, or mortgage deed of conveyance, and to report in writing to said officer under their hands and seals, within six days after their appointment, the amount they found due, and owing on such deed of trust, or mortgage deed of conveyance; and upon such report being made to said officer, it is here-

by made his duty, to advertise and sell said property in the manner pointed out for the sale of real estate under the provisions of the act entitled "an act regulating judgments and executions."

Sec. 4. *Be it further enacted*, That when lands, tenements or hereditaments, are held by any bank or bankers, body politic or corporate, in fee simple in the manner pointed out in the first section of this act, or when lands tenements or hereditaments, are held by any person or persons by deed in fee simple in trust and for the use of such bank or bankers, body politic or corporate, in the manner pointed out in the second section of this act, whether such trust be expressed in the deed or not, and are levied upon in the manner aforesaid, it is hereby made the duty of the officer levying, to cause the property so levied upon, to be appraised advertised and sold, in the same manner as real estate is appraised, and sold under the provisions of the last recited act.

Sec. 5. *Be it further enacted*, That if the person or persons holding lands, tenements or hereditaments, in trust and for the use of such bank or bankers body politic or corporate, whether the trust be expressed in such deed or not, shall refuse or neglect upon demand to make to the purchaser or purchasers, or to their heirs, or legal representatives a deed in the manner pointed out in the second section of this act, such purchaser or purchasers, their heirs or legal representatives may file a bill in equity, to compel a conveyance of the property sold, and if a decree shall be rendered in favor of the purchaser or purchasers, their heirs or legal representatives, it is hereby made the duty of said court rendering such decree, further to decree against the person or persons so refusing, twenty five per centum damage on the whole amount, of which such property was sold and to issue execution therefor, as in other cases in chancery.

Sec. 6. Be it further enacted, That when one or more of the parties of a company, or association of individuals are sued, and the person or persons so sued shall plead in abatement, that all the parties are not joined in the writ, such suit for that cause shall not abate, but the plaintiff or plaintiffs may forthwith sue out a summons against the other partners named in the plea in abatement, and on the return of the summons may insert in the declaration the names of the other partners named in said plea, and proceed in all respects thereafter as though such other partners had been included in the original suit, and if such partners named in said plea, cannot be found, the plaintiff or plaintiffs upon the return of said summons may suggest in his declaration, the names of those not found, and proceed as in other cases where services is only made on part of the defendants, and no other plea in abatement shall be allowed in the cause.

Sec. 7. And be it further enacted, That the plaintiff or plaintiffs, at any time before the judgment or judgments in the act mentioned are fully satisfied, may proceed either under the provisions of this act, or the act herein first recited, and having proceeded under the one, shall not be debarred from proceeding under the other, but may at any time proceed under either, until the said judgment or judgments are fully satisfied.

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,
ALLEN TRIMBLE,
Speaker of the Senate.

February 2, 1821.

V

CHAPTER LXXX.

An act to establish a state road in the county of Harrison.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That there shall be laid out and established a state road beginning at the town of Harrisville, in the county of Harrison, thence the nearest and best way to New Athens, thence to the nine mile tree on the state road leading from Cadiz to Coshocton, and that Joseph Huff, be and he is hereby appointed a road commissioner, whose duty it shall be to lay out, mark and establish the same.

Sec. 2. *Be it further enacted*, That before the commissioner aforesaid proceeds to the discharge of the duties enjoined on him by this act, he shall, before some justice of the peace, take an oath or affirmation faithfully to perform all the duties enjoined on him by this act.

Sec. 3. *Be it further enacted* That the said commissioner shall cause an accurate map and field notes of the survey of such road to be returned to the clerk of Harrison county, and it shall be the duty of such clerk to record the same, at the expense of said county, to be allowed by the commissioners.

Sec. 4. *Be it further enacted*, That the road commissioner shall be allowed the sum of two dollars per day, and the chain carriers, the sum of one dollar each per day, and the surveyor the sum of two dollars and fifty cents per day for each day they are employed in surveying, and making return of said road.

Sec. 5. *Be it further enacted*, That the expense of laying out surveying and making return shall be paid out of the county treasury of Harrison county, on the order of the commissioners.

JOSEPH RICHARDSON,

Speaker of the house of representatives

ALLEN TRIMBLE

February 2, 1821.

Speaker of the senate.

CHAPTER LXXXI.

An act authorising permanent leases of section number sixteen in town two, range eight, in the county of Washington.

Three trustees to be elected annually	1	{ Further duty of trustees in granting leases	4
Three appraisers appointed	2	{ Duty of trustees in recovering rents	5
Their duty	ib.	{ Improvements may be sold	ib.
Proviso as to filling vacancies	ib.	{ Rents how appropriated	6
Trustees to grant leases	3	{ Compensation of trustees and appraisers	7
Rents to be paid in produce	ib.	{ Repealing clause	8
Treasurer's compensation	ib.		

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the electors in the town two, range eight, shall meet annually at the court house in Marietta, on the third Monday of April, and elect three trustees for said section sixteen, who shall keep a fair and accurate record of all their proceedings; and the election shall in every respect be conducted agreeably to the act regulating township elections.

Sec. 2. *Be it further enacted*, That John Sharp, Joseph Palmer and Salmon N. Cook, be, and they are hereby appointed appraisers whose duty it shall be, after taking an oath or affirmation for the faithful discharge of their duty to proceed to value the lots of the said section as they are now surveyed, not taking into consideration the buildings or orchards thereon, and make return thereof to the trustees; previous to the first Monday of March next: *Provided*, that when any vacancy shall hereafter take place in the appraisers by resignation, death removal or otherwise, it is hereby made the duty of the court of common pleas in the county of Washington to appoint some suitable person, not a resident of the aforesaid town, to fill such vacancy.

Sec. 3. *Be it further enacted,* That on the return of the valuation being made to the trustees, they shall immediately thereafter make out leases to such of the present lessees or occupiers of lots as may apply therefor, and at the expense of the applicants respectively, for the term of ninety nine years renewable forever, subject to an annual rent of six per cent on the valuation; subject likewise to a revaluation at the expiration of every thirty three years; to be paid one half in pork, beef, wheat, flour and corn, or either of those articles, at the market price in Marietta, and the other half in money by the first of January in each year, into the treasury of the town of Marietta, or such other place as the trustees may direct; and the treasurer shall receive two per cent on all monies he shall receive and pay out on the order of said trustees.

Sec. 4. *Be it further enacted,* That the present lessees or occupiers shall have the preference in receiving leases when they have complied with the conditions of their former leases, or shall have been legally discharged therefrom, and the trustees are hereby authorised and empowered to remove by due course of law, all such persons occupying any part of said section who shall refuse or neglect to apply for a lease within three months after the return of the first or subsequent valuation and the trustees in such cases may lease any of those lots to any other person applying therefor.

Sec. 5. *Be it further enacted,* That it shall be the duty of the trustees to sue for and recover all rents due, and when goods and chattels of the delinquent lessee cannot be found whereon to levy, the trustees are hereby empowered to reenter upon the improvements of the delinquents, and sell at public vendue so much thereof as will satisfy and pay the rents interest and cost, having first given thirty days' notice of such sale by advertisement posted

up on the court house door, and at three of the most public places in the town of Marietta; and the trustees are authorised to grant to the person purchasing improvements sold for rents, a certificate thereof, which shall be good evidence in any court of law or equity to entitle the purchaser to a peaceable possession of the premises for the same term of years and subject to the same rent and conditions as the original lessee would have been subjected, and entitled to: *Provided* that the improvements sold for rent shall be laid off in a square form from one corner of the tract at the option of the defendants.

Sec. 6. *Be it further enacted*, That the trustees shall collect all rents arising from the section aforesaid and pay the same into the hands of the treasurer of the town of Marietta subject to be drawn from thence on their order for the support of schools, and the trustees shall meet annually on the first Monday of March and divide and lay off the township number two in the eighth range into as many school districts, and in such form as in their opinion will best accommodate the inhabitants thereof and draw an order on the treasurer in favor of each district for their share of the school funds in proportion to the number of scholars taught in each district the year preceding.

Sec. 7. *Be it further enacted*, That the trustees shall be entitled to receive one dollar per day each for every day they shall be necessarily employed in the performance of the duty enjoined on them by this act, and seventy five cents for each lease given and certificate of sale granted; and the appraisers shall receive each one dollar per day for their services all of which shall be paid on the order of the trustees out of the school fund in the hand of the town treasurer, and the treasurer shall keep fair records of the same.

Sec. 8. *And be it further enacted*, That all laws and parts of laws relating to the aforesaid section number sixteen, that are now in force in any way relating to said section, be, and the same are 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.
ALLEN TRIMBLE,
Speaker of the senate.

February 2, 1821.

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CHAPTER LXXXII.

An act to establish certain state roads.

<i>Route of the roads</i>	1	<i>Other commissioners ap-</i>	
<i>Commissioners appointed</i>	2	<i>pointed</i>	5
<i>Duty of road commissioners</i>	3	<i>Their duty</i>	6
<i>Duty of county commissioners</i>	4	<i>Duty continued</i>	8

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That there shall be a state road established in the county of Champaign, beginning at Archibald M'Grew's, west of Mad river, to run thence with or near the county road leading from Urbana in the county of Champaign to Piqua in the county of Miami, through Piqua the nearest and best way to Greenville in Dark county, thence the best way westward to the Indiana state line: also, the state road now established from Piqua to Wappaughkonetta shall be continued and established from the said Wappaughkonetta, the nearest and best way to Fort Meigs.

Sec. 2. *Be it further enacted*, That Aron L. Hunt, of Champaign county, Leander Munsell of the coun-

ty of Miami, and John Devors of the county of Dark be, and they are hereby appointed commissioners to lay out and locate the state road leading from Archibald M'Grew's in Champaign county through Piqua in Miami county, and through Greenville in Dark county to the Indiana state line. Also that John Johnson of Miami county and Samuel Marshall of Shelby county, be, and they are hereby appointed commissioners to lay out and locate the sate road from Wappaughkonetta to Fort Meigs.

Sec. 3. *Be it further enacted*, That the commissioners named in the second section of this act after they shall have laid out and located the before mentioned roads, shall make out and transmit to the commissioners of each county through which the road passes a correct plat of said road or roads, as soon as possible after such road or roads shall have been located; and it is hereby made the duty of the board of commissioners to cause the same to be recorded.

Sec. 4. *Be it further enacted*, That the county commissioners in each of the respective counties through which said roads may pass shall allow the road commissioners such compensation for their services as they shall deem just and equitable, to be paid out of the three per cent fund, so soon as their appointments may be assigned them, according to the distance of the roads in each respective county.

Sec. 5. *Be it further enacted* That Joseph Vance of Franklin county Forrest Meeker of Delaware county, be, and they are hereby appointed commissioners to survey and locate a state road from the former Indian boundary line, in Delaware county, at or near the house of captain William S. Drake, from thence to Lower Sandusky, making Upper Sandusky, and the town of Oakley Points.

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

Joseph Vance and Forrest Meeker commissioners to survey and locate said road, shall be governed in all respects, both as to their wages and in making their returns; and the commissioners of each county through which the road passes shall receive and record the same in the same manner as is provided in the third and fourth sections of this act, for services of a similar nature.

Sec. 7. *And be it further enacted*, That Joseph Vance and Forrest Meeker aforesaid shall meet at the house of William S. Drake as soon as may be convenient, after being legally informed of their appointment, and proceed to survey and locate said road.

JOSEPH RICHARDSON,
Speaker of the house of Representatives.
ALLEN TRIMBLE,
Speaker of the senate.

February 2, 1821.

CHAPTER LXXXIII.

An act for the relief of Nathan Dustan, Barak Weeks and others.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That there shall be paid out of the county treasury of the county of Franklin to Nathan Dustan and Barak Weeks, or their order the sum of thirty three dollars, to defray the expense of laying out a road from Columbus in the county of Franklin to Zoar in the county of Delaware, so far as the same was run within the county of Franklin.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

February 1, 1821.

CHAPTER LXXXIV

An act to amend the act entitled an act for the inspection of certain articles therein enumerated.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That previous to any two hundred pounds weight of fish being packed or barrelled agreeably to the tenth section of the act to which this is an amendment, said fish shall be corned down, with twelve pounds of salt, for a space of time not exceeding twenty four nor less than twelve hours: immediately after which they shall be cleaned and packed with fifty pounds of good salt, agreeably to the before recited act.

JOSEPH RICHARDSON,

Speaker of the house of representative.

ALLEN TRIMBLE,

Speaker of the senate.

February 1, 1821.

CHAPTER LXXXV.

An act to provide for leasing the school lands within the United States' Military District.

Court to grant leases	1	Rents to be paid annually	
Three appraisers to be appointed		to treasurer	ib.
Duty of appraisers	ib.	2 Treasurer to sell leases for	
Duty of clerk to make out leases		non payment of rent	ib.
Six per cent. annually to be paid	ib.	Suit may be prosecuted for	
Former lessees to have the preference		arrears of rent	6
Clerk to report leases to county treasurer	5	Court to appoint surveyor on application	7
		Surveyor's compensation	8
		4 Clerk, appraisers &c. their compensation	ib.
		5 Repealing clause	9

Sec. 1. *Be it enacted by the General Assembly of the*

state of Ohio, That the court of common pleas of any county within the United States' Military District in this state, be, and they are hereby authorised, upon application as herein after provided, to grant permanent leases for all the school land within said district granted by congress for the use of schools; upon condition and reserving the rents herein after provided: *Provided*, nothing in this act shall be so construed as to authorise leasing any lands in said district granted by congress for the use of schools in the Connecticut Western Reserve.

Sec. 2. *Be it further enacted*, That when any person shall apply to take a permanent lease of any of the school lands mentioned in the first section of this act; the court of common pleas for the county in which the land lies shall on application in writing, appoint three judicious freeholders of said county, who shall after the same shall have been surveyed, as is herein after provided, proceed on oath or affirmation, to view and appraise said tract or tracts of land, as the said court shall direct; taking into view the advantages and disadvantages of situation together with the improvements thereon (if any) and quality of soil, and make such return of the value thereof to said court, at such time as the court shall direct, which return shall be filed in the office of the clerk of said court and such permanent lease shall bear the same date as the order of the court for granting the same.

Sec. 3. *Be it further enacted*, That the said court shall thereupon order their clerk to proceed in the recess of the court and before the next term thereof to grant permanent leases for the land so applied for and appraised to the applicant or applicants, their heirs or assigns for the term of ninety nine years renewable forever, subject to a revaluation at the end of thirty three years from the date of such permanent lease or leases agreeably to

the rates of unimproved land of the same quality and situation, and the rents reserved in said lease or leases shall be equal to six per centum per annum upon said valuation and no more: *Provided*, it shall be the duty of the clerk of the court of common pleas at the expiration of thirty three years from the date of any permanent lease or leases granted under this act, to notify the said court thereof, whose duty it shall be to appoint three judicious freeholders of said county to view and appraise the said land mentioned in said lease or leases, agreeably to the provisions of this act, and return the value thereof to said court, and it shall be the duty of the clerk of the court to file the same in his office and endorse a certificate of the amount on the back of said lease, and certify the same to the county treasurer; and the rent to be paid on said land thenceforward shall be six per centum per annum, on the amount of said valuation, and no more; *Provided however*, the said court shall not grant a lease for any lot of said school land that has been appraised at a less sum than one dollar per acre.

Sec. 4. *Be it further enacted*, That the lease holders, for the time being, of the present leases shall at all times hereafter have the exclusive privilege of taking permanent leases for the tract or tracts of land which he, she or they may hold by lease as aforesaid: *Provided*, he, she or they make known to the clerk of the court of the county where the land lies, the date of his her or their original lease, within six months from the taking effect of this act, and make application to the court aforesaid, for a permanent lease, before or at the next term of the said court succeeding the expiration of said original lease.

Sec. 5. *Be it further enacted*, That the clerk of the court aforesaid shall return a copy of all such leases as shall be granted under this act to the county treas-

trier, within twelve months after the execution of the same; and the lessor, his or her legal representative, shall pay the yearly rent which may become due on his or her lease taken as aforesaid, into the treasury of said county, and shall lodge the treasurer's receipt for the same with the clerk of the court aforesaid, and take his receipt therefor; and the said money or rent so paid shall remain in the treasury subject to the further disposition of the legislature, in conformity to the original intent of the grant of said lands: *Provided* if any such lessor or lessors, his, her or their legal representative, shall neglect or refuse to pay, his her or their yearly rent, with the interest that may have accrued thereon, from the time that it became due, so that he, she or they may at any time be in arrears for the amount of two year's rent; and if no personal property belonging to said lessor or lessors for the time being, can be found sufficient to satisfy the same, then, and in that case the county treasurer is hereby required, if directed by the court of common pleas, to re-enter upon, and again lease or sell such lot of land to the highest bidder by giving at least thirty day's notice in some newspaper in general circulation in said county: *Provided also*, that if on the sale there shall be any overplus, after satisfying all rents, interests and costs that may have accrued thereon, shall be paid over to the lessor or lessors who may be so ejected upon application therefor.

Sec. 6. *Be it further enacted*, That it shall be the duty of the treasurer of said county, when directed by the court of common pleas, to bring suit against any or all delinquent lessors for all arrears of rent which may be from them due, or any of them before any court having competent jurisdiction, by action of debt.

Sec. 7. *Be it further enacted*, That whenever application may be made to the court of common

pleas for a permanent lease for any of the said school lands, it is hereby made the duty of said court to appoint a surveyor to survey the whole of the quarter township in which the land so applied for may lie, into tracts of one hundred and sixty acres each, as near as may be convenient, and plat and number the same, and make return thereof to said court at such time as the court shall direct, unless the same has been so previously surveyed, in which case it shall not be necessary to make a survey.

Sec. 3. *Be it further enacted*, That the surveyor appointed agreeably to the provisions of this act, shall receive three dollars, for each tract of one hundred and sixty acres so surveyed, platted numbered and returned to the court aforesaid; the clerk of the court, the appraisers and treasurer of the county, shall each receive for their services rendered under this act, such compensation as the court of common pleas shall think just and right; which together with all arrears that may be due to any of the above named officers, under the provisions of former acts, shall be paid out of the county treasury upon the order of the court certified by their clerk, out of any money paid into said treasury as rents for said school lands.

Sec. 9. *And be it further enacted*, That all acts, and parts of acts heretofore enacted providing for the leasing of the lands granted by congress for the use of schools within the United States', Military District, be and the same are hereby repealed.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

February 1, 1821.

CHAPTER LXXXVI.

An act to amend the fourteenth section of the act to incorporate the original surveyed townships.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That each and every denomination of religious societies, after giving themselves a name, shall appoint an agent who shall forward a certificate to the trustees of the original surveyed townships, containing a list of the names of their adherents, setting forth that they are citizens of said township, and the trustees shall pay over to the agent (whether the adherents belong to a religious society within or without the township) an equal dividend of the rents according to their numbers, within three months after it is received, to be appropriated to the purpose of religion at the direction of each society, and no person shall be considered an adherent of any religious society, unless such person shall have his or her name enrolled as a member of such religious society according to the rules and discipline thereof.

Sec 2. *And be it further enacted,* That the fourteenth section of the act to which this is an amendment, be, and the same is hereby repealed.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

Speaker of the senate

February 2, 1821.



CHAPTER LXXXVII.

An act to establish a state road from the town of St. Clairsville in the county of Belmont to the town of Cadiz in the county of Harrison.

Sec. 1. *Be it enacted by the General Assembly of the*

state of Ohio, That there shall be laid out and established a state road beginning at the town of St. Clairsville, thence to the mill of Alexander McNary, thence the nearest and best way to Alexander Hammon's fulling mill, thence the nearest and best way to the town of Cadiz in the said county of Harrison; and that the said Alexander McNary and Samuel Hannah, of the county of Harrison, be, and they are hereby appointed road commissioners whose duty it shall be to lay out, mark and establish the same.

Sec. 2. *Be it further enacted*, That before the said commissioners proceed to the discharge of the duties hereby enjoined upon them, they shall take an oath or affirmation before some justice of the peace, faithfully to perform all the duties required by this act.

Sec. 3. *Be it further enacted*, That it shall be the duty of said road commissioners to cause the road for which they are hereby appointed, to be laid out not less than forty, nor more than sixty feet in width; and return to the clerks of the commissioners of the respective counties, an accurate map and field notes of the survey of said road, and it shall be the duty of such clerks, and they are hereby required to record the same, at the expense of said counties, which shall be allowed by the county commissioners; and the said road commissioners shall perform the duties enjoined on them by this act, on or before the first day of June next.

Sec. 4. *Be it further enacted*, That the said road commissioners shall be allowed the sum of one dollar each per day, and the chain carriers the sum of seventy five cents each per day, and the surveyor the sum of one dollar and fifty cents per day for each day they are employed in surveying and making return of said road, and for all other services done and performed by them under the provisions of this act.

Sec. 5. Be it further enacted, That the expenses of laying out and locating said road shall be paid out of the monies of the treasuries of said counties, in proportion to the distance the said road shall pass through each county, to be paid by the treasurers on the respective orders of the said county commissioners.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

February 1, 1821.

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CHAPTER LXXXVIII.

An act to amend the act entitled an act regulating prison bounds.

Sec. 1. Be it enacted by the General Assembly of the state of Ohio, That the prison bounds in the several counties in this state shall be extended to the corporation limits of the town in which the prison may be situated, and in all cases where the town as aforesaid has not been incorporated, the bounds shall extend to the limits of the recorded town plat, any thing in the act to which this is an amendment to the contrary notwithstanding.

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

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

February 1, 1821.

CHAPTER LXXXIX.

An act to establish and lay out certain state roads.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That there shall be laid out and established a state road, to start at Dublin, on the west bank of the Scioto river in Franklin county, thence to Upper Sandusky, on the nearest and best ground.

Sec. 2. *Be it further enacted*, That Ezekiel Curtis and John Sells of Franklin county, shall be appointed commissioners to survey and lay out said road, and the said commissioners shall receive such compensation for their services, as the commissioners of the several counties through which said road may pass, may think right and just.

Sec. 3. *Be it further enacted*, That said commissioners shall return a correct plat of the survey of said road to the office of the secretary of state, who is required to file the same in his office.

Sec. 4. *Be it further enacted*. That the said commissioners are hereby authorised to employ one marker and two chain carriers which, shall be allowed seventy five cents per day each, and the road commissioners as aforesaid, shall be allowed each one dollar per mile: the whole to be paid out of the three per cent fund, that may be coming to the several counties through which said roads may pass, to be paid out of the next appropriation of said three per cent fund for said counties.

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

February 2, 1821.

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CHAPTER XC.

An act to amend an act entitled an "act for opening and regulating roads and highways.

<i>Rates of taxation for road purposes</i>	{	<i>zens of the township</i>	2
<i>Proviso as to Connecticut reserve</i>	1 {	<i>Duty of county Auditor in apportioning money collected for road purposes</i>	3
<i>No chattel tax to be levied unless voted by the citi-</i>	ib. {	<i>Township trustees may purchase ploughs, scrapers &c.</i>	4

Sec. 1. Be it enacted by the General Assembly of the state of Ohio, That there shall be paid yearly and every year for the purpose of improving roads and highways within this state, on every hundred acres of first rate land fifty cents; on every hundred acres of second rate land thirty seven and an half cents, and on every hundred acres of third rate land twenty five cents, to be expended in the same manner as directed by the act to which this is an amendment: Provided however, that the tax on land for road purposes within the Connecticut Western Reserve, shall be expended and laid out in the surveyed township from whence the tax is derived, and so much of the thirty second section of said act as is contrary to this act be and the same is hereby repealed.

Sec. 2. Be it further enacted, That no chattel tax shall be aid within any township in this state for road purposes, except such tax shall be voted by a majority of the electors of such township at their annual township meeting.

Sec. 3. Be it further enacted, That where there is any money remaining in the treasury of any county within this state arising from the tax on land, for improving roads and highways, levied and collected in the year one thousand eight hundred and nineteen, the county auditor is hereby authorised and required to call on the county treasurer, and ascer-

tain, as near as may be, the amount of such money and make an apportionment thereof to the different townships to which it belongs, as near as may be in his power to do, in proportion to the amount of tax paid in money by the townships respectively, and transmit a copy of the apportionment to the county treasurer: and it shall be the duty of the county auditor, on application of either of the trustees of the proper township, to draw an order on the county treasurer in favor of such township, for the amount assigned them, to be expended on roads and highways within the township, agreeably to the provisions of the act to which this is an amendment.

Sec. 4. *And be it further enacted*, That it shall be the duty of the trustees of each township, if such trustees shall deem it necessary, to purchase and have deposited in each highway district which may require it, a sufficient number of ploughs, scoops or scrapers, for the purpose of facilitating labor on the public highways, and which are to be used exclusively for that purpose; the expense of which shall be paid out of any money in the township treasuries respectively on the order of the trustees.

JOSEPH RICHARDSON,
Speaker of the house of Representatives.

ALLEN TRIMBLE.

Speaker of the senate.

February 2, 1821.

CHAPTER XCI

An act for the relief of James Ewing, sheriff of Union county.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That the sum of sixty nine dollars and

eighty five cents, shall be paid to James Ewing sheriff of Union county for keeping two prisoners who were sent from said county to the penitentiary, to be paid on the order of the auditor out of any monies in the treasury not otherwise appropriated

JOSEPH RICHARDSON,
Speaker of the house of representatives.

ALLEN TRIMBLE,
Speaker of the senate.

February 2, 1821.

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CHAPTER XCII.

An act to amend the act entitled an act defining the duties of justices of the peace and constables in criminal and civil cases, passed February twenty third eighteen hundred and twenty,

<i>Provision when the term of justice is about to expire 1</i>	<i>Action may be renewed ib.</i>
<i>Amicable suits how conducted 2</i>	<i>Penalty on constable for neglect in notifying plaintiff ib.</i>
<i>Plaintiff failing to attend at trial to be non suited ib.</i>	<i>Repealing clause §</i>

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio, That in all cases where judgment is entered by a justice of the peace whose term of service is about to expire, it shall be lawful for said justice of the peace to take bail for stay of execution, or grant an appeal within the time pointed out by the act to which this is an amendment, in the same manner as though the term of service of said justice had not expired.*

Sec. 2. *Be it further enacted, That where parties agree to enter without process before any justice of the peace, any action made cognizable before him, such justice shall enter the same on his docket, and shall*

proceed to judgment and execution, in the same manner as though a summons or warrant had been issued, served and returned, and in all other actions instituted by virtue of this act where the plaintiff does not appear by himself or agent, and it being made appear that he was informed of the day of trial, the justice should enter judgment against him for the costs: *Provided*, that the plaintiff shall not thereby be debarred from renewing the action; but if it shall be made to appear that his non attendance was owing to the default of the constable in not giving him notice, the justice shall postpone the trial to a certain day, and the constable shall be liable for the attendance of the defendant, and also give notice to the plaintiff or his agent to attend if he resides within the township.

Sec. 3. *Be it further enacted* That the eleventh section of said act, be and the same is hereby repealed.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

February 2, 1821.

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CHAPTER CXIII.

An act concerning the tax collected from the Bank of the United States.

<i>Preamble</i>	{	<i>annually as a tax</i>	2
<i>90,000 thousand dollars to</i>	{	<i>Proviso</i>	ib.
<i>be refunded on certain</i>	{	<i>Penalty for resisting audi-</i>	
<i>conditions</i>	1 {	<i>tor or collector</i>	8
<i>2,500 dollars to be collected</i>	{		

Whereas by the provisions of the act entitled "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," a tax of fifty thousand dollars per annum was levied and assessed upon each office of discount and deposit of the bank of the United States, established within this state, at which the said bank should transact banking within this state after the first day of September, eighteen hundred nineteen: And whereas the said bank of the United States did continue to transact banking business within this state after the said first day of September, eighteen hundred and nineteen, and thereby subjected itself to the payment of the tax as aforesaid which was accordingly levied upon the two offices of discount and deposit established and transacting banking business at Cincinnati and Chillicothe, and collected and paid into the treasury of state, agreeably to the provisions of the before recited act, to the amount of one hundred thousand dollars: and whereas this General Assembly are satisfied with retaining for the use of the state, only such part thereof, as they deem equal to the tax heretofore paid by other banking institutions within this state, and are willing to refund the balance to the Bank of the United States, whenever it ceases to resist the laws of this state and submit to the payment of a tax equal to four per cent. per annum upon its dividends, or as near that sum as can be ascertained. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That whenever the officers of the Bank of the United States, or their agent duly authorised by them, shall officially notify the Governor of this state, that they have actually discontinued the suits that are now prosecuted against the public officers or against any other person or persons on account of any act or acts done in conformity to the laws of

this state, and that the bank will, in future, submit to the payment of a tax equal to four per cent. per annum upon the dividends arising from the business transacted by such bank within this state, or if the bank of the United States shall discontinue the suits as aforesaid, and agree to withdraw its branches from the state, and leave only an agency to settle its business and collect its debts, and officially notify the Governor thereof, the Governor shall on being notified in either case as aforesaid certify the same to the auditor of state, and on such certificate being filed with the auditor the sum of ninety thousand dollars of the said tax shall be refunded to the Bank of the United States; which shall be paid to their order upon a bill drawn for that purpose by the auditor upon the treasurer, and for the payment whereof, the sum of ninety thousand dollars is hereby appropriated.

Sec. 2. *Be it further enacted*, That instead of the sum of fifty thousand dollars per annum, assessed by the before recited act, the auditor shall issue his warrant for the collection of two thousand five hundred dollars only, to be levied and collected according to the provisions of the above recited act: *Provided however*, that if the officers of any office of discount and deposit of the bank of the United States established within this state, shall, on or before the first day of September annually, report to the auditor of state the actual amount of the dividends arising from the business transacted at such office of discount and deposit, for the preceding year, the auditor shall in such case, issue his warrant and cause to be collected as aforesaid, a sum equal to four per cent. upon the amount of dividend thus reported by the officers of said bank.

Sec. 3. *And be it further enacted*, That if any person shall resist or in any manner impede the auditor of state, or any person by him appointed for

JOSEPH RICHARDSON,
Speaker of the house of representatives.
ALLEN TRIMBLE,
Speaker of the senate.

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CHAPTER XCIV.

An act to cede the United States the jurisdiction of certain lands near Sandusky Bay, in the county of Huron in the state of Ohio, for the purposes therein mentioned,

Whereas the Congress of the United States by an act passed the third day of March, in the year 1819, authorised the erection of a light house, and houses for the accommodation of the keeper, at or between the mouth of Grand river and Detroit river: And whereas a peice of ground either on the Peninsula near the mouth of Sandusky Bay, in the county of Huron in this state, or on the point of land opposite thereto, has been designated as a suitable site for the purposes aforesaid; And whereas the government of the United States is desirous that cession of the jurisdiction of a peice of ground for the purposes aforesaid should be made which is fit and proper to be done under certain restrictions. Therefore.

Sec. 1. *Be it enacted by the General Assembly of*

the state of Ohio, That as soon as a piece of ground on the Peninsula near the mouth of Sandusky Bay in the county of Huron, or on the point opposite thereto, not exceeding ten acres in quantity, shall have been purchased by the United States from the proprietor or the proprietors for the purpose of erecting a light house and other buildings as aforesaid which act shall be duly certified to the secretary of this state, by the superintendant of light houses on lake Erie, describing the situation and quantity of said land, the jurisdiction to said land shall thereafter be ceded to, and vested in the United States, for the purposes aforesaid: *Provided nevertheless* that such jurisdiction so ceded aforesaid, shall not extend or be construed to extend so as to impede or prevent the execution of any process at law under the authority of this state, except so far forth as such process may effect any of the real or personal property of the United States, within the said tract, and that all the lands and tenements within the said tract shall as soon as said purchase has been made, be, and so long as said tract shall continue to belong to the United States shall forever thereafter remain exanuated and discharged from any taxes which may be laid under the authority of the legislature of this state.

JOSEPH RICHARDSON,

Speaker of the house of representatives

ALLEN TRIMBLE

Speaker of the senate,

February 2, 1821.

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CHAPTER XCV.

An act to provide for laying out and establishing a state road from Columbus, to the north line of Clinton township in Franklin county.

Sec. 1. *Be it enacted by the General Assembly of the*

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state of Ohio, That there shall be a state road laid out and established as follows, to wit: beginning at the north end of high street, in the town of Columbus, thence running as near a direct line, as may be practicable and expedient, so as to intersect or meet the road now traveled from Worthington to Columbus at or near the dwelling of Roswell Cook, in Clinton township.

Sec. 2. *Be it further enacted*, That Isaac Minor of Madison county and William W. Gault of Licking county, be, and they are hereby appointed commissioners to lay out and establish said road, who, before entering on the duties of their office, shall severally take an oath or affirmation before some judge or justice of the peace of said county, faithfully and impartially to discharge the same according to the best of their knowledge and discretion.

Sec. 3. *Be it further enacted*, That it shall be the duty of said road commissioners, and they are hereby required, on or before the first day of May next, taking to their assistance one skilful surveyor, two chain carriers and one marker, to lay out, locate, survey and mark said road at least sixty feet wide, agreeably to the course pointed out by the first section of this act; and said road commissioners shall cause a complete and accurate map of said road together with the field notes of the surveyor, to be returned to the clerk of the commissioners of Franklin county, who shall record the same in their office; and said commissioners shall allow said road commissioners for said plat and field notes such compensation as they deem reasonable, to be paid out of the treasury of Franklin county.

Sec. 4. *Be it further enacted*, That it shall be the further duty of said road commissioners, to assess the damage done to each individual, who shall apply for the same, through whose land said road shall run, by laying out, establishing and opening

the same, taking into view both the advantage and disadvantage of said road, to each of said individual proprietor of said lands, and for this purpose the said road commissioners shall meet at the dwelling house of Jeremiah Armstrong in Columbus on the fifteenth day of June next, and continue from day to day, not exceeding four days, to assess and determine the damage, done to individual proprietors as aforesaid, and said road commissioners shall make an accurate report, in writing, of all damages allowed by them as aforesaid to the commissioners of Franklin county, who shall file the same in their office.

Sec. 5. *Be it further enacted* That said road commissioners and surveyor shall receive each the sum of two dollars per day, for their services, and the chain carriers and marker shall receive each seventy five cents per day for their services aforesaid, together with the damages allowed as aforesaid to each individual owner of said lands shall be paid out of the treasury of Franklin county on the certificate of said road commissioners.

Sec. 6. *Be it further enacted,* That the said road shall not be opened until the damages so assessed shall have been paid to the party or parties injured thereby.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

Speaker of the senate.

February 2, 1821.



CHAPTER XCVI.

An act making appropriations for the year one thousand eight hundred and twenty one.

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 expenses of government for the year one thousand eight hundred and twenty one, to wit: for the payment of the salaries of the governor, secretary of state, auditor of public accounts, chief clerk in the auditor's office, state treasurer, judges of the supreme court, and presidents of the courts of common pleas, a sum not exceeding nineteen thousand two hundred dollars: a sum not exceeding fifteen thousand dollars, in addition to the sum already appropriated for that purpose, for the payment of the members of the present General Assembly, including their clerks and door keepers: for paper and other stationary furnished agreeably to contract, the sum of three thousand dollars: to the public printers for printing bills, journals and other extra printing, and for printing the laws and resolutions enacted and passed during the present session of the General Assembly the amount of their respective accounts agreeably to contract.

Sec. 2 Be it further enacted, That a sum not exceeding sixteen 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 this 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.

Sec. 3. 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 refund money, when the taxes on land have been twice or improperly charged and paid.

Sec. 4. Be it further enacted, That a sum not ex-

ceeding two thousand dollars, be, and the same is hereby appropriated as a contingent fund subject to the order of the governor, for the year one thousand eight hundredth and twenty one; who shall make report of the disbursement thereof to the next session of the General Assembly.

Sec. 5. *Be it further enacted*, That a sum not exceeding fifteen hundred dollars, be, and the same is hereby appropriated to defray the expenses of distributing the laws and journals of the present session.

Sec. 6. *Be it further enacted*, That a sum not exceeding sixty dollars, be and the same is 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 disbursements of which shall be made by the treasurer to the next session of the General Assembly.

Sec. 7. *Be it further enacted*, That a sum not exceeding three thousand five hundred dollars, be, and the same is hereby appropriated for the payment of the adjutant general, quarter master general, brigade inspectors and adjutants the several sums allowed them by law.

Sec. 8. *Be it further enacted*, That a sum not exceeding three hundred dollars, be, and the same is hereby appropriated, for the purpose of purchasing fuel for the next General Assembly, to be paid on 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 of two dollars per day during the present 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 not ex-

ceeding three hundred dollars, be, and the same is hereby appropriated as a fund for the Auditor to enable him to procure copies of entries from registers of land offices in this state, and from the principal surveyor of the Virginia Military District.

Sec. 11. *Be it further enacted*, That a sum not exceeding four hundred dollars, be, and the same is hereby appropriated for defraying the expenses incurred in transporting the public arms from Portsmouth to Columbus, and for storage and cleaning the same, to be paid at the treasury on the order of the Auditor.

Sec. 12. *Be it further enacted*, That the sum of forty eight dollars and eighty seven cents, be, and the same is hereby appropriated to pay Caleb Houston and John E. Baker of Franklin county that being the amount allowed them by the committee of claims.

Sec. 13. *Be it further enacted*, That the sum of one hundred dollars, be, and the same is hereby appropriated to pay William M. Elvain of Franklin county, that being the amount allowed him by the committee of claims.

Sec. 14. *Be it further enacted*, That the sum of twenty eight dollars and fifty cents, be, and the same is hereby appropriated to pay Lathrop Seymour, sheriff of Medina county, that being the sum allowed him by the committee of claims.

Sec. 15. *Be it further enacted*, That the sum of forty eight dollars, be, and the same is hereby appropriated to pay John L. Harper, that being the amount allowed him by the committee of claims.

Sec. 16. *Be it further enacted*, That the sum of six dollars, be, and the same is hereby appropriated to be paid at the treasury, on the order of the auditor, to Philo H. Olmsted, for three quires of blanks furnished for the use of the state library.

Sec. 17. *Be it further enacted*, That the sum of sixty two dollars and eighteen cents, be and the

same is hereby appropriated, being the amount of costs, fees and transportation for the conviction and conveyance of a convict from the county of Richland, to the penitentiary, to be paid at the treasury on the order of the auditor to Henry H. Wilcox sheriff of Richland county.

Sec. 18. *Be it further enacted*, That the sum of one hundred and fifty five dollars be appropriated for the payment of Robert Carroll sheriff of Jefferson county and Holly Raper sheriff of Clermont county, the amount of their respective accounts for conveying prisoners to the penitentiary as certified by the keeper.

Sec. 19. *Be it further enacted*, That there shall be paid to Goodale and Buttles the sum of forty two dollars and seventy five cents: To John Kilbourn nineteen dollars for stationary: To D. W. Deshler sixty eight dollars eighty seven and an half cents: To S. K. Hazel five dollars: To Peter Grubb six dollars and fifty cents for desks, boxes and repairs to senate chamber: To Caleb Atwater ten dollars for books: To J. Switzer two dollars: to James Condron one dollar: Horace Wolcott seven dollars for wood, sand &c. To J. Buttles for postage on documents directed to the speaker of the senate, four dollars thirteen cents: and to the same two dollars for the same to the speaker of the house of representatives: To R. W. M'Coy two dollars and fifty cents for tape: To William Latham nine dollars for repairing the senate chamber, making fires &c. at the commencement of the session, and to Thomas Riddle fifty six dollars twenty five cents for candles furnished the legislature and public offices during the present session, all which sums shall be paid out of the state treasury on the order of the auditor.

Sec 20 *Be it further enacted*, That the sum of one hundred and eight dollars and thirty four cents, be,

and the same is hereby appropriated for the payment of Jonathan Whitaker sheriff of Columbiana county, the amount of his account for the conviction and conveyance of a prisoner to the penitentiary from said county, as certified by the keeper.

Sec. 21. *Be it further enacted*, That there shall be twenty thousand dollars appropriated for the support of the Ohio Penitentiary, and for the transportation of convicts to said prison.

Sec. 22. *Be it further enacted*, That the twenty sixth section of the act making appropriations for the year one thousand eight hundred and twenty, shall be, and the same is hereby repealed.

Sec. 23. *Be it further enacted* That the sum of forty one dollars and forty nine cents be allowed to James M'Collister deputy sheriff of Ross county, for conveying Samuel Tiltott a convict from Chilli-the to the Ohio penitentiary.

Sec. 24. *Be it further enacted* That fifty three dollars and sixty nine cents, be, and the same is hereby appropriated to pay Isaac Barker sheriff of Athens county, for his expenses in apprehending and bringing to justice James Ayles a convict from said county, in the penitentiary, as certified by the keeper thereof.

Sec. 25. *Be it further enacted*, That the sum of thirty dollars, be, and the same is hereby appropriated to pay Charles Crull of Scioto county, for one months service, performed in the year one thousand eight hundred and thirteen, as pay master of the first regiment, second division of Ohio militia; for which service it appears the said Crull has never been compensated by the United State. and that the same has been refused in consequence of his not having received or paid out United States funds.

JOSEPH RICHARDSON,

Speaker of the house of representatives.

ALLEN TRIMBLE,

February 2, 1821.

Speaker of the senate,

CHAPTER XCVII.

An act for the punishment of crimes.

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Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That if any person or persons owing allegiance to this state, shall levy war against it or shall adhere to its enemies, giving them aid or comfort, within this state or elsewhere, or shall carry on any treasonable or treacherous correspondence with them, or shall be in any way concerned in forming any plot, or combination, or conspiracy,

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for betraying this state into the hands of any foreign enemy, or shall give or attempt to give intelligence to such enemy, for the purpose of betraying this state, or any of its forts, garrisons, warlike stores, or troops of Militia, into the power of such enemy: every person so offending, and being thereof legally convicted, upon the testimony of two creditable witnesses testifying to the same overt act, of which such person shall stand indicted, or upon the voluntary confession of such party made in open court, shall be deemed guilty of treason, and shall suffer death.

Sec. 2. *Be it further enacted*, That if any person shall purposely, of deliberate and premeditated malice, or in the perpetration, or attempt to perpetrate, any rape, arson, robbery, or burglary, kill another; every such person, his or her aiders, abettors, counsellors, and procurers, shall be deemed guilty of murder in the first degree, and upon conviction thereof, shall suffer death.

Sec. 3. *Be it further enacted*, That if any person shall purposely and maliciously but without deliberate and premeditated malice, kill another; every such person, his or her aiders or abettors, shall be deemed guilty of murder in the second degree, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labour during life.

Sec. 4. *Be it further enacted*. That if any person shall unlawfully kill another, without malice of any kind, either upon a sudden quarrel, or unintentionally, while the slayer is in the commission of some unlawful act; every such person shall be deemed guilty of manslaughter, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labour, not more than ten, nor less than three years.

Sec. 5. *Be it further enacted*, That if any per-

son shall have carnal knowledge of his daughter or sister forcibly, and against her will, or if any person shall aid, counsel, hire, or procure, any other person to commit said offence, every person so offending shall be deemed guilty of a rape, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor during life.

Sec. 6. *Be it further enacted*, That if any person shall have carnal knowledge of any woman other than his daughter or sister aforesaid forcibly and against her will, or shall aid, abet, procure, hire, or counsel any person to commit said offence, or if any person, of the age of seventeen years or upwards, shall carnally know and abuse any woman child under the age of ten years, with or without her consent; every person so offending shall be deemed guilty of a rape, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than twenty, nor less than seven years.

Sec. 7. *Be it further enacted*, That if any person sixteen years old and upwards, shall have carnal knowledge of any woman, other than his wife, such woman being insane; every person so offending, his aiders, abettors, counsellors, and procurers shall be deemed guilty of a high misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor, not more than ten, nor less than three years.

Sec. 8. *Be it further enacted*, That if any married person, whose husband or wife being alive, shall marry any other person; every person so offending shall be deemed guilty of a high misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not exceeding seven, nor less than three years. But nothing in this section shall be construed to extend to any person, whose husband or wife shall be continually

and wilfully absent for the space of five years together, next before the time of such marriage, the person marrying not knowing the other to be living at the time of such marriage, or to any person whose former marriage, may have been dissolved by due course of law.

Sec. 9. *Be it further enacted*, That if any step father shall have sexual intercourse with his step daughter, knowing her to be such; or if any step mother and her step son shall have sexual intercourse together, having knowledge of their relationship; or if any father shall have sexual intercourse with his daughter, knowing her to be such; or if any brother and sister, being of the age of sixteen years or upwards, shall have sexual intercourse together having knowledge of their consanguinity; every step father, step mother, step son father, brother or sister, so offending, shall be deemed guilty of a high misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than ten, nor less than three years.

Sec. 10. *Be it further enacted* That if any person, upon his oath or affirmation, in any action, plea, suit, bill, answer, complaint, indictment, controversy, matter or cause depending, or which may depend in any of the courts of this state, or before any justice of the peace, referees or arbitrators, or in any deposition or affidavit, or other oath or affirmation taken or made pursuant to the laws of this state, shall wilfully corruptly, and positively depose, affirm or declare, any matter to be fact, knowing the same to be false; or shall in like manner, deny any matter to be fact, knowing the same to be true; every person so offending, shall be deemed guilty of perjury, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than seven, nor less than three years; and every person so offending, shall thereaf-

ter be incapable of giving testimony, or being a juror, in any court of the state, or of holding any office of honor, profit or trust within this state.

Sec. 11. *Be it further enacted*, That if any person shall persuade, procure, or suborn, any other person to commit wilful and corrupt perjury; every person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor not more than seven, nor less than three years; and such person shall moreover be disqualified from giving evidence, or being a juror in any court of justice, or of holding any office of honor, profit or trust within this state.

Sec. 12. *Be it further enacted*, That in every indictment for perjury, or subornation of perjury. it shall be sufficient to set forth the substance of the offence charged upon the defendant, and before what court or other authority, the oath or affirmation was taken, averring such court, or other authority to have full power to administer the same, together with the proper averment or averments, to falsify the matter or matters wherein the perjury is assigned, without setting forth any part of any record or proceedings, either in law or equity, other than as aforesaid, and without setting forth the commission or authority of the court, or other authority, before whom the the perjury was committed.

Sec. 13. *Be it further enacted*, That if any person shall wilfully and maliciously burn, or cause to be burned, or aid, procure, or consent to the burning of any dwelling house, kitchen, shop, barn, stable, store house, ware house, malt house, still house, mill, pottery or other building, the property of another person. or any church, meeting house, court house, work house, jail or other public building. or any public or private toll bridge, or any ship or boat, every person or persons so offending, their aiders, abettors,

counsellors, or procurers, shall be deemed guilty of arson, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than twenty nor less than seven years.

Sec. 14. *Be it further enacted*, That if any person shall wilfully and maliciously set fire to or procure, or aid, or consent to the setting fire to any of the buildings or other property described in the foregoing section, with intent to burn or destroy the same, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor not more than seven nor less than three years.

Sec. 15. *Be it further enacted*, That if any person shall wilfully, maliciously, and forcibly break and enter into any dwelling house, kitchen, shop, store house, ware house, malt house, still house, mill, pottery, water craft, church, or meeting house, with intent to kill, rob or commit a rape, or with an intent to commit any other deed by this act declared criminal, every such person, his or her procurers, aiders, counsellors, or abettors, shall be deemed guilty of burglary, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than seven, nor less than three years.

Sec. 16. *Be it further enacted*, That if any person shall forcibly, and by violence, and putting in fear, take from the person of another, any money, or personal goods or chattels, of any value whatever; every person so offending, his or her aiders, abettors and procurers, shall be deemed guilty of robbery, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than twenty, nor less than three years.

Sec. 17. *Be it further enacted* That if any person shall assault another, with an intent to commit a murder, rape or robbery upon the person so assaulted; every person so offending, shall be deemed guilty

of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than seven nor less than three years.

Sec. 18. *Be it further enacted*, That if any person shall steal any money or other personal goods or chattels, the property of another, of the value of fifty dollars or upwards the person so offending shall be deemed guilty of larceny, and upon conviction thereof shall be imprisoned in the penitentiary and kept at hard labor not more than seven, nor less than three years.

Sec. 19. *Be it further enacted*, That if any person shall steal, or take by robbery, or maliciously destroy any bank bill or bills, or promisory note or notes bill of exchange, order, warrant, draft, check, or bond, given for the payment of any sum of money, of fifty dollars or upwards, knowing them to be such; every person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, for the term of three years.

Sec. 20. *Be it further enacted*, That if any person shall falsely make, alter, forge, or counterfeit, or cause, counsel, hire, command, or procure to be falsely made, altered, forged, or counterfeited, or knowingly aid, or assist in the false making, altering, forging or counterfeiting, any record or other authentic matter, of a public nature, or any charter, letters patent, deed, lease, writing, obligatory, will, testament, annuity, bond covenant, bank bill or note, check draft, bill of exchange, contract, or promisory note for the payment of money, or other property, or any acceptance of a bill of exchange, or the number, or principal sum of any accountable receipt for any note, or any order, warrant or request for the payment of money, or the delivery of goods and chattels of any kind, or any acquittance

or receipt either for money or goods, or any acquittance, release or discharge of any debt, account action, suit, demand or other thing, real or personal, or any transfer or assurance of money, stock, goods chattels or other property whatever, or any letter of attorney, or other power to receive money, or to receive or transfer stock, or annuities, or to let, lease, dispose of, alien or convey any goods or chattels, lands or tenements, or other estate, real or personal, or any bills drawn by the auditor of public accounts for the payment of money at the treasury, with intent to damage, or defraud any person or persons, body politic or corporate, or shall alter or publish, as true and genuine, or cause to be altered or published as true and genuine, any of the above named false, altered, forged or counterfeited matters, as above specified and described, knowing the same to be false, altered, forged or counterfeited, with intent to prejudice, damage, or defraud any person or persons, body politic or corporate; every person so offending shall be deemed guilty of forgery, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than twenty, nor less than three years.

Sec. 21. *Be it further enacted*, That if any person shall voluntarily, unlawfully, and on purpose, cut off the ear or ears, or cut out or disable the tongue, put out an eye, slit the nose, ear or lip, cut or bite off the nose, ear, or lip, cut or disable any limb or member of any person, or brand any person, with intent, in so doing to murder, kill, maim or disfigure such person; every person so offending, his or her aiders, abettors and counsellors, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than twenty, nor less than three years.

Sec. 22. *Be it further enacted*, That if any person shall shoot, stab, or shoot at any person, with in-

tent to kill, wound or maim; every person so offending, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than five, nor less than three years.

Sec. 23. *Be it further enacted*, That if any person shall, by word, message, letter, or in any other way challenge another to fight a duel, or shall accept a challenge to fight a duel, although no duel be fought or shall knowingly be the bearer of such challenge, or shall meet, prompt, encourage, or persuade, or cause any person to fight a duel, or to challenge another to fight a duel, (if such duel be fought) or to accept a challenge to fight a duel, although no duel be fought; every person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the penitentiary, and kept at hard labor, not more than ten years, nor less than three years; and if any person shall engage in, and fight a duel with another, or shall be second to such a duel; every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor not more than ten, nor less than five years.

Sec. 24. *Be it further enacted*, That if any person or persons, shall receive or buy any goods or chattels, of the value of fifty dollars or upwards, that shall have been stolen, or taken by robbery, knowing the same to be stolen or taken by robbery, with intent to defraud the owner, or shall harbor or conceal any thief or robber, knowing him or her to be such; every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than seven, nor less than three years.

Sec. 25. *Be it further enacted*, That if any person

shall steal any horse, mare, gelding, foal or filly, ass or mule, or if any person shall receive, or buy any horse, mare, gelding, foal or filly, ass or mule, that shall have been stolen, knowing the same to be stolen with intent to defraud the owner ; or if any person shall conceal any horse thief, knowing him to be such ; every person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor, not more than fifteen, nor less than three years.

Sec. 26. *Be it further enacted*, That if any person shall stamp or otherwise counterfeit, any of the coins of gold, silver or copper, currently passing in this state, or shall alter and put off any of such counterfeit coins, knowing them to be such ; or shall make any instrument for counterfeiting any of the coins aforesaid, or shall aid or assist therein ; every person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than ten, nor less than three years.

Sec. 27. *Be it further enacted*, That if any person shall pass or attempt to pass any base and counterfeited coin or coins, knowing them to be such, or shall pass or attempt to pass, any false, forged or counterfeit bank note or notes, knowing them to be such, every person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than six, nor less than three years.

Sec. 28. *Be it further enacted*, That if any person shall engrave any plate for striking or printing any false or counterfeit bank notes, knowing it to be designed for that purpose, or shall knowingly have in his possession and secretly keep any plate for the purpose aforesaid, ; every person so offending,

shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than six nor less than three years.

Sec. 29. Be it further enacted, That if any person shall knowingly sell and convey any tract or parcel of land, without having a title to the same, either in law or equity, evidenced by a written contract, devise or descent or deed of conveyance, with intent to defraud the purchaser ; every person so offending, shall be deemed guilty of fraud, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor for the space of three years.

Sec. 30. Be it further enacted, That in all trials for murder, the jury before whom such trial is had, if they find the prisoner guilty thereof, shall ascertain in their verdict whether it be murder in the first or second degree ; and if such prisoner be convicted by confession in open court, the court shall proceed by examination of witnesses, to determine the degree of the crime, and shall pronounce sentence accordingly.

Sec. 31. Be it further enacted, That if any person shall aid, assist, abet, or procure any other person to commit any one of the offences by this act made criminal, and punishable by death, or imprisonment in the penitentiary ; every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, for any time between the respective periods for which the principal offender could be imprisoned for the principal offence ; or if the principal offender would upon conviction, be punishable with death, then such aider, assister, abettor or procurer, upon conviction thereof, shall in like manner suffer death.

Sec. 32. Be it further enacted, That when any person shall give any mortal blow, or administer any

poison to another, in any county within this state, and the party so stricken or poisoned, shall thereof afterwards die, in any other county or state, the person giving such mortal blow, or administering such poison, may be tried and convicted of murder, or man slaughter, as the case may be, in the county where such mortal blow was given or poison administered.

Sec. 33. *Be it further enacted*, That in all cases where any person shall be convicted of any offence by this act declared criminal, the court shall declare in their sentence, for what period of time, within the respective periods prescribed by law, such convict shall be imprisoned, at hard labor in the penitentiary, and shall moreover determine and declare in their sentence whether any, and for what period of time such convict shall be kept in solitary confinement in the cells of the penitentiary.

Sec. 34. *Be it further enacted*, That in all cases where any person shall be convicted of any offence, by this act declared criminal and punishable, by imprisonment in the penitentiary, the court shall determine or declare in their sentence, for what period of time, if any, such convict shall be kept in solitary confinement in the cells of the penitentiary.

Sec. 35. *Be it further enacted*, That the mode of inflicting the punishment of death, in all cases under this act, shall be by hanging by the neck until the person be dead; and the sheriff or the coroner, in case of the death, inability, or absence of the sheriff of the proper county, in which sentence of death shall be pronounced by this act, shall be the executioner.

Sec. 36. *Be it further enacted*, That the act for the punishment of crimes, and all acts, and parts of acts, now in force, in any way relating to any of the crimes by this act declared criminal, and punishable with death, or imprisonment in the peni-

tentiary, shall be, and the same are 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.

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

JOSEPH RICHARDSON,
Speaker of the house of representative.
ALLEN TRIMBLE,
Speaker of the senate.

February 2, 1821.



CAPTER XCVIII

An act supplementary to the act for the punishment of certain offences therein named.

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Sec. 1. *Be it enacted by the General Assembly of the state of Ohio*, That if any person shall steal any money,

or other goods or chattels of any kind whatever, of less value than fifty dollars, the property of another, or shall steal, or maliciously destroy, any bond bank bill, promisory note, bill of exchange, order, warrant, draft, check, or bond, given for the payment of any sum under fifty dollars, the property of another; every person so offending, shall on conviction thereof, be fined in any sum not exceeding two hundred dollars, and be imprisoned in the county jail, for any time not exceeding six months, at the discretion of the court.

Sec. 2. *Be it further enacted*, That if any person shall directly or indirectly, in any way or manner, give, promise, or contract to give, any money or other valuable thing, with intent to obtain, procure or influence the opinion, judgment or decree of any judge or justice of the peace of this state, in any action, plea, suit, complaint indictment, controversy, matter or cause, depending, or which shall depend before him or them, or before any court in this state; every person so offending, and every judge or justice of the peace who shall receive such bribe or agree to receive the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one thousand dollars, nor less than fifty dollars, and shall be imprisoned not more than six months.

Sec. 3. *Be it further enacted*, That if any person shall knowingly send or deliver any letter or writing, with or without a name subscribed thereto, or signed with a fictitious name, containing threats of injury, of any kind whatever with intent, or for the purpose of extorting money, or other valuable thing, from any person whatever; every person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars.

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

son shall rescue by force any offender, charged with any offence against the laws of this state, from any jail, or other place of confinement, or from the custody of any officer, or other person charged with the safe keeping of such offender ; every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than fifty dollars, nor more than five hundred dollars.

Sec. 5. *Be it further enacted*, That if any person or persons shall be aiding or assisting any prisoner confined in any jail, or other place of confinement; charged with any offence against the laws of this state, to make or attempt to make his or her escape from such jail or place of confinement, although no escape be actually made; every person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than five hundred dollars, nor less than fifty dollars.

Sec. 6. *Be it further enacted*, That if any person shall, by bribery, persuasion, seduction, or any other arts or means whatever, attempt to prevail on any ministerial officer, or other person charged with the safe keeping of any person accused or convicted of any offence, against the laws of this state, to permit such person to escape from the custody of such officer or other person; every person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum, not more than two hundred dollars, nor less than twenty five dollars.

Sec. 7. *Be it further enacted*, That if any person shall wilfully and maliciously burn, or cause to be burned, any barrack, or stack of hay, crib of corn stack of wheat, rye, oats, barley, flax, hemp, or fodder, or grain of any kind, or any fence boards, plank, or scantling, or any square timber, or piles of other timber, the property, of another; every person so offending,

shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not more than five hundred dollars, nor less than ten dollars, and be imprisoned not more than six months.

Sec. 8. *Be it further enacted*, That if any person shall wilfully and maliciously demoush, cut down, or destroy, any public or toll bridge, or kill or destroy any horse, mare, foal filly, mule, or ass, sheep, goat, cow, ox, steer, bull, heifer, or swine, the property of another; such person shall, on conviction thereof, be fined in any sum not more than one hundred dollars, nor less than five dollars: *Provided*, nothing in this section shall be construed to extend to any person who shall kill any of the before mentioned animals, trespassing in his or her own enclosure, and shall not conceal or attempt to conceal the same; *And provided also*, that the owner of the property killed, or destroyed by any person as aforesaid, shall recover double the value thereof, from the person killing or destroying the same.

Sec 9. *Be it further enacted*, That if any person shall wilfully and maliciously cut down, saw, bark or otherwise kill or destroy any fruit tree or trees, growing in an nursery, garden yard or orchard, the property of another; every person so offending, shall upon conviction thereof, be fined in any sum not more than five hundred dollars, nor less than five dollars; and the owner of the fruit tree or trees, thus killed or destroyed, shall recover not less than double the value of the same, from the person killing or destroying said fruit tree or trees.

Sec. 10 *Be it further enacted*, That if any person or persons shall vend, sell, or barter, or shall offer to vend, sell, or barter any ticket or tickets of any lottery, or device of chance, whatever, without being authorised so to do, by the laws of this state; every person so offending, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fin-

ed in any sum not exceeding one thousand dollars, nor less than ten dollars.

Sec. 11. *Be it further enacted*, That no bill of indictment, for any offence specified in this act, or in the act to which this is supplementary, shall be found a true bill by any grand jury, unless the name of the prosecutor be endorsed at the foot thereof, except such bill be found upon testimony sworn and sent to the grand jury, by order of the court at the request of the prosecuting attorney, in which case, the fact that the bill was found upon testimony sworn and sent to the grand jury, by order of the court, shall be endorsed at the foot of the bill instead of endorsing the name of the prosecutor.

Sec. 12. *Be it further enacted*, That in all cases where a prosecutor's name is endorsed and the bill found true by the grand jury, and upon trial the defendant is acquitted, the prosecutor shall be liable for the costs, unless the court shall be of opinion that there was reasonable ground for instituting the prosecution. In all such trials the prosecutor may be admitted as a witness, and his credibility left to the jury.

Sec. 13. *Be it further enacted*, That no indictment for an assault, or an assault and battery shall be laid before any grand jury unless the party accused shall have been duly recognised to appear in court, and answer such prosecution.

Sec. 14. *Be it further enacted*, That when any person is apprehended upon a warrant for committing an assault or an assault and battery, issued upon the complaint of the party injured, he shall be taken before the justice, judge or other judicial officer that issued the warrant, and thereupon the person accused may plead guilty to such accusation, and upon such plea being made, the justice, judge or other judicial officer, shall have power and is hereby authorised to adjudge the amount of fine,

which fine shall in no case be more than one hundred dollars, nor less than two dollars, to be paid by the party accused, for which judgment shall be entered, and the amount collected by execution in the name of the state of Ohio; in the same manner and upon the same terms as is provided for the general collection of fines. But if the person accused, declines to plead guilty to the accusation, he shall upon hearing be discharged, or recognized, as justice may seem to require.

Sec. 15. *Be it further enacted*, That when any person shall be apprehended for, or charged with committing an assault, or an assault and battery, if the party accused can agree, compromise or settle with the party injured, no further proceedings shall be had on account of such offence, either by indictment or otherwise, and in case any costs shall have accrued by the commencement of a prosecution, the justice or other judicial officer before whom such prosecution shall have been commenced, shall give judgment against the party accused, and collect the same by execution as in other cases.

Sec. 16. *Be it further enacted*, That every person adjudged or sentenced to pay a fine for any offence specified in this act, or the act to which this is supplementary, may discharge such fine by labor on the highways of the township in which he resides; and every court or justice upon pronouncing judgment for the payment of a fine, shall specify, and make an order setting out within what period of time, and at what rate of daily wages the fine may be thus discharged, and upon what road or roads the labor shall be performed, and execution may be staid upon security, or otherwise, to give time for the performance of such labor. The certificate of the supervisor of the proper district, shall be evidence, that the whole or any part of the labor

has been performed, and if the whole labor is not performed within the time prescribed, the party shall nevertheless have credit for the amount of labor actually performed; and if such labor shall not be performed within the time limited, it shall be the duty of the clerk to issue an execution (without a precipe filed) for the fine and costs.

Sec. 17. *Be it further enacted*, That all persons convicted of any offences specified in this act, or in the act to which this is supplementary, and sentenced to imprisonment, may during such imprisonment be put at hard labor in such manner as any two judges of the court of common pleas may direct, and for the performance of such labor may be taken from the jail, and so secured as to prevent an escape, and the produce of such labor shall be paid into the county treasury.

Sec. 18. *And be it further enacted*, That all fines assessed under the provisions of this act, when collected in money, shall be paid into the county treasury.

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

JOSEPH RICHARDSON,

Speaker of the house of representatives

ALLEN TRIMBLE

February 2, 1821.

Speaker of the senate.

RESOLUTIONS.



Resolved, by the General Assembly of the state of Ohio, That John Abbott be appointed commissioner to lay out and expend fifty dollars on the road leading from the head of White Eyes' creek to Tunis Elsen's in Muskingum county, in place of Gordon Dennison, appointed by the last General Assembly of this state, who has failed to lay out and expend said sum of money in pursuance of the act for the further appropriation of the three per cent fund, &c." on the said Abbot giving bond and security according to law.

December 14, 1820.

Resolved, by the General Assembly of the state of Ohio, That Isaac Moore is hereby appointed road commissioner, on the Captina road, from Thomas Smith's to the mouth of Captina creek, in Belmont county, on which one hundred dollars was appropriated on the 26th day of February 1820.

December 16 1820.

The General Assembly of the state of Ohio, have seen with great satisfaction, not only the recommendation of the president of the United States, but also the lenient and equitable measures suggested by the secretary of the treasury in his report of the fourth of December 1820. Therefore.

Resolved, by the General Assembly of the state of Ohio, That our senators and representatives in congress, be requested to use their utmost endeavors to procure the passage of a law for the relief of the purchasers of public lands, containing in substance the relief contemplated in the annual report of the

secretary of the treasury on the 4th day of December, 1820.

Resolved, That the Governor be, and he is hereby requested to forward one copy of the foregoing preamble and resolution to each of our senators and representatives in congress.

December 21, 1820.

Resolved, by the General Assembly of the state of Ohio, That the clerk of the circuit and district courts of the United States, be, and he is hereby authorised to occupy the north room upon the second floor of the public offices, as a clerk's office for the said circuit and district courts.

December 20, 1820.

REPORT.

The committee, to whom was referred so much of the governor's message, as relates to the roads contemplated by the treaty of Brownstown, have had the same under consideration, and have collected all the information on that subject within their reach; and find, that on the 26th of January last, a select committee was appointed in the house of representatives of the congress of the United States, to enquire whether any, and if any, what further provisions were necessary, to give effect to the provisions of the treaty of Brownstown, in the territory of Michigan. That to that committee, the resolution on that subject, passed by the General Assembly of this state, at their last session, was referred together with other documents on the same subject. That that committee, on the 12th day of May last, made a long and elaborate report, accompanied by a resolution, which resolution the committee have thought proper to transcribe, and make a part of this report, which is as follows, viz: *Resolved*, That the committee on roads and canals be instructed to bring in a bill, to authorise the secretary of the treasury

to contract with any person or persons, to construct a permanent and suitable road to extend from the foot of the Rapids of the Miami of the Lake, to the western line of the Connecticut Western Reserve, according to the plan contemplated by the treaty of Brownstown; and on such route passing through the Reserve (so called) at Lower Sandusky, as the president may direct, in consideration of the whole of the tracts on each side of the contemplated road, which were granted by the treaty of Brownstown, or so much thereof, as in the opinion of the secretary of treasury, may be adequate to the object. And in which bill shall also be inserted, among other things, a provision or provisions, that the person or persons so contracted with, do complete the said road within a reasonable time in said bill to be limited: That such person or persons do stipulate to keep said road in good repair for and during a number of years, to be in said bill defined; and also that the person or persons so contracted with do also give bond, with sufficient sureties, for the faithful performance of his or their contract; and also a provision, defining the time and manner in which the title to said land may be conveyed.

The committee from an examination of the report and resolution above alluded to, are of opinion, that the plan contemplated therein is the best, under existing circumstances, than can be devised. The committee would, therefore, recommend the adoption of the following resolution:

Resolved, by the General Assembly of the state of Ohio, That they do concur in the aforementioned report made, and resolution reported to the congress of the United States: And that our senators and representatives in congress be requested to use their best endeavors to procure the passage of the law contemplated thereby.

Resolved further, That the governor of this state be, and he is hereby requested, to send a copy of the foregoing report and resolutions to each of our senators and representatives in congress.

December 20, 1820.

Resolved by the General Assembly of the state of Ohio, That the auditor of state is hereby authorised to receive the taxes for the year 1820, on residents', and non residents' land without penalty until the 15th day of January, eighteen hundred and twenty one.

January 1, 1821.

Resolved by the General Assembly of the state of Ohio, That John Pinkerton of Preble county, Francis Dunlavy of Warren county, and Henry Weaver of Butler county, be and they are hereby appointed commissioners, to fix the permanent seat of justice in the county of Brown.

January 29, 1821.

Resolved by the General Assembly of the state of Ohio, That our senators and representatives in congress be requested to use their exertions to procure the passage of a law granting and allowing out of the United States' lands, lying within this state now unlocated, and to which the Indian title has been recently extinguished, so much lands for the use of schools in that part of the state known by the "Connecticut Reserve," as shall, with such lands as have heretofore been granted, amount to one thirty sixth part of the land on said reserve.

Resolved, That the Governor be requested to transmit a copy of this resolution to each of our senators and representatives in congress.

January 1. 1821.

Whereas it appears from a resolution passed February 6th 1820, for the appointment of certain road commissioners, for locating and laying out state roads ; and whereas it appears by said resolution,

that James Webb of Lawrence county was appointed road commissioner to lay out a state road, beginning at Burlington in Lawrence county, thence the nearest and most eligible route, to intersect a road leading from opposite the mouth of Little Sandy in Scioto county, to Jackson, as near as possible to intersect the road where it crosses the county line between Jackson and Scioto counties : and whereas the said James Webb, road commissioner, has refused to lay out said state road ; Therefore,

Resolved, by the General Assembly of the state of Ohio, That William Carpenter of Lawrence county, be, and he is hereby appointed a road commissioner, to locate and lay out said state road from Burlington to Jackson; and the commissioners of Lawrence county shall allow said Carpenter for his services as to them shall seem just and reasonable, to be paid out of the treasury of Lawrence county

January 19, 1821.

Resolved, by the general Assembly of the state of Ohio, That Milton Buckingham is hereby appointed a road commissioner, on the road leading from the town of Athens to the line of Meigs county, by the way of number five, and that John Havenor, be appointed a road commissioner on the road from the town of Athens to the line of Jackson county, on the most direct way from the town of Athens in Athens county, to the town of Jackson in Jackson county, said commissioners to be governed in all respects by the provisions of an act making further appropriations of the three percent fund, granted by the United States, for laying out, opening and improving roads in this state, passed the 26th day of February 1820.

January 29, 1821.

Resolved, by the General Assembly of the state of Ohio, That Justice Morse of Marietta, be, and he

is hereby appointed a trustee for managing lands granted for religious purposes, in the county of Washington, to fill the vacancy occasioned by the death of Cornelius Hogeland.

February 2, 1821.

Resolved by the General Assembly of the state of Ohio, That all taxes assessed, for any period prior to the passage of the resolution of the 14th December 1819, on so much of the lands lying within the twelve mile reservation, at the foot of the rapids of the Miami of the lake, as lies north of the line run under the direction of the surveyor general, in eighteen hundred and seventeen, be, and the same is hereby remitted.

February 2, 1821.

Whereas by an act, entitled "an act to establish state roads," passed February 26th, 1820, it is provided that a state road be established beginning at Little Beaver bridge, in Columbiana county, thence to Faucetstown, thence to the mouth of Yellow creek, thence to New Richmond, in Jefferson county, thence to Cadiz in Harrison county:

And whereas by the above recited act, no commissioners were appointed to lay out that part of said road lying between Richmond in the county of Jefferson, and Cadiz in the county of Harrison. Therefore.

Resolved, by the General Assembly of the state of Ohio, That William Sawther, be, and he is hereby appointed a road commissioner to lay out, and establish so much of said road as lies within the county of Jefferson, and also that John Craig, be, and he is hereby appointed a road commissioner to lay out and establish so much of said road as lies within the county of Huron.

February 2, 1821.

Resolved, by the General Assembly of the state of Ohio, That the Governor be, and he is hereby

instructed, to take immediate measures for recovering the amount due to the state of Ohio, by Hiram M. Curry, late treasurer thereof; and that for this purpose the governor be, and he is hereby authorised to employ such counsel on the part, and at the expense of the state, as he may deem necessary.

January 19, 1821.

Resolved, by the General Assembly of the state of Ohio, That the quarter master general be required and it is hereby made his duty, to cause the public arms belonging to the state to be removed for safe keeping to some proper place, either in the public offices or state house.

February 2, 1821.

Resolved by the General Assembly of the state of Ohio, That the governor of this state be, and he is hereby requested to issue his proclamation by the first day of September next, recommending a day in November, to be designated by him, to be observed as a day of prayer and thanksgiving to Almighty God: and that he request, in his proclamation, the people of this state to observe it as a day of rest from unnecessary labor.

February 2, 1821.

Whereas it appears by the first section of the act to establish state roads, passed February 26th 1820, that there was a road to have been laid out from the town of Logan, in the county of Hocking, to Adelphi in the county of Ross, and that there never was any road commissioners appointed for said road. Therefore.

Resolved, by the General Assembly of the state of Ohio, That Conrod Brian and Daniel Kershner, be, and they are hereby appointed commissioners to locate and lay out a road from the town of Logan, in Hocking county, to Adelphi in Ross county, agreeably to the first section of the act to establish state roads, passed the 26th day of February 1820.

Resolved also, That said commissioners, surveyor and necessary hands, shall be allowed such compensations as the associate judges of Hocking county may think reasonable and right, to be paid out of the three per cent fund, now at the disposal of the aforesaid judges, by an act passed February 26th 1820.

February 1, 1821.

Resolved by the General Assembly of the state of Ohio, That the governor be, and he is hereby authorised to purchase two copies of the first volume of the transactions of the American Antiquarian Society, for the use of the state library, and to give his order for the same on the treasurer of the state, to be paid out of any money not otherwise appropriated.

February 1, 1821.

The committee to whom was referred the communication of the Auditor, enclosing an account of the sheriff of Jefferson county, for the safe keeping and subsistence of a prisoner committed to the jail of the aforesaid county, at the suit of the post master general of the United States: Report, that several other accounts for the use of jails, and the subsistence of prisoners committed at the suit of the United States, yet remain due, to the amount probably of two or three hundred dollars: and in the opinion of your committee, all such accounts ought to be paid by the auditor, agreeably to the act for the confinement of prisoners, under the authority of the United States in the jails of this state. Therefore,

Resolved by the General Assembly of the state of Ohio, That, by virtue of the act for the confinement of prisoners, under the authority of the United States, in the jails of this state, the auditor ought to issue bills for the subsistence of all prisoners committed to the custody of any sheriff or jailor in any jail in this state.

February 1, 1821.

Whereas this General Assembly, by a resolution passed on day of directed that the bonds given by Hiram M. Currey, late treasurer of state, be put in suit, for the purpose of recovering the amount of defalcation due by him to the state. Therefore.

Resolved, That if said Hiram M. Currey shall, within ninety days from this time, transfer to the state such property as, in the opinion of the governor, shall be sufficient to discharge said defalcation, said suit shall not be commenced against said Currey and his securities.

February 3, 1821.

Resolved, by the General Assembly of the state of Ohio, That for the purpose of encouraging domestic manufactures, it is hereby recommended to the members and officers of the next General Assembly to appear at the period appointed for their next annual meeting clothed in the manufactures of this state.

February 3, 1821.

Resolved, by the General Assembly of the state of Ohio, That the laws and resolutions enacted and passed, and the journals made during the present session of the General Assembly, be distributed by the Secretary of state, to the several counties within said state, in the same number and in the same manner and proportion as the laws of a general nature, and journals of the last session were ordered to be distributed.

February 2, 1821.

Resolved, by the General Assembly of the state of Ohio, That Alexander Harper of Muskingum county, be appointed a trustee of the Ohio University, in the place of James Kilbourn, resigned.

February 2, 1821.

Resolved, by the General Assembly of the state of Ohio, That the auditor of state, be, and he

hereby is authorised and required to settle the account of Mordecai Bartley, register of the Virginia military school lands, for posting of books and recording of leases, and shall allow him such compensation as he (the auditor) shall deem just and reasonable, and shall give the register a certificate of the amount so allowed, which certificate the register shall pay as cash into the state treasury, and retain the amount thereof in his own hands.

February 2, 1821.

Resolved by the General Assembly of the state of Ohio, That Mordecai Bartley, be, and he is hereby appointed Register of the Virginia military school lands.

February 2, 1821.

Resolved, by the general assembly of the state of Ohio, that Henry Brown, of Franklin county be and he is hereby appointed director of the Ohio Penitentiary, for the term of one year.

February 2d. 1821.

Resolved, by the general assembly of the state of Ohio, that the secretary of state be instructed to have so many copies of the act to amend the act, for organising and disciplining the militia, passed this session, printed and stitched separately from the other acts, as to enable each field officer and commandant of each company, to have one copy, to be distributed into the divisions with the laws and journals.

February 2d. 1821.

Resolved, by the general assembly of the state of Ohio, that the governor of this state be and he is hereby authorised and requested to transmit copies of the acts and resolutions, passed at this and the last session of the general assembly to the executives of such of the other states as send copies of their laws to the executive of this state.

February 2d. 1821.

Resolved by the general assembly of the state of Ohio, that it is expedient to publish all the laws of a general nature, passed during the present session in the Columbus Gazette : *Provided* said laws shall be published within thirty days. Resolved that a sum not exceeding twenty dollars be appropriated to pay for such publication.

February 2d. 1821.

Resolved, by the general assembly of the state of Ohio, that the chief clerk in the auditor's office, be and is hereby appointed librarian for the Ohio state library, during the recess of the legislature.

February 2d. 1821

Resolved by the general assembly of the state of Ohio, that the secretary of state be and he is hereby instructed to procure to be printed sixty copies of the "act to authorise collectors, to distrain for taxes in certain cases. The act regulating the times of holding Judicial courts. The act to amend the act, levying a tax on land. And the act for the relief of occupying claimants of land, & transmit without delay, one copy of each of the acts aforesaid to the different courts of Common Pleas, within this state.

February 2d. 1821.

Resolved by the general assembly of the state of Ohio, that the governor be and he is hereby requested to take charge of the state house, and other public property, during the recess of the general assembly, and that he will not permit any person or persons to occupy any part of the state house during such recess, except the Circuit and District courts of the U. States. And that he be also requested to employ some person to straighten the Spire on the state house, as soon as practicable, after the adjournment of the present general assembly.

February 2d. 1821.

The committee appointed upon the treasurers report of December 4th, 1820, ask leave to report, that it appears from said treasurers report, that the large sum of \$ 33,933,06 1-4 cents, in uncurrent bank paper, remains in the state treasury: and that the amount of obligations in favor of the state for loans authorised by the general assembly, in the hands of the treasurer, is \$6,582,66 1-3: nearly all of which obligations are due and unpaid, making together the sum of \$ 40,575,72 1-2.

It would appear from the treasurer's report above alluded to, as well as from all the information that your committee have been able to collect, touching the situation and solvency of the banks from which the uncurrent paper in the treasury has been issued, that the redemption of this paper within any reasonable time, unless by suit, is very doubtful: The only bank which your committee have found disposed to do any thing like justice to the state by redeeming its paper, is the Miami Exporting Company. This institution has paid into the treasury \$5,000, in specie, in redemption of that amount of its paper, whilst with no other bank has any exchange of considerable amount been effected. Your committee upon an examination of the whole subject, are of opinion that unless the state be forthwith secured from loss, by the transfer of real estate, or by mortgages thereon, for the sums above mentioned, suits ought to be instituted against the bank or bankers, and against the persons otherwise indebted to the state as aforesaid, and proceeded in to judgment and execution: For this purpose your committee recommend the adoption of the following resolution.

Resolved by the General Assembly of the state of Ohio, That the treasurer of state, be, and he is hereby authorized and directed, to make another effort to collect the monies due the state upon of the such uncurrent bank notes, now in the treasury, as

have been issued by the banks within this state, and upon the notes or bonds of individuals that now are, or hereafter may become due and payable at the treasury: and if such effort be unsuccessful, or if the bank or persons so indebted or that may become indebted, neglect or refuse, upon demand by the treasurer to secure the state from loss, by the transfer of real estate, or by mortgages thereon, or if after such security be given, the interest be not regularly paid, it shall be the duty of the treasurer to commence suit against such bank or bankers, person or persons for the whole amount of the debt due by them respectively; and to prosecute the same to judgment and execution; and it is also made the duty of the treasurer, to pass to the best advantage such uncurrent paper, issued by banks of other states, as is now in the treasury.

Resolved That the treasurer, be, and he is hereby authorised to employ such attorney or attornies, on the part and at the expense of the state, as he may deem proper, for the purpose of carrying into effect the above resolution.

February 2, 1821.

Resolved by the General Assembly of the state of Ohio, That the following persons be, and they are hereby appointed Auditors for the several counties in which they reside, respectively. For the county of Adams, James R. Baldrige: for the county of Athens Joseph B. Miles: for the county of Astabula, Quintius F. Atkins: for the county of Butler, John M'Clure jr. for the county of Belmont, Peter Tolman: for the county of Brown, William Middleton: for the county of Clark, David Higgins: for the county of Columbiana, David Scott: for the county of Cuyahoga, Leonard Case: for the county of Clinton, John M'Manis: for the county of Champaign, Abram R. Colwell: for the county of Coshocton, Alexander M'Gowan: for the county of Del-

aware; Solomon Smith : for the county of Dark, James Devor : for the county of Fayette, James B. Webster : for the county of Fairfield, Adam Weaver : for the county of Franklin, John Kerr : for the county of Geauga, Eleazer Paine : for the county of Green, Samuel Pelham : for the county of Gallia, John H. Safford : for the county Guernsey, Daniel Herbert : for the county of Hamilton, John T. Jones; for the county of Highland, William Keys; for the county of Huron, Asa Sanford; for the county of Harrison, John Hanna the present auditor; for the county of Hocking, William Wallace; for the county of Jefferson, John Milligan; for the county of Jackson, Daniel Hoffman; for the county of Knox, William Y. Farqhar; for the county of Lawrence, Joseph Drouiliard; for the county of Licking, Stephen M'Dougal; for the county of Logan, Solomon M'Cullough; for the county of Montgomery, Alexander Grimes; for the county of Miami John G. Tilford, for the county of Madison, Patrick M'Lene; for the county of Muskingum John Burwell: for the county of Monroe, Theophilus Minor; for the county of Meigs, Stephen Strong; for the county of Medina, Bela B. Clark; for the county of Morgan Jonathan Williams; for the county of Perry, John Murry; for the county of Preble, John M. Gray; for the county of Portage, Rial M'Arthur; for the county of Pike, Hallam Hemstead; for the county of Ross, David Collins; for the county of Richland, John Stewart; for the county of Sandusky, Jaques Hurlbert; for the county of Shelby James Wells; for the county of Scioto, William Kendall; for the county of Stark, John Webb; for the county of Tuscarrawas, George W. Canfield; for the county of Trumbull, Jacob H. Baldwin; for the county of Union, Joshua Ewing; for the county of Washington Royal Prentis; for the county of Wayne, Cyrus Spiak; for the county of Warren, Daniel F. Reed; and for the county of Wood, Ambrose Rice.

Resolved, further That the county auditors, for the counties of Pickaway and Clermont, shall be appointed by the courts of common pleas for the aforesaid counties for the ensuing year.

Febrar 3, 1821.

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The committee appointed, to ascertain whether the territorial laws, journals of the convention and the journals and laws of the state government, were in the public offices or state library, and if not the best method of supplying the deficiencies, and also to examine the clerk's papers, and to report whether any, and if so, what measures ought to be taken to preserve them from further injury and decay, beg leave to report:

There is no copy of the laws adopted or enacted by the Governor and judges under the Territorial government in either of the public offices or public library. There is in the office of the secretary of state, the enrolled bills of all the laws and resolutions passed by the legislature of the territorial government. The committee have not been able to find the journal of the convention either in manuscript or print. There are no printed volumes of the laws of either the territorial or state government, within our research of an earlier date than the session of 1806-7, nor have we found any journals of an earlier date than the session of 1807-8 regular sets of the laws and journals, subsequent to those periods are in the library.

The committee are of opinion that the deficiencies in the journals and laws ought to be supplied and recommend the adoption of the following resolution :

Resolved by the General Assembly of the state of Ohio, that the governor of this state be, and he hereby is authorised to procure such laws as were adopted by the governor and judges under the territorial government; the laws passed by the territorial government, a journal of the convention, the laws of the state government passed prior to the session of 1806-7 and the journals of the assembly prior to the session of 1807-8; and that the same or such parts thereof as he may obtain be placed in the state library, and the expense thereof be paid out of the contingent fund.

The committee further report that there is no law that requires of the clerks of either house of the legislature to keep and preserve any papers after the rising of the legislature, nor are they furnished or provided with any conveniences for that purpose. The papers are principally loose in two trunks, and from their exposure to the dust and smoke are much soiled and injured. The committee recommend the adoption of the following resolution :

Resolved by the General Assembly of the state of Ohio, that the chief clerk in the Auditor's office be authorised and required to procure a plain case of suitable dimensions, and the same placed in the Secretaries office and to arrange in suitable files the papers before mentioned, and to put them up labelling each file on the end, and that he be paid therefor a reasonable compensation, to be allowed by the governor and paid out of the contingent fund, and that it be the duty of the clerks of each house of this legislature to arrange at the end of each session the papers in their respective offices and place them in the said case, for which services the

clerks shall receive twelve dollars each to be paid out of the contingent fund of the governor.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

February 3d, 1821.

Secretary of State's Office,

COLUMBUS, OHIO, MARCH, 12, 1821.

I certify the foregoing acts and resolutions to be correct copies of the original rolls remaining on file in this office.

JER. M'LENE, *Secretary of State.*

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REPORTS

OF THE

Auditor and Treasurer of State.

AUDITOR OF STATE'S OFFICE, December 6, 1820.

Agreeably to the duties assigned, the Auditor submits to the Honorable the General Assembly, the receipts and expenditures for the year 1820, ending on the 4th instant.

The amount of money paid to Hiram M. Currey, late Treasurer of Ohio, by the several collectors, from the 6th day of December, 1819, to the 25th day of February, 1820, on account of taxes by them collected, is

54,911 44 5

The amount of money paid into the treasury, during the period aforesaid for taxes on lands, through this office, is

19,443 94 5

The amount of money paid into the treasury by the agent of the Scioto salt works, is

75 00 0

The amount of money paid into the Treasury as aforesaid, by the agent of the Ohio Penitentiary, on account of debts due and on sales of manufactured articles, is

3,060 89 0

To which add the amount remaining in the Treasury, on the 6th Dec. 1819,

127,077 78 8

The total amount of money paid Hiram M. Currey, late Treasurer of Ohio, between the 6th day of Dec. 1819, and the 25 of February, 1820 including the balance in the Treasury on the 6th of Dec. 1819, is

204,569 06 8

From which deduct the amount

of bills redeemed at the Treasury, between the 6th day of Dec. 1819, & the 25th of Feb. 1820, to wit,

49,599 75 0

163,969 31 8

Leaving in his hands at that time

The amount of money paid over by H. M. Curry, former Treasurer to Samuel Sullivan, Esq. present Treasurer of Ohio, on the 25th Feb. 1820, is

152,957 42 5

The amount of money paid into the Treasury for taxes on land, since the 25th of February, 1820, ending on the 4th instant, is

4,431 42 0

The amount of money paid into the treasury, by the agent of the Penitentiary, on account of debts due, and on sales of manufactured articles during the same time, is

10,925 62 0

The amount set apart by the Miami Exporting Company, under the act to raise a revenue from Banks &c. is

932 83 5

The amount of interest paid into the treasury, on account of authorized loans, is

23 47 0

The total amount of money paid into the treasury between the 25th day of February 1820, and the 4th inst. including the amount paid over by the former treasurer, is

169,270 77 0

From which deduct the amount of bills redeemed at the treasury, between the 20th day of Feb. 1820, and the 4th instant, to wit,

45,193 16 0

Leaves in the hands of the treasurer at this time, the sum of

124,077 61 0

The deficiency of Hiram M. Currey, late treasurer of

Ohio, as appears of record in this office, amounts to

11,111 89 3

The amount of bills drawn upon the treasurer between the 6th day of December, 1819, and the 4th day of December, 1820, is \$112,460 65 8 which constitutes the expenditures for the year 1820, and also includes the payment made under the appropriation for debts due by the Penitentiary.

The amount of bills drawn upon the treasury, and unredeemed, is

26,667 74 8

The aggregate number of acres of land of residents and non residents as returned to this office by the different county auditors, is

13,319 04 3

The aggregate amount of taxes charged on lands of residents and non residents, as returned to this office by the different county Auditors, is

205,346 95 5

The counties of Champaign and Logan have not yet made any return of their duplicates.

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 United States in favor of the treasurer of this state, March 20, 1820, is

40,155 27 0

To which add the balance of that fund, remaining in the hands of the late treasurer, on the 25th of February, 1820, and by him paid over to the present treasurer, to wit,

11,211 58 3

The total amount paid into the present treasurer's hands

since the 25th day of February, 1820, is	51,396 85 3
From which sum there has been proper vouchers issued for services performed, and labor done on sundry roads, from the 25th day of February, 1820, to the 4th instant, to the amount of	28,172 55 0
Leaves in the hands of the treasurer, if paid, of that fund,	<u>23,224 30 3</u>

The amount of money in the hands of the treasurer for the use of schools, within the Virginia Military District, is	5,143 81 2
The amount of money in the treasury for the redemption of land sold for taxes, is	2,221 13 8

The appropriation made in February last for the payment of the officers of Government, Supreme Judges and Presidents of the courts of Common Pleas for 1820, including the 200 dollars, additional to the Hon. George Todd, President Judge for the 3d district, is not sufficient by 400 dollars to cover their respective salaries, it will therefore be necessary for the Legislature to make provisions for that sum, before the 31st of the present month, at which time their last quarter's salary becomes due.

In the foregoing exhibit, I have not made any calculations of the probable receipts and expenditures for the ensuing year, as it is impossible to calculate with any degree of certainty, at this time the amount of money which will be paid into the treasury for taxes on lands, applicable for state purposes, after deducting the defalcations, per centage and the proportion for roads and county purposes, as all the lands in the state, whether in arrears or not, have been sent out for collection the present year; but should the receipt for taxes be equal to former years, and it is thought they will be; the revenue, collected, together with the amount in the treasury, will, no doubt be amply sufficient to redeem the bills in circulation and defray the ordinary expences of government for 1821, unless an extraordinary appropriation should be made: the collectors returns on the first day of January next, will however enable me, I trust, to lay before the Legislature, at an early day in that month, the amount which may be relied on, to meet the demands for the ensuing year.

The change of the revenue system is believed to be a judi-

cous one, the present system being much more simple and less expensive than the former, and the whole duty thereof, devolving on one individual alone, who is generally qualified for that purpose, and who gives bonds for the performance of his duty he feels the weight of responsibility much more than where that duty may be performed by more than one individual ; although the present system may be attended at first, with some inconveniences, as all inexperienced systems are subject to ; yet the most difficult and expensive part of the county Auditor's duty, has been performed, and the beneficial result, already experienced in many instances, must be obvious to all ; it has brought into taxation very many tracts of land that had never before been on the duplicates, and many others that were either lost by transfers from non residents to residents ; from one county to another, or from inattention or negligence in the commissioners, to transfer them, or when transferred to have those transfers properly attended to, add to that the convenience to residents, in correcting errors with the county Auditors instead of going to the seat of government for that purpose.

The duty of the county Auditors, in sending out the non resident, as well as residents' land, under the present law, is general throughout the state, without making any exception, to lands lying within the Virginia Military District ; the 4 d section of the act, makes it the duty of non residents of state or county, owning lands lying within that district, to list them with the state Auditor, and for him to make out a non resident duplicate ; this creates confusion between the resident and non resident duplicates. Some of the county Auditors conceiving it their duty to send out all their lands within their county, whether resident or non resident, while others omit to do so ; I would therefore advise the repealing of those two sections, the law would then be uniform throughout the state ; I would also suggest, as a further amendment to that law, the propriety of making the sheriff ex-officio, the collector, except for good cause shewn, when the court of Common Pleas should be authorised to appoint one, in many counties within the state, for the present year, it was with difficulty that a collector of responsibility, who would accept of the appointment, could be obtained ; and in one county from which I have heard, to wit : in the county of Clark they are without a collector, although I am informed that the county commissioners have authorised the county Auditor to receive taxes, from any one who may think proper to pay.

The law levying a tax for the improvement of roads, requires amendments ; the method of assessing, collecting and distributing that part or portion of the tax, I hope will be changed, as I suggested in a former report, for the Auditor of

state to know the amount of defalcations, the proportion of per centage, mileage and other expenses attending the collection thereof, and the difficulty with the county treasurers to know what part or portion of those defalcations, and expenses, arise from a particular township, and more especially within the Virginia Military District, where there are no surveyed Ranges, townships and sections, renders that part of the law impossible to be complied with, by the state Auditor or county Treasurers ; I would therefore suggest, if that law should be continued, whether it would not be advisable, for all that part assessed for roads and not paid in labor, to be collected and paid into the state Treasury, and by the Legislature appropriated within each county entitled thereto, or in some other manner, that may be complied with.

Very respectfully submitted,

RALPH OSBORN,
Auditor of Ohio.

A SCHEDULE.

Shewing the quantity of land, of the different rates, and the amount of taxes charged thereon, in the different counties, agreeably to the returns made to this office, by the County Auditors, for the year 1820.

Names of Counties.	ACRES AND RATES.			Amount of tax.		
	First.	Second.	Third.	Dolls.	Cts.	M.
Adams,	2,020	150,613	116,340	3,943	96	7
Athens,	115	15,613	346,036	3,776	69	8
Ashtabula,	387	197,570	188,260	6,280	10	0
Allen,		925	1,250	28	68	8
Butler,	18,151	173,607	49,877	4,728	81	6
Belmont,	1,132	52,110	171,977	3,314	62	2
Brown,	6,541	231,262	56,678	4,797	74	7
Champaign,						
Clinton,	1,626	232,948	18,336	4,300	61	5
Coshocton,	4,070	137,180	68,088	3,257	48	8
Clermont,	4,823	231,321	42,444	4,781	12	4
Columbiana,	1,458	181,806	202,852	5,396	63	4
Cuyahoga,	680	147,751	237,622	4,978	98	9
Clark,	6,811	137,668	38,543	6,382	73	5
Dark,	570	16,641	617	312	93	2
Delaware,	2,486	208,354	159,058	5,497	58	7
Franklin,	14,076	233,420	109,246	5,329	20	0
Fayette,		117,166	9,326	2,143	67	6
Fairfield,	10,226	170,789	89,921	4,220	37	8
Greene,	4,132	213,933	36,801	4,424	73	7
Gallia,	2,659	52,308	123,222	2,223	11	6
Guernsey,		79,869	84,781	1,482	50	8
Geauga,		88,180	293,727	4,460	30	9
Hamilton,	11,559	165,341	63,089	3,866	29	0
Highland,	356	171,837	115,200	4,512	21	8
Harrison,		87,882	102,940	2,586	44	3
Huron,	1,248	166,798	345,331	8,214	97	3
Hocking,	7	12,926	49,471	724	21	2
Hardin,		47,622	23,985	1,073	25	2
Jefferson,	2,796	89,857	102,358	3,200	84	1
Jackson,		6,897	5,855	181	67	0
Knox,	703	188,200	82,180	4,695	92	4
Licking,	6,008	231,003	102,300	5,217	75	7
Lawrence,	2,272	24,519	16,244	648	17	1
Logan,						
Montgomery,	9,251	171,827	48,490	3,892	79	3
Miami,	7,323	130,283	17,770	2,725	87	0

Madison,		215,724	13,260	3,790	12	0
Muskingum,	4,582	136,353	118,396	3,819	82	6
Monroe,	1,488	22,094	11,812	542	04	7
Medina,	350	308,861	196,663	7,816	61	3
Morgan,	130	23,977	11,721	538	15	1
Meigs,	1,735	70,044	156,777	2,836	82	7
Marion,		13,666	8,590	325	06	5
Preble,	3,544	113,839	54,888	2,740	03	0
Pike,	10,178	70,473	17,223	1,763	97	0
Pickaway,	24,419	180,536	83,524	4,773	05	5
Portage,	275	61,430	398,802	5,069	94	1
Perry,	2,401	82,426	42,469	1,917	93	3
Ross,	27,941	159,031	125,187	4,769	99	8
Richland,	5,722	153,464	30,390	3,450	29	8
Scioto,	3,897	42,864	35,674	1,204	05	5
Stark,	1,112	174,725	95,406	4,994	19	3
Shelby,	328	26,159	757	476	73	4
Tuscarawas,	661	138,692	53,376	3,048	69	5
Trumbull,		24,062	524,640	5,920	43	0
Union,	639	216,162	60,435	4,432	14	6
Warren,	34,674	213,270	13,449	4,735	05	3
Washington,	6,442	58,381	181,732	3,226	94	4
Wayne,	898	228,877	3,636	5,080	04	5
Wood,		2,840		49	70	0
TOTAL,	255,082	7,304,638	5,759,323	205,346	95	5

Total amount of taxes for the year 1820, is \$205,346 95 5.

RALPH OSBORN,

Auditor of Ohio.

TREASURER'S REPORT.

TREASURY DEPARTMENT, COLUMBUS,

DECEMBER 4th, 1820.

To the Hon. the General Assembly, of the state of Ohio :

On investigating and taking charge of the funds of the state, in February last, I took an inventory of the amount and description of funds received of H. M. Currey, Esq. late Treasurer of state; and receipted to the Auditor of state as follows, viz :

For the three per cent. fund	11,241 53 3
Virginia Military School fund,	5,158 81 2
Redemption do.	2,715 63 2
General Revenue, including U. S. Branch	
Bank tax, bonds for authorized loans and	
certificates of deposits,	152,957 45 5

Total amount,	\$172,073 45 2
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The U. S. Branch Bank tax of 98 thousand dollars, was received, and is still kept separate and apart from the other funds; I being enjoined by U. S. Circuit Court, from "Negotiating, delivering over, or in any manner parting with, or disposing of the specie, and identical bank notes or coin, of which the sum of one hundred thousand dollars, or any part thereof consisted."

All the other funds, were incorporated together, (with the exception of a part of the Virginia Military School funds,) and consisted mostly of the paper of Ohio banks, that were then, and are yet uncurrent. Having previously written to the officers of the banks, on the subject of exchange; in May last I called upon these banks, to redeem their paper with current funds; and from the Miami Exporting Company \$5000 in specie was obtained, \$4000 deposited on interest, the residue retained (being then tolerable current) for the purpose of redeeming Audited Bills. The balance of that paper remaining in the Treasury and on deposit, is

\$11,081 00

With the Bank of Cincinnati no exchange could be had; and after gaining every possible information of the solvency of this institution, and being assured by the officers, that every honorable means should be used, for the speedy redemption of their paper, a deposit of that paper was made, bearing interest, being in amount \$6,801 00, a hundred dollar post note being rejected as an altered note.

6,901 00

With the Lebanon Miami Banking Company a small exchange was effected; on making the necessary enquiries of the solvency of

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this institution, and being assured by the officers that from a contemplated arrangement in their concerns (if effected) would enable them in a short time, to redeem their paper ; a deposit of the residue was made on interest, the amount of which is

9,941 00

With the Urbana Banking Company no exchange could be made, having demanded of the cashier the endorsement of the paper, he objected, and I declined making the deposit, they having previously failed in their engagements, with the late Treasurer of state to this department ; the paper remaining in the treasury, is

2,485 06½

Certificates of deposit, 1,573 00

4,058 06½

With the Farmers and Mechanick's Bank of Cincinnati, nothing could be obtained in exchange, but \$170 of scrip of the Corporation of Cincinnati bearing interest, the notes on hand and scrip are in amount

409 00

For the paper of the banks of Burlington, Greensburgh, Georgetown and Columbia, (Ken.) no exchanges could be had in that state, the amount of which is

60 00

No opportunity having yet offered to try the exchange of the following paper ; but I have no doubt the greater part is irremediably lost to the state, viz,

Bank of Wooster,	\$827
Kentucky Insurance Company,	58
Franklin Bank of Alexandria,	94
Merchants' Bank of Alexandria,	5
Bank of Beaver,	55
Elkton Bank of Maryland,	140
Farmers' Bank of Somerset & Worcester,	10
Susquehanna Bridge and Bank Company,	5
Bank of Washington Pa.	71
Cumberland Bank of Alleghany,	150
Bank of Juniata,	10
Bank of Greencastle,	5
Wilksbarre Bridge Company,	5
Bank of Niagara,	16
Farmer, Mec. & Man. Bank of Chillicothe,	32

1,483 00

Total amount,

333,933 06½

The amount of obligations in favor of the state, for authorized loans, is \$6,582 66 1-3 on all those that are due, I have demanded payment, and have collected \$333 33 1-3 with the interest on the amount received; but believing myself not authorized, by the present duties of treasurer, and there being no appropriations to sustain suit with the banks, whose uncurrent paper remains in the treasury and on deposit, or in the collection of these obligations, I have declined suit in every case, To improve the quality of the funds; to support the credit of the state, by enabling the treasurer promptly, to redeem all warrants on presentment; and to regulate my farther proceedings, in disposing of the uncurrent funds, and in the collection of those notes, do ask instructions of the General Assembly.

—*—

EXHIBIT,

Of the receipts and disbursements, from the 23d February to the 4th December, 1820.

THE TREASURER OF STATE,			
TO THE THREE PER CENT. FUND,			} DR.
To amount of former appropriations,	11,241	58	3
To amount received at the bank of Steubenville on the draft of United State's treasurer;	40,155	27	
			<hr/>
			51,396 85 3
Deduct the amount paid out,			27,691 55 1
			<hr/>
Balance remaining in treasury,			23,705 30 2
To the Virginia Military school fund,	\$5,158	81	2
Deduct amount paid out,	15	00	0
			<hr/>
Balance remaining in the treasury,			5,143 81 2
To amount of redemption do.	2,715	63	2
Deduct amount paid out,	494	49	4
			<hr/>
Balance remaining in the treasury,			2,221 13 8

—*—

TO THE GENERAL REVENUE, DR.

To amount received of the late treasurer of state,	152,957	42	5
To amount received for taxes to this date,	4,481	42	0

To amount received from the Pen- itentiary,	10,925 62 0
To Auditor's draft on the Miami Exporting Company,	932 83 5
To interest on amount collected on authorised loans,	23 47 0
	<hr/>
	169,270 77 0

Deduct the amount of bills re- deemed at the treasury from 23d February up to this day,	45,193 16 0
	<hr/>

Balance remaining in the treasury,	124,077 61 0
	<hr/>

Total amount of funds this day in the treasury and on deposits,	155,147 86 1
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All which is respectfully submitted,
SAMUEL SULLIVAN,
Treasurer.

ACTS

PASSED AT THE SECOND SESSION

OF THE

Twentieth General Assembly

OF THE

STATE OF OHIO,

BEGUN AND HELD IN THE TOWN OF COLUMBUS,

MAY 20, 1822;

AND IN THE TWENTY-FIRST YEAR OF SAID STATE

VOL. XXI.

*Incorrectly marked
XXI, is next vol*

XXI, is next vol

PUBLISHED BY AUTHORITY.

COLUMBUS:

Printed at the Office of the Columbus Gazette;

By P. H. OLSTED,

.....

1822

LWS.

CHAPTER I.

AN ACT, to divide the state of Ohio into Congressional Districts.

SEC. 1. *Be it enacted by the General Assembly of the state of Ohio,* That the state shall be divided into fourteen districts for the election of members of congress, in the following manner: The counties of Hamilton and Clermont shall compose the first district; the counties of Butler and Warren shall compose the second district; the counties of Montgomery, Preble, Miami, Dark, Mercer, Van Wert, Paulding, Williams, Shelby, Allen and Putnam shall compose the third district; the counties of Green, Clark, Champaign, Madison, Union, Logan, Hardin, Hancock, Wood and Henry shall compose the fourth district; the counties of Brown, Adams, Highland and Clinton shall compose the fifth district; the counties of Ross, Fayette, Pickaway and Hocking shall compose the sixth district; the counties of Pike, Scioto, Lawrence, Jackson, Gallia, Meigs, Athens and Washington shall compose the seventh district; the counties of Franklin, Licking, Knox, Delaware, Coshocton Marion, and Crawford shall compose the eighth district; the counties of Fairfield, Perry and Muskingum shall compose the ninth district; the counties of Guernsey, Belmont, Morgan and Monroe shall compose the tenth district; the counties of Jefferson, Harrison and Tuscarawas shall compose the eleventh district; the counties of Columbiana, Stark and Wayne shall compose the twelfth district; the counties of Trumbull, Portage, Geauga and Ashtabula shall compose the thirteenth district; the counties of Cuyahoga, Medina, Richland, Huron, Sandusky and Seneca shall compose the fourteenth district. Any county which may hereafter be erected from counties lying in more than one congressional district, shall, for the purpose of electing representatives in congress, be attached to such congressional district as the legislature may direct at the time of erecting such county.

SEC. 2. *Be it further enacted,* That on the second Tuesday of October, in the year of our Lord one thousand eight hundred and twenty-two, the electors within each congressional district in this state, shall vote for a suitable person residing therein to represent the state of Ohio in the congress of the United States, for the term of two years, commencing on the fourth day of March, in the year of our Lord one thousand eight hundred and twenty-three.

SEC. 3. *Be it further enacted,* That at every period of two years from the said second Tuesday of October, the electors of each congressional district in this state shall, in like manner vote for a suitable person to represent this state in the congress of the United States, for the term of two years, to commence on the 4th day of March next thereafter.

SEC. 4. *Be it further enacted,* That all elections under this act shall be held and conducted in all respects conformably to the provisions of the act, entitled "An act to regulate elections."

SEC. 5. *Be it further enacted,* That the clerk of the court of common pleas of each county, to whose office a return of votes for a representative to congress shall be made, shall in addition to the certified copy required to be forwarded to the secretary of state, by the provisions of the 22d section of the act, entitled "An act to regulate elections," make out from the returns in his office a separate abstract of votes for representative to Congress, which he shall seal and direct to the secretary of state, and endorse on the outside or corner of such abstract the words, "Abstract of votes for a representative to congress, returned to the clerk's office of" (here add the name of the county,) and the respective clerks shall each deliver the abstract aforesaid to one of the members of the legislature, who shall take charge of the same and deliver it to the secretary of state.

SEC. 6. *Be it further enacted,* That within ten days after the commencement of the session of the legislature, first to be holden after such election, the governor and secretary of state shall, in the presence of the senate, open the returns made to the secretary of state for representatives to congress; and if it shall appear that returns have been received from all the counties agreeably to the provisions of the fifth section of this act, the governor and secretary of state shall proceed to ascertain the number of votes given to the different persons in each congressional district; but if such returns shall not have been received from all the counties, as aforesaid, and abstracts shall have been received by

the secretary of state from such delinquent counties, agreeably to the provisions of the 22d section of the act entitled "An act to regulate elections," the governor and secretary of state shall be governed, so far as it relates to such delinquent counties by the abstracts last mentioned, and the persons having the highest number of votes shall be considered duly elected: but if it shall appear from the returns and abstracts aforesaid, that any two or more persons in any district have the highest and an equal number of votes for representative to congress, the governor and secretary of state shall decide by lot which of said persons shall be duly elected, and the governor shall give to each person duly elected a certificate of his election, which certificate shall be signed by the governor and sealed with the great seal, and countersigned by the secretary of state.

SEC. 7. *Be it further enacted*, That the act entitled "An act to district the state of Ohio," passed February 14th, 1812, be and the same is hereby repealed; *Provided*, That in case a vacancy should take place in the representation from this state in the present congress, the same shall be filled as if the said act had not been repealed.

JOHN BIGGER,

Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate.

May 23, 1822.

CHAPTER II.

AN ACT, supplementary to an act, entitled "An act for the protection of Steam Boats owned by citizens of this state, and navigated on Lake Erie.

SEC. 1. *Be it enacted by the General Assembly of the state of Ohio*, That no person or persons shall be permitted to land any passenger or passengers from any boat or water craft, on the shore of any bay or river discharging its waters into Lake Erie, nor on any wharf erected on the shore of said Lake, or that is or shall be erected on the shore of any bay or river discharging its waters as aforesaid within the jurisdiction of this state from any boat or water craft whatever, where the boat or water craft is or shall be moved by steam or fire, where the owner or owners of said boat shall have or claim the right and privilege to navigate so much of the waters of Lake Erie, as is within the jurisdiction of the state of

New-York, under color of any law of said state, granting the exclusive right of such navigation to Robert R. Livingston and Robert Fulton, and their assigns; nor shall any person or persons be permitted to convey from the shore of Lake Erie, or from the shore of any bay or river discharging its waters into said Lake; nor shall the commander of any boat or water craft moved by steam or fire owned as aforesaid, be permitted to receive any passenger or passengers from the shore of Lake Erie, or from the shore of any bay or river discharging its waters into said Lake, or from any wharf erected or that may be erected on the shore of said Lake, or on the shore of any bay or river discharging its waters into said Lake within the jurisdiction of this state: And every person who shall violate any of the provisions of this act, or who shall be aiding, assisting or abetting any person in the violation thereof, and the owner or owners, or master or commander of any such boat or water craft moved by steam or fire, and owned as aforesaid, shall incur the like forfeiture as is prescribed in the act to which this is supplementary, to be prosecuted and disposed of agreeably to the provisions of the act last aforesaid: *Provided*, That the provisions of this act shall not extend to the owner or owners of a boat moved by steam or fire as aforesaid, where such owner or owners in whom the exclusive right as aforesaid is or shall be vested, shall give and grant free of contribution to such citizens of this state as are or shall be owners or proprietors in a boat constructed to be moved by steam or fire, and to such associations as may be formed for the purpose of erecting a boat to be moved by steam or fire on said Lake, the privilege of navigating so much of the waters of Lake Erie as are within the jurisdiction of New-York, when thereto requested.

JOHN BIGGER,

Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate.

May 23, 1822.

CHAPTER III.

AN ACT, making appropriations to defray the expenses of distributing laws and journals, and for other purposes.

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 state, to defray the expenses of the government, for the year one thousand eight hundred and twenty-two, to wit: For the payment of the General Assembly, including their clerks and door-keepers, in addition to the sums already appropriated, at the last session, a sum not exceeding three thousand dollars; for defraying the expenses of distributing the laws and journals of the first and second sessions of the present General Assembly, the sum of four hundred and fifty dollars; to William Dandridge, for stationery and work done on the public buildings, the sum of ten dollars; to John Marcy, the sum of seventy-five cents; to Robert W. McCoy, the sum of one dollar and fifty cents; to the Librarian, the sum of eight dollars.

JOHN BIGGER,

Speaker of the House of Representatives,

ALLEN TRIMBLE,

Speaker of the Senate.

May 23, 1822.

RESOLUTIONS.

Resolved by the General Assembly of the state of Ohio, That the keeper and inspector of the Ohio Penitentiary be, and they are hereby authorized to dispose of the present warehouse attached to the Penitentiary, in such manner and on such terms as they shall judge best for the interest of the state; and from the avails of the sales thereof, and the proceeds of the sales of manufactured articles on hand, not to exceed the amount of two hundred dollars, to erect a warehouse of brick or other durable materials, of such dimensions as the Auditor of state and the keeper and inspector of the Penitentiary shall think most advisable.

May 23, 1822.

Resolved by the General Assembly of the state of Ohio, That the auditor of state is hereby authorized to draw on the treasurer for any amount, on the order of one or more of the commissioners appointed under the "Act, authorizing an examination into the practicability of connecting Lake Erie with the Ohio river by a Canal," which the said commissioners

may think proper to draw for, not exceeding the appropriation made by the act aforesaid, upon exhibiting to him a bill of estimates; and the treasurer of state is hereby authorized to pay the same, to any amount not exceeding one thousand dollars, out of any monies whatsoever in the treasury.

May 23, 1822.

Resolved by the General Assembly of the state of Ohio, That the auditor, treasurer and secretary of state, be and they are hereby authorized to make such contracts with a printer or printers of the public newspapers in Columbus, on the most favorable terms for the interest of the state, for such printing as is required to be done at the seat of government, by the thirty-eighth section of the act entitled "An act, levying a tax on land," passed February eighth, one thousand eight hundred and twenty.

May 23, 1822.

Secretary of State's Office,

Columbus, Ohio, May 27, 1822.

I do certify the foregoing acts and resolutions to be correct copies from the original rolls remaining on file in this office.

JER. McLENE, *Secretary of State*

ACTS

OF

A GENERAL NATURE,

PASSED AT THE FIRST SESSION

OF THE

Twenty-first General Assembly

OF THE

STATE OF OHIO,

BEGUN AND HELD IN THE TOWN OF COLUMBUS,

DECEMBER 2, 1822;

AND IN THE TWENTY-FIRST YEAR OF SAID STATE.

VOL. XXI.

PUBLISHED BY AUTHORITY.

COLUMBUS:

Printed at the Office of the Columbus Gazette

By P. H. OLMSTED.

.....

1823,



CHAPTER I.

AN ACT, to amend the act entitled "An act regulating the times of holding judicial courts," passed February 1, 1822.

SEC. 1. *Be it enacted by the General Assembly of the state of Ohio,* That the supreme court shall commence and be holden in the county of Franklin, on the 24th day of December 1822; any thing in the act to which this is an amendment to the contrary notwithstanding.

SEC. 2. *Be it further enacted,* That the clerk of said supreme court shall be authorized, and is required, immediately after the taking effect of this act, to proceed to draw from the box containing the names of the jurors returned for said county, in the manner pointed out by law, the names of twelve persons having the qualifications of jurors, and issue a venire facias requiring them to attend at the term aforesaid, and deliver the same to the sheriff of said county to serve and return; and the said sheriff shall be required to serve the same on each person therein named, at least three days prior to the sitting of said court.

SEC. 3. *And be it further enacted,* That all suits now pending or prosecutions commenced before said court at the time of the taking effect of this act, shall be continued or returned to the said court so to be holden as aforesaid.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

December 7, 1822.

CHAPTER II.

AN ACT to amend the act entitled "an act providing for the remission of penalties, and for the sale of lands for taxes."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the state Treasurer, and the respective county Treasurers, be and they are hereby authorized to receive

until the fifteenth day of January next, all arrearages of land taxes, which may have become due prior to the year 1820, with legal interest on each years taxes, from the time the same became due, and in case the arrearages of taxes and interest on any land shall be paid on or before the fifteenth day of January aforesaid, all penalties which have accrued thereon prior to the year 1820, shall be and the same are hereby remitted, any thing in the act, entitled "an act providing for the remission of penalties, and for the sale of lands for taxes," passed January 30th, 1822, to the contrary notwithstanding.

JOSEPH RICHARDSON,
Speaker of the House of Representatives,
 ALLEN TRIMBLE,
Speaker of the Senate.

December 11, 1822.

CHAPTER III.

AN ACT further to amend the act, entitled "an act authorizing the establishment of a medical college."

Whereas the visitors from the medical convention, to the medical college of Ohio, have represented to the General Assembly that it is necessary that a board of trustees for the said college should be appointed.— Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all and singular the corporate powers and privileges heretofore granted to, and lawfully exercised by the faculty of professors of said college, (except such as are herein excepted) shall be and the same are hereby transferred to and invested in a board of trustees.

SEC. 2. *Be it further enacted,* That the board of trustees shall consist of thirteen members, who shall hold their offices for three years, and until their successors are appointed: they shall have power to fill all vacancies that may occur in their own body, during the term for which they are appointed, and a majority of the whole number shall be necessary to form a quorum for the transaction of business.

SEC. 3. *Be it further enacted,* That the board of trustees shall appoint from their own body a president, secretary and Treasurer, and such other officers as they may deem necessary to their proper organization,

Sec. 4. *Be it further enacted,* That all appointments of professors and officers made by the board of trustees, in constituting and organizing a faculty in said college, except the registrar or clerk of the faculty who shall be appointed by the faculty themselves, shall be for an indefinite time, and subject to the pleasure of the trustees; a majority of the whole number of trustees shall be necessary to the election or dismissal of any professor, or officer of the faculty.

Sec. 5. *Be it further enacted,* That William Corry, William H. Harrison, Samuel W. Davies, Vincent C. Marshall, Jeremiah H. Brower, Joseph Canby, Joseph Gest, Ethan Stone, Jacob Burnet, Truman Bishop, William Burk, Martin Ruter and Alexander Campbell, be and they are hereby appointed trustees for the ensuing three years: it shall be the duty of the first named trustee forthwith to notify the others of their appointment, and fix on the time and place for the first meeting of the board.

Sec. 6. *Be it further enacted,* That the board of trustees herein provided for, shall be appointed by joint resolution of the General Assembly from time to time, as their terms of service may expire.

Sec. 7. *And be it further enacted,* That so much of the act, entitled "an act, authorizing the establishment of a medical college," passed January 19th, 1819, and of the amendatory act, entitled "an act, to amend the act, entitled an act, authorizing the establishment of a medical college," passed December 30th, 1819, as may come within the perview of this act, shall be and the same are hereby repealed.

JOSEPH RICHARDSON.

Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate.

December 13, 1822.

CHAPTER IV.

AN ACT, to ascertain the number of deaf and dumb persons in this state.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio,* That the listers of the several townships in each county in this state, are hereby required at the times of taking the enumeration of the white male inhabitants, of twenty

one years of age agreeably to law, to take a list of all the deaf and dumb persons in their respective townships, together with their age, sex and circumstances as near as practicable, and to return the said list to the clerks of the court of common pleas of their respective counties, at the time of the returning the said enumeration of the white male inhabitants, and each of the said clerks shall file such returns in his office, and make out an abstract therefrom, which he shall certify and transmit to the Speaker of the Senate, as is provided by the third section of the act, entitled "an act, regulating the mode of taking the enumeration of the white male inhabitants, above the age of twenty-one years." And the Governor, clerks of the courts of common pleas, and township trustees shall each, in giving notice of the provisions of this act, be governed by the 4th and 5th sections of the above recited act; and the clerks of the courts of common pleas, and listers shall for neglect of duty under the provisions of this act, be subject to the penalties imposed by the 6th section of the above recited act.

JOSEPH RICHARDSON,
Speaker of the House of Representatives
 ALLEN TRIMBLE,
Speaker of the Senate:

December 28, 1822,

CHAPTER V.

AN ACT making special appropriations for the performance of certain state contracts, made in 1822, and other purposes.

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 state, for the payment of the following contracts, made and executed in the year 1822, to wit: to Philo H. Olmsted, four hundred and ninety-two dollars and sixty-seven cents, the amount of his contract for publishing advertisements of sales of land for taxes: to David Smith, four hundred and twenty dollars, the amount of his contract for publishing advertisements of sales of land for taxes: to Gibbes Greenham, fifty dollars the amount of his contract for furnishing candles, for the use of said state.

SEC. 2. *Be it further enacted,* That the sum of one thousand seven hundred dollars, be and the same is hereby appropriated, for the payment of brigade inspectors, adjutants general, and quarter masters general, which sum so far as the same shall appear due, shall be paid on the order of the Auditor of state.

SEC. 3. *Be it further enacted,* That the sum of ten thousand dollars, be and the same is hereby appropriated for the payment of the members of the General Assembly, their clerks and door keepers, in part of their wages for the present session, on the certificate of the Speaker of their respective houses, and the Auditor of public accounts is hereby directed to issue bills payable at the Treasury of state, to the amount of said certificates.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
 ALLEN TRIMBLE,
Speaker of the Senate.

December 23, 1822.

CHAPTER VI.

AN ACT to amend the act, entitled "an act, to regulate elections."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the clerks of the court of common pleas of each county, to whose office a return of votes for Governor shall be made, shall in addition to the certified copy of the abstracts of said votes required to be forwarded to the Speaker of the Senate, by the provisions of the twenty-second section of the act, entitled 'an act, to regulate elections' make out another certified copy from the return of votes for governor, which he shall deliver to one of the members of the General Assembly, who shall deliver the same to the Speaker of the Senate, and both of which copies of abstracts of votes for governor as aforesaid, shall be endorsed on the out side or cover thereof, "an abstract of votes for governor returned to the clerks office, of the county of _____" and the said copies being so endorsed shall be by the said clerks, forwarded to the seat of government, after every election for governor, on or before the first Monday in December next thereafter.

SEC. 2. *And be it further enacted,* That the Speaker of the Senate shall within three days from the organizing of the Gen-

eral Assembly, open and publish the abstracts of votes by him received, in conformity to the provisions of the second section of the second article of the Constitution.

JOSEPH RICHARDSON,
Speaker of the House of Representatives,
ALLEN TRIMBLE,
Speaker of the Senate

January 1, 1823.

CHAPTER VII.

AN ACT further to amend the act, entitled "an act, against forcible entry and detainer."

<i>Justices to take bond from non residents before issuing warrant,</i>	<i>When one justice dies or resigns process to be issued by the other,</i>	
<i>Provisions thereof,</i>	<i>ib.</i>	
<i>Execution may issue to the Sheriff of another county,</i>	<i>Cases enumerated in which suits for forcible entry &c. will lie,</i>	

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio.* That whenever complaint is made to any two justices of the peace, under the act to which this is an amendment, and the person complaining, does not reside in the county where the complaint is made; it is hereby made the duty of the justices before whom complaint is made, or either of them before any warrant is issued to take a bond, with sufficient security in the sum of one hundred dollars, payable to the party complained against, conditioned for the payment of all costs, that may accrue, in case judgment be rendered against complainant, which bond shall be filed with one of the said justices, for the benefit of the obligee of said bond.

SEC. 2. *Be it further enacted,* That in case judgment be rendered by the said justices in pursuance of said act, against any party residing out of the county, where the suit is brought, or in case any party shall remove out of said county, into some other county in this state after judgment, it shall be lawful for said justices to issue their execution for the costs directed to the sheriff of the county, where the party shall reside, or may be found, which execution shall be returnable sixty days after the date thereof, and the sheriff to whom such execution is directed, shall serve and return the same as directed therein.

Sec. 3. *Be it further enacted,* That in case any one of the two justices, before whom judgment may be obtained, under the act to which this is an amendment, shall die, or his office become vacant in any manner, before the judgment shall be executed, it shall be lawful for the remaining, or surviving justice to carry the same into effect, by issuing execution thereon.

Sec. 4. *And be it further enacted,* That proceedings under the act, against forcible entry and detainer, and the several acts, amendatory thereto, may be had in all cases against tenants holding over their term, in all cases of sales of real estate, by sheriffs or coroners, where the judgment debtor was in possession of such estate, at the time of the rendition of the judgment by virtue of which such sale was had; in all cases when the defendant or defendants are settlers on the land without any colour of title, and to which the complainant has the right of possession.

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.
ALLEN TRIMBLE,
Speaker of the Senate.

January 10, 1823.

CHAPTER VIII.

AN ACT to amend the act, entitled "an act, to organize the Judicial Courts, and regulate their practice."

Supreme Judges to meet annually in Columbus,	1	{ Rules to be adopted, for trans-	5
Important and doubtful cases to be reserved for their decision,	2	{ mitting cases.	5
Manner of conducting said cases,	3	{ Judges to appoint a Reporter,	6
Decisions to be reduced to writing,	4	{ Duty of Reporter,	ib.
		{ Salary of Reporter,	7
		{ Secretary of State to subscribe for Reports,	9
		{ Precedence of Judges determined.	9

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of all the judges of the su-

preme court, to meet annually in the town of Columbus, immediately after the close of their circuit, in order to consult upon, and decide all questions of law, which may be reserved in any county in the state, for decision at said session, as hereinafter provided.

SEC. 2. *Be it further enacted,* That whenever any important or difficult question, either in law or equity, shall arise before the supreme court in any county, the judges holding said court may reserve the same for decision, at said session of the judges of the supreme court, next thereafter to be holden in Columbus as aforesaid.

SEC. 3. *Be it further enacted,* That whenever a question shall be reserved as herein before provided, the court shall direct the same to be argued in the county, where the same shall arise, or the arguments of counsel shall be made out in writing and transmitted to the judges at their said session in Columbus.

SEC. 4. *Be it further enacted,* That the judges at their said session in Columbus, shall cause their decisions in each case, to be reduced to writing, which shall be transmitted to the clerk of the supreme court, of the county in which such question arose, who shall enter the same of record, and proceedings thereon shall be had, as if such decision had been made in said county.

SEC. 5. *Be it further enacted,* That the judges shall make such rules, for the transmitting of cases from the courts, in the respective counties, to the said session at Columbus, as to them shall seem necessary and proper.

SEC. 6. *Be it further enacted,* That the said judges shall appoint a reporter, who shall report all decisions, made at said sessions in Columbus, and such other important decisions, as he may be directed by said judges to report, and cause the same to be published, as soon as may conveniently be done after each session.

SEC. 7. *Be it further enacted,* That the reporter shall receive for his services, annually, a sum not exceeding three hundred dollars, to be allowed and certified by said judges and paid out of the state Treasury, on the order of the Auditor of state.

SEC. 8. *Be it further enacted,* That the Secretary of state, shall subscribe on behalf of the state, for one hundred copies of said reports, subject to the disposal of the General Assembly: *Provided,* The subscription price to the state, shall not exceed one cent, for each page, of the size of Johnson's New York term reports.

Sec. 9. *And be it further enacted, That the judges of the supreme court, shall have precedence according to the date of their commissions, but in case either of said judges shall be elected for two or more terms in succession, then he shall take precedence according to the date of his commission, for the first of said terms, and where the commissions of two or more judges, shall be of the same date, they shall have precedence, with respect to each other, according to their respective ages, and the judge entitled to precedence over all the others, shall be styled chief judge of said court, any thing in the first section of the act, entitled "an act, to organize the judicial courts, and regulate their practice," to the contrary notwithstanding.*

JOSEPH RICHARDSON,
Speaker of the House of Representatives,
ALLEN TRIMBLE,
Speaker of the Senate.

January 20, 1823.

CHAPTER IX.

AN ACT to amend an act, entitled "an act, for granting licenses, and regulating ferries, taverns and stores.

Thirty days notice to be given before application for license to keep a tavern,	1	Court to hear objections if any,	ib.
Also a recommendation signed by 12 land holders,	ib.	Proceedings, when license expires in the recess of the Court,	2
License to be granted for one year, on payment to the Treasurer,	ib.	License for a new store how obtained,	3
License may be renewed without petition or notice,	ib.	Repeating clause,	ib.
		Commencement,	ib.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That after the taking effect of this act, every application for license, to keep a new tavern, shall be made to the court of common pleas, of the proper county in manner following: The applicant shall produce satisfactory evidence, to the court of having given at least thirty days notice, by advertisement in three of the most public places in the township, in which the tavern is wanted, of his intention to apply for a license, and also a recommendation in writing*

subscribed by twelve or more, reputable land holders, residing in the neighbourhood of the place, where it is proposed to establish a tavern, setting forth that a tavern is needed at such place, and that the applicant is a suitable person, to be licensed to keep a tavern, and upon such application and recommendation being made known to the court, and no reasonable objection being made thereto, the court if they shall be 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 procuring 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 in all cases where any person or persons apply for a renewal of his, her or their license, for a tavern in the same house, or at the place, for which he, she or they had a former license granted, it shall not be necessary, for either of them to advertise, nor apply by petition, but should there be objections, the court shall here the same, and judge of the propriety of continuing said license.

SEC. 2. *Be it further enacted,* That in all cases where a license shall expire, in the vacation of the court, and the holder of such license shall apply for, and obtain a renewal of his said license, on the first day of the next term of said court, either for a ferry, tavern or store, the same shall include the time, from which the former license expired, as well as the time for which it shall extend, the applicant paying a ratable proportion, for the time he, she or they shall have been without a license, and shall thereby be exonerated, from any penalty to which he, she or they, would otherwise be liable, under the provisions of the act, to which this is an amendment.

SEC. 3. *Be it further enacted* That it shall be the duty of any person desiring to open a new store, during the recess of the court, to apply to the clerk of the court of common pleas, of the county in which such store, is intended to be opened, who is hereby authorized to grant a permit to retail merchandize, until the next sitting of the court of common please, of the proper county, so soon as the applicant shall secure the payment of such sum, as the time from the date of his permit, until the next term of the court will amount to, at the rate which may be fixed by the court: And should the retailer not apply for a license, at the next court of common pleas, he shall be subject to pay at

the highest rate, paid for a store licence, by the act, to which this an amendment.

SEC. 4. *And be it further enacted,* That that the sixth, seventh and eleventh sections of an act, for granting licenses, and regulating ferries, taverns and stores," passed February 25th, 1820, be and the same are hereby repealed.

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

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

January, 23 1823.

CHAPTER X.

AN ACT supplementary to the act, making provision for carrying into effect, the act for the punishment of crimes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the deputy keeper and guards, provided for by the sixteenth section of the act, to which this is supplementary, shall, before entering upon the duties of their stations, each, take an oath or affirmation, well and faithfully to discharge the duties of their respective stations, and that they will give immediate notice to the keeper, of any conspiracy amongst the convicts, or improper conduct of their fellow keepers or guards.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

January 23, 1823.

CHAPTER XI.

AN ACT to provide for the distribution and safe keeping of the public arms, and for other purposes.

Governor to draw for this State's proportion of arms,	1	arms, amongst the several divisions and brigades,	4
Quarter master to receive the arms, and of what description,	2	Duty of major generals in assigning the pieces of artillery,	5
Quarter master to designate the places of deposit,	ib.	Duty of brigadier generals in distributing arms.	5
Five places of deposit pointed out,	3	Commandants of companies receiving arms to give bond and security, for safe keeping thereof,	7
Officers appointed to take charge of the arms, at each place of deposit,	ib.	Conditions of bond,	ib.
Quarter master general to make an apportionment of		Duty of commandants of companies in keeping and using said arms,	ib.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor of this state, be and he is hereby required to draw an order upon the General Government, for this state's proportion of the arms, *provided* by an act of Congress, passed the twenty-eighth day of April, one thousand eight hundred and eight, for arming the whole body of militia of the United States.

SEC. 2. *Be it further enacted,* That the quarter master general of this state, be and he is hereby required to draw said state's proportion of arms, in the following manner, and proportion, *viz.* six pieces of field artillery, in addition to the pieces already drawn, to be six pounders completely mounted and equipt, and the remaining balance of said state's proportion of said arms, shall be drawn in such description of arms as the governor of this state shall from time to time direct, and said quarter master general shall sign, and forward the requisite receipts for the arms aforesaid and shall designate therein to the Secretary of war, or other officer of the General Government having in charge the transportation of the public arms, the places within this state, where such arms shall be deposited.

SEC. 3. *Be it further enacted,* That there shall be five places of deposit for the public arms within this state, to wit: Mansville, Steubenville, Portsmouth, Cincinnati and Colum-

bus, to which places, the quarter master general shall direct the public arms to be forwarded, agreeably to the provisions of the second section of this act, in equal proportions, deducting from the proportion to be deposited at Columbus, the number now in the possession of the quarter master general, and such proportion of said arms, as shall be deposited at Painsville, shall be placed under the care of major general Eli Bond, those at Steubenville, under the care of brigadier general John Patterson, those at Portsmouth, under the care of brigadier general William Kendall, those at Cincinnati, under the care of major general James Findley, and those at Columbus, under the care of brigadier general Joseph Foss, and their successors in office, whose duty it shall be to take charge of said arms, and deliver over the same, agreeably to such provisions, as shall hereafter be provided for.

SEC. 4. *Be it further enacted*, That so soon as the order of the governor, mentioned in the first section of this act, shall have been accepted, and notice thereof having been given to the quarter master general, who having signed receipts for, and drawn the arms, in the manner and proportion, prescribed in the preceeding sections of this act, it shall be the duty of the quarter master general to make an equal apportionment of said arms among the divisions and brigades of the militia of this state, in the following manner, viz: to each division one piece of artillery, and the remaining balance of this state's proportion of arms, among the several brigades, according to their numbers and strength respectively, and shall give notice to the commandants of divisions and brigades, the places where the arms so allotted are deposited, and shall transmit therewith a schedule in writing, containing the value of said arms.

SEC. 5. *Be it further enacted*, That it shall be duty of the commandants of division, so soon as they are notified by the quarter master general, of the piece of artillery allotted to their divisions, to assign the use of said piece of artillery, to the senior organized and uniformed company of artillery within his division, and issue an order, on the person having in charge said piece, to deliver the same to the commandant of said company, and it shall be the duty of such commandant of company, to provide a shelter or place of safe-keeping, and take care of said piece.

SEC. 6. *Be it further enacted*, That so soon as the commandants of brigades respectively, shall be notified by the quarter master general, of the arms allotted to their

several brigades, and the places where such arms are deposited, and so soon as there shall be one or more companies of artillery, one or more companies of cavalry or troop of horse, one or more companies of riflemen, one or more companies of light infantry, organized and uniformed according to the provisions of the act, to provide for organizing and disciplining the militia of this state, and the return thereof having been made to the brigadier general, to which such company belongs, it shall be the duty of said brigadier generals to distribute said arms, among the volunteer companies of his brigade, by supplying the senior organized and uniformed companies of each description of troops first, and shall give to the commandants of such companies as are entitled to receive arms, by the provisions of this act, an order on the person having the charge of said arms, to deliver to the said commandant of company a sufficient number of a suitable description of arms for said company, which number and description shall be designated in said order.

SEC. 7. *And be it further enacted,* That the commandant of any volunteer company, who may by the provisions of this act, be entitled to receive arms, shall when he receives an order from the brigadier general, on the person having in charge said arms, give the said commandant of brigade a bond, with two or more freehold securities to be approved of by said commandant of brigade, in double the amount of the value of such arms, and made payable to the quarter master general, which bond shall be filed with the quarter master of brigade, who shall when such bond becomes forfeited, be authorized to sue for and collect the same, by action of debt, before any court having jurisdiction thereof, and pay over the same, to the pay master general, taking his receipt therefor, the conditions of said bond, shall be for the safe keeping and delivery of said arms, in good repair, when required by the commandant of their respective brigades, and it shall be the duty of such commandant of volunteer company, to provide a place of safe deposit, at or near his place of company muster, for said arms, and only deliver them to the persons composing his company, on days of training, and at the close of such training, he shall see that they are all returned and safely deposited, and in all cases the companies entitled to and receiving arms, under the provisions of this act, shall bear all the expense of transport-

ing and delivery of said arms, from the places of deposit, to such company.

JOSEPH RICHARDSON.

Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate.

January 23, 1823.

CHAPTER XII.

AN ACT Regulating the times of holding Judicial Courts.

<i>Times of holding supreme courts,</i>	1	<i>Times of holding courts, in the sixth circuit,</i>	7
<i>Times of holding courts of common pleas, in the first circuit,</i>	2	<i>Times of holding courts, in the seventh circuit,</i>	8
<i>Times of holding courts, in the second circuit,</i>	3	<i>Times of holding courts, in the eighth circuit,</i>	9
<i>Times of holding courts, in the third circuit,</i>	4	<i>Times of holding courts, in the ninth circuit,</i>	10
<i>Times of holding courts, in the fourth circuit,</i>	5	<i>Provisions, when the first day for holding any court happens on Sunday.</i>	11
<i>Times of holding courts, in the fifth circuit,</i>	6	<i>Repealing clause,</i>	12
		<i>Commencement,</i>	13

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Supreme Court shall be holden as follows, to wit: In the county of Pike on the twenty-fourth day of March; in the county of Jackson on the twenty-seventh day of March; in the county of Galia on the thirty-first day of March; in the county of Lawrence on the third day of April; in the county of Scioto on the seventh day of April; in the county of Adams on the eleventh day of April; in the county of Brown on the seventeenth day of April; in the county of Highland on the twenty-fourth day of April; in the county of Fayette on the twenty-eighth day of April, in the county of Clinton on the first day of May; in the county of Green on the fifth day of May; in the county of Warren on the eighth day of May; in the county of Clermont on the fifteenth day of May; in the county of Hamilton on the nineteenth day of May; in the county of Butler on the sixteenth day of June; in the county of Preble on the twentieth day of June; in the county of Montgomery on the twenty-third day of June;

in the county of Shelby on the twenty-seventh day of June; in the county of Dark on the thirtieth day of June; in the county of Miami on the first day of July; in the county of Logan on the fourth day of July; in the county of Champaign on the seventh 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 Union on the twenty-first day of July; in the county of Delaware on the twenty-third day of July; in the county of Wood on the twenty-eighth day of July; in the county of Sandusky on the thirtieth day of July; in the county of Huron on the first day of August; in the county of Cuyahoga on the fourth day of August; in the county of Geauga on the seventh day of August; in the county of Ashtabula on the eleventh day of August; in the county of Trumbull on the fourteenth day of August; in the county of Portage on the eighteenth day of August; in the county of Medina on the twenty-second day of August; in the county of Wayne on the twenty-fifth day of August; in the county of Richland on the twenty-ninth day of August; in the county of Knox on the first day of September; in the county of Licking on the fourth day of September; in the county of Coshocton on the eighth day of September; in the county of Tuscarawas on the tenth day of September; in the county of Stark on the twelfth day of September; in the county of Columbiana on the seventeenth day of September; in the county of Jefferson on the twenty-second day of September; in the county of Harrison on the twenty-ninth day of September; in the county of Belmont on the second day of October; in the county of Monroe on the sixth day of October; in the county of Guernsey on the eighth day of October; in the county of Muskingum on the tenth day of October; in the county of Morgan on the seventeenth day of October; in the county of Washington on the twentieth day of October; in the county of Meigs on the twenty-seventh day of October; in the county of Athens on the twenty-ninth day of October; in the county of Hocking on the thirty-first day of October; in the county of Perry on the third day of November; in the county of Fairfield on the sixth day of November; in the county of Pickaway on the twelfth day of November; in the county of Ross on the twenty-first day of November; in the county of Franklin on the fourth day of December.

SEC. 2. *Be it further enacted,* That there shall be nine circuits of the court of Common Pleas within this State.— The first circuit shall be composed of the counties of Mont-

gomery, Clark, Champaign, Logan, Miami, Shelby and Dark; and the courts of common pleas shall be holden therein as follows to wit: in the county of Montgomery on the fourth Monday of February, the third Monday of May & second Monday of October; in the county of Clark on the second Monday of March, fourth Monday of May and third Monday of October; in the county of Champaign on the third Monday of March, the first Monday of June and fourth Monday of October; in the county of Logan on the fourth Monday of March and second Mondays of June and November; in the county of Miami on the first Monday of April, and third Mondays of June and November; in the county of Dark on the third Monday of April, and on the first Monday of October; in the county of Shelby on the Thursday next following the times of holding court in the county of Dark.

SEC. 3. *Be it further enacted*, That the counties of Ross, Hocking, Fayette, Highland, Brown and Adams, shall compose the second circuit, and the courts of common pleas shall commence and be holden therein, as follows to wit: in the county of Ross on the tenth day of March, sixteenth day of June and twenty-second of September; in the county of Hocking on the thirty-first day of March, seventh of July and thirteenth of October; in the county of Fayette on the fifth day of May, fourteenth of July and twentieth of October; in the county Highland on the twelfth day of May, twenty-first of July, and twenty-seventh of October; in the county of Brown on the nineteenth day of May, twenty eighth of July, and third of November; in the county of Adams on the fourth of June, eleventh of August and tenth of November.

SEC. 4. *Be it further enacted*, That the counties of Portage, Medina, Huron, Cuyahoga, Geauga, Ashtabula, and Trumbull, shall compose the third circuit; and the courts of common pleas, shall be holden therein, as follows, to wit: In the county of Portage, on the eighteenth day of February, thirteenth day of May, and twenty-third day of September; in the county of Medina, on the twenty-fifth day of February, and the thirtieth day of September; in the county of Huron, on the fourth day of March, the nineteenth day of May, and the sixth day of October; in the county of Cuyahoga, on the eleventh day of March, the third day of June, and the twenty-first day of October; in the county of Geauga, on the eighteenth day of March, the tenth day of June, and the twenty-eighth day of October; in the county of Ashtabula, on the twenty fourth day of March, the sixteenth day of June, and the third day of November; and in the

county of Trumbull, on the thirty-first day of March, the twenty-third day of June, and the tenth day of November: And the counties of Wood and Sandusky, shall be attached to the third circuit, and the courts of common pleas shall be holden in the county of Wood, on the twenty-sixth day of May, and the thirteenth day of October; and in the county of Sandusky, on the twenty-ninth day of May, and the sixteenth day of October: And the President of the third circuit shall be allowed the sum of one hundred and fifty dollars, as a compensation for going to and holding courts in said counties of Wood and Sandusky, so long as the same remain attached to his circuit, in addition to the salary now allowed said President by law, to be paid in the same manner, as said salaries are now paid.

Sec. 5. Be it further enacted, That the counties of Richland, Wayne, Tuscarawas, Coshocton, Knox, Licking, and Muskingum, shall compose the fourth circuit, and the court shall be holden therein as follows, to wit; In the county of Richland, on the thirty-first day of March, the twenty-first day of July, and the third day of November; in the county of Wayne, on the seventh day of April, the twenty-eighth day of July, and the tenth day of November; in the county of Tuscarawas, on the fourteenth day of April, the fourth day of August, and seventeenth day of November; in the county of Coshocton, on the seventeenth day of April, seventh day of August, and twentieth day of November; in the county of Knox, on the twenty-first day of April, eleventh day of August, and twenty-fourth day of November; in the county of Licking, on the twenty-eighth day of April, eighteenth day of August, and the first day of December; in the county of Muskingum, on the fifth day of May, twenty-fifth day of August and eighth day of December.

Sec. 6. Be it further enacted, That the fifth circuit of the court of common pleas, shall be composed of the counties of Guernsey, Monroe, Belmont, Harrison, Stark, Columbiana, and Jefferson, and the courts of common pleas shall be holden therein as follows: In the county of Guernsey, on the third day of March, ninth day of June, and twenty-seventh day of October; in the county of Monroe, on the sixth day of March, twelfth day of June, and the thirtieth day of October; in the county of Belmont, on the tenth day of March, sixteenth day of June, and third day of November; in the county of Harrison, on the eighteenth day of March, the twenty-fourth day of June, and eleventh day of November; in the county of Stark, on the twenty-fifth day of March,

twelfth day of August, and nineteenth of November; in the county of Columbiana, on the twenty-second day of April, nineteenth day of August, and twenty fifth day of November; in the county of Jefferson, on the twenty-eighth day of April, twenty-fifth day of August, and first day of December.

SEC. 7. *Be it further enacted*, That the counties of Fairfield, Perry, Pickaway, Franklin, Delaware, Union and Madison shall compose the sixth circuit; and the courts of common pleas, shall commence and be holden therein as follows, to wit: in the county of Fairfield, on the twenty-fourth day of February, the second day of June, and the eighth day of September; in the county of Perry on the fourteenth day of April, the sixteenth day of June, and the fifteenth day of September; in the county of Pickaway on the seventh day of April, the fourth day of August, and the fifteenth day of December; in the county of Franklin on the third day of March, the ninth day of June, and the thirtieth day of October; in the county of Delaware on the thirty-first day of March, the seventh day of July, and the twenty-third day of October; in the county of Union on the twenty-first day of April, the eighteenth day of August, and the third day of November; and in the county of Madison on the twenty-fourth day of April, twenty-fifth day of August and the seventh day of November.

SEC. 8. *Be it further enacted*, That the counties of Warren, Butler, Preble, Green, and Clinton, shall compose the seventh circuit, and the courts of common pleas shall commence and be holden therein as follows: in the county of Warren, on the first Monday of March, the third Monday of May, and the second Monday of September; in the county of Butler on the fourth Monday of March, the first Monday of June and the first Monday of October; in the county of Preble on the first Monday of April, the fourth Monday of June and the third Monday of October; in the county of Green on the second Monday of April, the third Monday of July and the first Monday of November; in the county of Clinton on the third Monday of April, the first Monday of August and the second Monday of November.

SEC. 9. *Be it further enacted*, That the counties of Scioto, Pike, Jackson, Athens, Morgan, Washington, Meigs, Galia, and Lawrence shall compose the eighth circuit, and the courts of common pleas shall commence and be holden therein in the following manner to wit: in the county of Scioto on the fourteenth day of April, thirtieth day of June and the

tenth day of October; in the county of Pike on the twenty-first day of April, the seventh day of July, and the twenty-second day of September; in the county of Jackson on the twenty-fourth day of April, the tenth day of July and the twenty-fifth day of September; in the county of Athens on the twenty-eighth day of April, the fourteenth day of July, and the thirteenth day of November; in the county of Morgan on the first day of May, the seventeenth day of July and the seventeenth day of November; in the county of Washington on the fifth day of May, twenty-first day of July and the twentieth day of November; in the county of Meigs on the twelfth day of May, twenty-eighth day of July, and the tenth day of November; in the county of Galia on the fourteenth day of May, the thirtieth day of July and twenty-ninth day of September; and in the county of Lawrence on the twenty-first day of May, the fifth day of August, and the sixth day of October.

SEC. 10. *Be it further enacted,* That the counties of Clermont and Hamilton, shall compose the ninth circuit, and the courts of common pleas shall be holden therein as follows, to wit: in the county of Clermont on the seventeenth day of March the fourth day of August and seventeenth day of November; in the county of Hamilton on the eighth day of April, the eighteenth day of August and the first Monday of December.

SEC. 11. *Be it further enacted,* That should the day mentioned in this act for the holding of any court, fall on Sunday, the court shall commence and be holden on the day following.

SEC. 12. *Be it further enacted,* That the act entitled an act regulating the times of holding judicial courts, passed the first day of February, eighteen hundred and twenty-two, be and the same is hereby repealed; and all suits pending or process commenced in any of said courts at the time of the taking effect of this act, shall be continued, or returned to the next terms of the said courts, respectively, after the taking effect of this act.

This act shall take effect, and be in force, from and after the first day of February next, except that part which relates to the ninth circuit, which shall take effect and be in force from and after the first day of March next.

JOSEPH RICHARDSON,

Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate.

January 25, 1823.

CHAPTER XIII.

AN ACT to authorize the Treasurer of State to settle the claim of Samuel Smyth, to a tract of land transferred to the state, by Hiram M. Curry.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the Treasurer of state, be and he is hereby authorized to examine the claim of Samuel Smyth, to one hundred and seventy acres of land, situate in the county of Champaign, being part of entry No. 4157 conveyed to the said Treasurer, by Hiram M. Curry for the use of the state; and if on such examination, the said Treasurer shall be of opinion, that it will be for the interest of the state, to quiet said claim, the said Treasurer shall be authorized to compromise and settle said claim in such manner, as shall be most advantageous to the state, taking a conveyance for the use of the state, with proper covenants, to convey all the interest of said Smyth, and all persons claiming under him, or any other person or persons whomsoever: Provided, The amount to be paid to the said Smyth, shall not exceed the sum of one hundred and twenty five dollars.*

JOSEPH RICHARDSON,

Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate.

January 25, 1823.

CHAPTER XIV.

AN ACT to amend the act, establishing seats of Justice.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That if any director appointed by virtue of the act, entitled "an act, establishing seats of justice," shall refuse to pay into the county Treasury, any money that may be in his hands, arising from the sale of lots, on demand of the county Treasurer, it shall be the duty of the court of common pleas, on application of the county Treasurer, to proceed in a summary manner, on thirty days notice being given, to order such director to pay over any money in his hands; and the court of common pleas is hereby authorized to enforce any order they may make in the premises,*

by attaching the person of such director, or issuing execution, as in other cases: *Provided*, That said director shall in all cases, on the payment of any money into the county Treasury in pursuance to the act, to which this is an amendment, take duplicate receipts therefor, one of which he shall deposit with the auditor of the county, who shall charge the Treasury therewith.

JOSEPH RICHARDSON,

Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate.

January 27, 1823.

CHAPTER XV.

AN ACT supplementary to the act, authorizing an examination into the practicability of connecting Lake Erie, with the Ohio River by a Canal.

Canal Commissioners to employ Engineer,	1	point two of their own body as acting Commissioners, 4
M. T. Williams appointed commissioner, in the room of J. Morrow,	2	Canal Commissioners to ascertain whether loans can be had, 5
Canal Commissioners to make application to land holders, where Canal runs for subscriptions,	3	And make report to the next Legislature, ib. \$4,000 appropriated, 6
Canal Commissioners to ap-		An account of all expenses to be kept,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of Commissioners constituted by this and the above recited act, be and they are hereby authorized to employ such Engineers and assistants, as they may deem necessary, to enable them to carry into effect the provisions of said acts.

SEC. 2. *Be it further enacted*, That Micajah T. Williams, of the county of Hamilton, be and he is hereby appointed a Canal commissioner, to serve in the place of Jeremiah Morrow, who declines serving in that capacity.

SEC. 3. *Be it further enacted*, That the Canal Commissioners, shall be and they are hereby authorized and required, in behalf of, and in the name of the state of Ohio, to

make application to the proprietors of lands, through or near which the canal may, or may be proposed to pass, for cessions, grants, or donations of land, or donations of any kind or description whatever, for the purpose of aiding in the construction of the canal, and to take in the name of the state, such grants and conveyances, as may be proper and competent to vest in the state, a good title to the same, making such conveyances, conditioned, on the location and construction of the canal, on the route contemplated by the donor at the time of making such donation.

SEC. 4. *Be it further enacted*, That the commissioners aforesaid for the purpose of carrying the act, to which this is supplementary, more fully into effect, shall be and they are hereby authorized to appoint such members of their board as they may think proper, acting commissioners, not exceeding two, and to allow said acting commissioners, such compensation for their services, as they may think right, for the time they shall be employed, in the discharge of the duties assigned them by the board: *Provided*, Such allowance shall not exceed two dollars per day each.

SEC. 5. *Be it further enacted*, That the commissioners be and they are hereby authorized and required, to take the necessary measures, to ascertain whether loans can be obtained, on behalf of the state, for the purpose of aiding in the construction of a canal, from Lake Erie, to the Ohio river; and if so, on what terms and conditions, and to report thereon, to the next General Assembly, with such other suggestions and views, as they may think proper, touching a system of revenue, for the above named purpose.

SEC. 6. *Be it further enacted*, That a sum not exceeding four thousand dollars, be and the same is hereby appropriated, for the payment of the salary of such engineer, and assistants, as the board of commissioners may employ, to be paid out of any money in the Treasury, not otherwise appropriated, on the order of the commissioners.

SEC. 7. *And be it further enacted*, That hereafter there shall be a regular and correct account kept, of all monies expended under the provisions of this act, and the act to which this is a supplement, and the president of the board of commissioners, shall lay the same before the Legislature, at the commencement of the next session.

JOSEPH RICHARDSON,

Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate.

January 27, 1823.

CHAPTER XVI.

AN ACT levying a tax on land, and for other purposes.

<i>Rates of taxation,</i>	1	<i>1st of March next to collect,</i>	
<i>7,574 dollars 98 cents of V.</i>			4
<i>M. school fund, loaned to the state for one year,</i>	2	<i>Duty of Auditor of state, in cases where more than any counties proportion is paid into its county Treasury,</i>	5
<i>3,852 dollars of said fund loaned as aforesaid,</i>	3	<i>Repealing clause,</i>	6
<i>A. Dill, collector of Franklin county, allowed until</i>	5		

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be levied and paid, for the year one thousand eight hundred and twenty-three, on each hundred acres of first rate land, one dollar and fifty cents; on each hundred acres of second rate land, one dollar and twelve and a half cents; on each hundred acres third rate land, seventy-five cents, and in the same proportion for a greater or less number of acres.

SEC. 2. *Be it further enacted,* That the sum of seven thousand five hundred and seventy-four dollars and ninety eight cents, arising from the Virginia military school lands, now due from the state, be and the same is hereby loaned to the state for one year, ending on the second day of February, eighteen hundred and twenty-four, at the rate of six per cent, per annum.

SEC. 3. *Be it further enacted,* That the sum of three thousand eight hundred and fifty-two dollars now in the Treasury, arising from the Virginia military school lands, be and the same is hereby loaned to the state, for one year ending on the second day of February eighteen hundred twenty-four, at the rate of six per cent, per annum.

SEC. 4. *Be it further enacted,* That Andrew Dill, collector of the county of Franklin, be and he is hereby allowed until the first day of March next, to complete the collection of said county, and settle his accounts with the proper officers according to law.

SEC. 5. *Be it further enacted,* That where, from the several laws authorizing the payment of money, into the county Treasuries, a greater sum shall be paid into the Treasury, of any county, on account of tax on land, than the amount of that county's proportion of the land tax for the current year, the Auditor of state is hereby authorized to cause the bal-

ance due the state Treasury, to be transmitted or drawn for, in such manner, as he may think most expedient, and he is hereby authorized to allow such compensation, for the transmission of the said balance, to the state Treasury, as he may think just and reasonable, not exceeding one per cent, on the amount.

SEC. 7. *And be it further enacted*, That so much of the thirty eighth section of the act, entitled "an act, levying a tax on land," passed the eighth of February, eighteen hundred and twenty, as requires the delinquent list, to be published in a news paper, printed at the seat of Government of the state, be and the same is hereby repealed.

JOSEPH RICHARDSON,

Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate.

January 27, 1823.

CHAPTER XVII.

AN ACT making appropriations, for the year eighteen hundred and twenty-three.

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 state, to defray the expenses of the government, for the year one thousand eight hundred and twenty-three, to wit: For the payment of the General Assembly, including their clerks and door keepers, in addition to the sum of ten thousand dollars already appropriated, a sum not exceeding seven thousand dollars; for the payment of the salaries of the Governor, Secretary of state, Auditor of state, Treasurer of state, Chief clerk in the Auditor's office, Judges of the supreme court, and Presidents of the courts of common pleas, a sum not exceeding seventeen thousand dollars; to public printers, for printing bills, journals, resolutions, and laws, enacted and passed during the present session of the General Assembly, and for other extra printing, the amount of their contracts, according to contract, a sum not exceeding two thousand dollars; for defraying the expenses of the Penitentiary, including the transportation of convicts, including also, three hundred dollars as clerk

hire, a sum not exceeding eight thousand three hundred dollars; for the Auditor of state, to enable him to refund money, where the taxes on lands have been twice or improperly charged and paid, a sum not exceeding fifteen hundred dollars; for paper and other stationary, for the use the General Assembly, a sum not exceeding fifteen hundred dollars; for fuel, for the General Assembly, a sum not exceeding three hundred dollars, to be paid on the order of the Auditor and Secretary of state, and an account of the disbursement thereof, shall be made to the next General Assembly; for the purpose of enabling the Auditor of state, to procure copies of entries from the Registers of Land Offices, and from the principal Surveyor of Virginia Military District, a sum not exceeding three hundred dollars, the disbursement thereof to be reported to the next General Assembly; for contingent fund, subject to the order of the Governor, a sum not exceeding three thousand dollars, who shall make report of the disbursement thereof, to the next General Assembly; for contingent fund, subject to the order of the Auditor of public accounts, for the purpose of paying for books, clerk hire, and stationary, for the use of his office, and for the payment of postages on letters, and packages, addressed to him as Auditor of state, on the business of his office, a sum not exceeding fifteen hundred dollars, and a report shewing the items of expenditure in applying the same, shall be made to the next General Assembly; for the purchase of books and stationary, for the use of the state Treasurer's office, an account of the disbursement of which, shall be made to the next General Assembly, a sum not exceeding one hundred dollars; for the librarian, the sum of two dollars per day, during the present session of the General Assembly; for the purpose of paying the bounty allowed on wolf scalps, a sum not exceeding three thousand dollars; for expenses of distributing the laws and journals, of the present General Assembly, a sum not exceeding six hundred dollars; for folding and stitching the laws, and journals, of the present General Assembly, a sum not exceeding two hundred dollars; for the purpose of defraying the expense of revising the laws, to be drawn on the certificate of the Governor, a sum not exceeding fifteen hundred dollars; to Lincoln Goodale for articles furnished for the use of the legislature, as per his bill rendered, eighteen dollars thirty-seven and one half cents; to D. W. Deshler, for repairs done to windows, doors, desks, &c. of the state house, as per his account five dollars and fifty cents; to William Platt for repairing three door-

Peck as per his account, one dollar and fifty cents; to Thomas Lord & Co. for stationary, furnished for the use of the legislature, as per their accounts nine dollars and seventy-five cents; to Caleb Madson, for four thousand clarified quills at one dollar per hundred, for the use of the General Assembly, as per his account, certified by the Secretary of state, forty dollars; to Joel Battles, for wafers and pencils, as per his account, nine dollars and twelve and a half cents, as certified by the Secretary of state; to Russel and Leiby, for tape, ribbons, &c. furnished for the use of the Legislature, as per their accounts, ten dollars and thirty-seven and a half cents; to Samuel Thompson, for repairs done to public offices, as per his account, certified by the Secretary of state, one dollar sixty-two and a half cents; to Allen Trimble Speaker of the Senate, for postage paid by him on letters and packets, on public business during the present session, three dollars and eighty-nine and one half cents; to Benjamin Pike, the amount allowed him for extra services, eight dollars; to Horace Walcot, the amount of his account, fifteen dollars fifty-two and a half cents; to Robert W. M'Coy, for articles furnished the Librarian, and ink stands, furnished the House of Representatives, as per his account, two dollars and thirty seven and a half cents; to John Kilbourn, for two state maps furnished for the use of the General Assembly, five dollars; to Benjamin Henley, for chopping stove wood for House of Representatives, as per his account, two dollars; to Joseph Richardson, esq. speaker of the House of Representatives, three dollars seventy-four cents, the amount of his postage account for letters, during the present session; to John Bigger, esq. Speaker of the House of Representatives, one dollar and seventy-seven cents, amount of his account for postage of letters, addressed to him during the session of eighteen hundred and twenty-one, and eighteen hundred and twenty-two; to Caleb Atwater, the sum of seventy dollars, as a compensation for his services, as one of the commissioners on schools and school lands; to Jeremiah M'Lene, the sum of forty-five dollars, as a remuneration for expenses incurred by him in defending a suit on behalf of the state, wherein Adam Stewart was plaintiff; a sum not exceeding one hundred and fifty dollars, for the payment of Adjutants, entitled to pay and not heretofore paid; a sum not exceeding fifty dollars, of the amount appropriated for the use of the Penitentiary, for the year 1823, is hereby placed at the

disposal of the Keeper thereof, for the purpose of purchasing a bell for the use of said institution.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

January 28, 1823.

CHAPTER XVIII.

AN ACT to amend the act, entitled "an act, regulating the duties of county Auditor, and county Commissioners, and other purposes.

Commissioners to hold three sessions, annually,	1	Commissioners to settle and allow the compensation, to county Auditors, at each regular meeting,	6
What business to be transacted at each of said sessions, <i>ib.</i>		Auditor allowed 1 50 cents per day.	<i>ib.</i>
Penalty on sheriff, for keeping the jail foul and dirty,	2	His account to be made out under oath,	<i>ib.</i>
Duty of county Auditor, in settling with collectors,	3	County orders to draw interest, after presented and not paid,	7
Collectors authorized to collect tax, by distress and sale of goods, after the 1st November,	4	Duty of Treasurer,	<i>ib.</i>
Commissioners may allow county Auditors to repair public buildings,	5	Duty of Treasurer to give notice, when he is able to pay orders,	8
Proviso, as to the amount of cost,	<i>ib.</i>	Commencement,	<i>ib.</i>

SEC. 1. *Be it enacted by the General Assembly of the state of Ohio, That the board of Commissioners shall hold three sessions in each year, at the the seat of justice in their respective counties, which sessions shall be held on the first Mondays of March, June, and December, at which sessions they shall hear and determine applications for roads and bridges, and at their June sessions, they shall examine and compare the accounts and vouchers of the county Auditor, and county treasurer, and cause the auditor to publish a statement of the receipts and expenditures for the current year, and shall assess*

and determine the rate of county levy, for the current year, and shall appoint the county Treasurer and county Collector, and direct in what sum, bond with security, shall be taken of them by the county Auditor, and no session of the board of Commissioners, shall continue a longer time than three days, except at their June session.

SEC. 2. *Be it further enacted*, That if any sheriff having the actual possession of any jail, within this state, shall permit, or suffer said jail to become foul or unclean, so that the health of any prisoner may be endangered, such sheriff shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars.

SEC. 3. *Be it further enacted*, That the respective county Auditors, on the final settlement with Collectors, may upon evidence to them satisfactory, make reasonable and just allowance to either of them, for delinquencies in collecting, which may be owing to any persons, who are chargeable on their duplicates absconding, or being insolvent, and the said Auditors shall examine the Collectors under oath or affirmation touching the delinquencies.

SEC. 4. *Be it further enacted*, That the several Collectors of county taxes, shall have the power to collect by distress, and sale, any county tax which may be in arrear and unpaid upon his duplicate, on the first day of November in each and every year, until the first day of March next thereafter any thing in the act, entitled an "act, regulating county levies," to the contrary notwithstanding.

SEC. 5. *Be it further enacted*, That the county Commissioners, be and they are hereby authorized to empower the county Auditors of their respective counties, to make such repairs or improvements, to the public buildings of their counties, as may be necessary: *Provided*, The cost of such repairs or improvements, shall not exceed twenty-five dollars.

SEC. 6. *Be it further enacted*, That the commissioners shall determine at each stated meeting by them had, the compensation to be allowed the county auditor, for services rendered subsequent to the last meeting, which shall as near as can be ascertained, be at the rate of one dollar and fifty cents per day, for the time actually employed in performing the duties of his office, and at each stated meeting of the commissioners, the county Auditor shall exhibit under oath or affirmation, his account for services rendered, which

account shall be filed with the Treasurer, and subject to examination by any citizen of the county.

SEC. 7. *Be it further enacted*, That any person or persons having an order or orders on any county Treasury, on presentment if the same be not paid by the Treasurer, it shall be the duty of the Treasurer, to endorse on the back of said order, "not paid for want of funds," together with his name and the date of said presentment, and said order or orders shall from thenceforth bear an interest of six per cent, per annum until paid.

SEC. 8. *And be it further enacted*, That so soon as the Treasurer of the county shall have sufficient funds in his possession to pay off the orders in circulation, on which interest is accumulating, to give notice in some newspaper having general circulation in the county, of his readiness to redeem all orders drawing interest, and from the date of such notice the interest on such orders shall cease to accrue.

This act to take effect and be in force, on the first day of March.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

January 27, 1823.

CHAPTER XIX.

AN ACT authorizing Collectors, to distrain for taxes in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the collectors of the several counties, be and they are hereby authorized to distrain for all arrearages of county levy, with which they may stand charged on their duplicates, for the year eighteen hundred and twenty-two, until the first day of May next: *Provided*, That in all cases where a demand of such taxes, has not been previously made, it shall be the duty of such collector, before he shall be authorized to distrain, to make a demand of such arrearages of tax, and the several Collectors, in making such levy and sale, shall in all respects be governed by the provisions of the tenth section of the act, regulating county lev-

was, passed February the twenty-seventh, eighteen hundred and sixteen.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

January 27, 1823.

CHAPTER XX.

AN ACT, to authorize the surrender of certain leases and for other purposes.

<i>Trustees, Agents, and Register</i>	{	<i>No lease hereafter to be granted</i>	{
<i>of school lands to accept the</i>		<i>for more than one year</i>	
<i>surrender of leases of said</i>	{	<i>Proviso, as to conditions of</i>	{
<i>school lands</i>		<i>leases</i>	
<i>Proviso, as to conditions of sur-</i>	{	<i>Register of U. M. district and</i>	{
<i>render</i>		<i>county auditors to examine</i>	
<i>County Auditors in U. S. mili-</i>	{	<i>into the situation of school</i>	{
<i>tary district to receive and</i>		<i>lands, and make report to</i>	
<i>record the surrender of leases</i>	{	<i>state auditor on 1st Decem-</i>	{
<i>in said district.</i>		<i>ber next</i>	

SEC. 1. *Be it enacted by the General Assembly of the state of Ohio, That the several trustees of the original surveyed townships, the register of the Virginia Military school lands, the several agents of the Connecticut Western Reserve school lands, the courts of common pleas, authorized to grant leases of school lands, and all other persons who may be authorized to grant leases of school lands by the statutes of this state, be and they are hereby authorized and required to accept from any and all persons holding the said school lands, either as lessees or assignees, a surrender of their respective leases or right to any part of said land, and upon such surrender, the persons or authority, receiving the same, shall make or cause to be made a record thereof, and the said lease shall from thence be taken and considered as void, except so far as shall relate to any covenant for the payment of any rent which may be due from any such lessee or assignee, Provided, That nothing in this act contained, shall authorize the surrender of any part of a lot or other tract less than that contained in the original lease.*

SEC. 2. *Be it further enacted,* That the several county auditors within the United States Military District, be and they are hereby authorized and required to receive and record the surrender of any and all leases within the said U. States Military District, in the manner pointed out in the first section of this act, and they shall make a report of their proceedings to the next session of the General Assembly.

SEC. 3. *Be it further enacted,* That no lease shall hereafter be granted for any lands lying in this state, which may have been granted for the use of schools for a longer term than one year, any laws to the contrary notwithstanding: *Provided,* That every lease which may be hereafter granted, shall contain a covenant that the lessee shall not commit any waste, or cut or destroy any wood or timber, except what may be necessary to be used upon the same.

SEC. 4. *Be it further enacted,* That it shall be the duty of the Register of the Virginia Military School lands, and of the auditors of the several counties in this state, in which there are any other lands granted for the use of schools, to examine into the situation of such lands, and make a report to the auditor of state on or before the first Monday of December next, which report shall shew the whole amount of school lands in each county, what proportion of the same is leased, what is vacant, into how many tracts the said lands are divided, distinguishing each tract, by the number of acres, range, township, section and quarter, shewing what parts are leased, what rent is reserved on each tract leased how long the lease has to run, whether re-newable, and if so, whether subject to re-appraisment.

JOSEPH RICHARDSON,

Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate

January 27, 1823.

CHAPTER XXI.

AN ACT, to amend the act regulating county levies.

SEC. 1. *Be it enacted by the General Assembly of the state of Ohio,* That all mills, all woollen and cotton manufactories, and all manufactories of Iron or Glass, be, and the same are

Hereby exempted from taxation, any thing in the act to which
this is an amendment, to the contrary notwithstanding.

JOSEPH RICHARDSON,

Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate.

January 27, 1823.

RESOLUTIONS.

Resolved by the General Assembly of the State of Ohio, That the Auditor, and Treasurer of state, be and they are hereby authorized to receive the taxes on all lands, without penalty, until the fifteenth day of January, eighteen hundred and twenty-three, in the same manner they would be authorized, in case the said taxes had been paid in December 1822.

December 28th, 1822.

The committee to whom was re-committed the resolutions, relative to the appointment of a committee, to revise the laws of a general nature now in force in this state—REPORT,

That from the number of laws of a general nature, in force in this state, and the frequent changes which they have undergone, owing to the changing circumstances, and various sentiments incident to a new and growing community, the General Assembly have found it necessary, to resort to a frequent revision of those laws. In all new states or nations, the situation of the people, their habits, manners and sentiments; and with them the laws are subject to more frequent changes, than in older states, where they assume a more regular and permanent character. Foreign or external occurrences, have together with a rapidly changing and increasing population, contributed to render our laws peculiar fluctuating. These frequent changes have rendered it necessary to resort to frequent revisions. For laws of a general nature, have necessarily that connexion and relation with each other, that a material change in one, will frequently interfere and clash with the provisions of another, which it is necessary to alter or repeal, in order to render the provisions of each conformable with the other. As an unavoidable consequence, our statutes become in a short time, so voluminous and complicated, that it is difficult for the officers of our government, and still more so for those less conversant with our statute books, to determine what is the law, by which they are to regulate their conduct. The method of distributing our statutes, and diffusing a knowledge of our laws, has also induced a frequent revision. A proper number of copies have been sent to each county, to be distributed to the several officers of the county, and

of the various townships therein, who are entitled to the laws; many of the counties are new, and contain few townships, at the time this distribution is made.—The number of townships rapidly increases, and the officers of new townships are soon unable to procure copies of the laws, by which they are required to govern themselves.—In order to supply the new counties and townships, it becomes necessary to re-print the last revised code, together with the acts, of each succeeding session, or to revise the laws and expunge from the statute book such acts, and parts of acts, as have been repealed. These reasons have induced the General Assembly, to revise the laws of a general nature, three times in a period of thirteen years, and will soon urge a resort to this or a similar expedient.

The laws have heretofore been revised during the session of the General Assembly. This has protracted those sessions, at which a revision has taken place, to an unusual length, and greatly enhanced the expense of the government for those years. But this is not the greatest evil, which has resulted from that course. It has been found impossible for a committee, composed of members of the General Assembly, during the session, to attend to the ordinary business of Legislation, and devote that time and undivided attention, to the revision of the laws which is necessary, to correct the vague uncertainty of the language, with which many of them are penned, to reconcile the clashing provisions of various statutes, or even to expunge from our statute books many of the sections and provisions which have been repealed. Our revised laws have not therefore, presented to the public, that definite and concise, that simple and uniform code, which is so desirable. The evils we have pointed out, in the course heretofore adopted, might we conceive, be in a great measure obviated, by the appointment of a committee, to revise the laws, in the recess of the General Assembly. A committee composed of a suitable number of persons, selected from different parts of the state, having a knowledge of the constructions, which have been given to our statutes, and experienced in drafting bills, with sufficient time to examine and deliberate, might do much towards perfecting our system of laws.—This committee should be sufficiently large to accomplish the object in a judicious manner, and yet not so numerous, as to retard its progress, or destroy the responsibility of its members. Some diversity of opinion may exist, as it respects the number of which the committee should be com-

posed, but after considerable deliberation, we have concluded to recommend three as the most suitable number. Though the members of this committee, should be liberally rewarded for their services, which if faithfully performed, will necessarily be arduous, we believe the state will save much on the score of expense, and more in the perspicuity, and stability of our laws, which we confidently hope will prevent much unnecessary litigation, and obviate in some degree the necessity, and excuses for too frequent Legislation. Your committee submit the following resolutions, containing the out lines of a plan, for effecting the contemplated object, which, with deference they recommend to the adoption of the General Assembly.

Resolved by the Senate and House of Representatives, That a committee of three persons be appointed by the Governor, to revise all the laws of a general nature, now in force in this state, and report the same to the next General Assembly at the commencement of their session.

Resolved, That for the purpose of effecting the object designated in the foregoing resolution, said committee be instructed to meet at Columbus, on a day to be designated by the Governor, and of which he is requested to give them notice. in order to consult and determine upon a proper course to be pursued in accomplishing the duties assigned them; and at such other time or times thereafter as they may deem necessary and proper.

Resolved, That said committee be instructed, to digest and compile a code of laws, containing the principles of the laws now in force, expunging therefrom such acts and parts of acts, as have been repealed, have expired by limitation, or have been superceded and rendered nugatory by subsequent acts; to re draft and render explicit and consistent such acts or parts of acts as are vague or contradictory in their language; that they be further instructed, to draft separate bills containing such new principles as they may be directed by the General Assembly to adopt, or such as they may think proper to recommend; and also separate bills containing the necessary amendments of such other acts as will be affected by such new principles, so that those principles may be adopted or rejected by the General Assembly without destroying the harmony of the code.

Resolved, That said committee be allowed the use of the state library, and such of the rooms in the public buildings, not devoted to the use of the officers of government, as they

may think proper to occupy, with the necessary fuel and stationary, and that they be authorized to employ one or more clerks, to facilitate the accomplishment of the object of their appointment.

Resolved, That said committee be allowed each three dollars for each day they may be employed in performing the duties assigned them, including the necessary time employed in traveling to and from their several places of residence; to be paid out of the state treasury, on the certificate of the Governor, and to be provided for in the act making appropriations for the year 1823.

January 1, 1823.

Resolved by the General Assembly of the State of Ohio, That the Canal Commissioners examine the practicability of making a Canal from the summit level of Little Walnut creek along the valley of the Hockhocking river to the town of Lancaster.

January 20, 1823.

Resolved by the General Assembly of the State of Ohio, That the committee of revision, be instructed to furnish the secretary of state, with a copy of each bill, which they may prepare to report to the next General Assembly, and the secretary of state shall cause the usual number of copies thereof to be printed for the use of the members of the next General Assembly, having special regard to the best interest of the state in contracting for the printing of the same.

January 27, 1823.

Resolved by the Senate and House of Representatives That the secretary of state be requested to cause as soon as possible a copy of the law regulating the times of holding judicial courts, to be printed and a certified copy of said act to be transmitted to the clerks of the several counties in this state.

January 27, 1823.

Whereas, the General Assembly of the commonwealth of Kentucky, by their resolution laid before this General As-

sembly have requested the Governor of that state to correspond with the Governor's of Ohio Indiana and Illinois, on the subject of slaves that may escape from their owners, and may be found in either of the aforesaid non-slave holding states; and also in relation to the people of color, and the laws of those states in regard to them; and that one or more commissioners may be appointed on the part of each state, to meet at such time and place as may be agreed upon, in order to consult on the subjects aforesaid, and recommend to their respective states, such laws on those subjects, that may be calculated to promote interest, and be applicable to the condition of the different states, secure the rights of citizens and perpetuate that harmony, which is so desirable between the different states.—Therefore,

Resolved by the General Assembly of the state of Ohio, That the resolution of the General Assembly of the commonwealth of Kentucky, on the subject aforesaid is hereby approved of and concurred in, and that the Governor of this state is hereby authorized and requested to appoint two commissioners, on the part of this state, to meet such commissioner as may be appointed on the part of the state of Kentucky, agreeably to the resolution of that state.

Resolved further, That the Governor of this state be requested so transmit to the Governor's of the states of Kentucky, Indiana and Illinois copies of the foregoing resolution.
January 27, 1823.

The committee appointed to examine what repairs are necessary to be made to the state house and public offices—
Report,

That they have attended to the duty assigned them, and have agreed to recommend the adoption of the following resolution:

Resolved by the General Assembly of the state of Ohio, That the Governor be requested to cause such parts of the state house and public offices, to be repaired as he may consider necessary to the preservation of the buildings, and that he be also requested to cause the roof of the offices to be repaired, and such other repairs, to be made to the public buildings as he may consider necessary; and that the expenses be paid out of his contingent fund.

January 28, 1823.

Resolved by the General Assembly of the state of Ohio, That it is expedient to adopt an equitable system of taxation.

Resolved, That to attain so desirable an object, the committee which shall be appointed for the purpose of making a general revision of the laws, be instructed to revise the revenue laws now existing, and to report a bill to the next General Assembly, which shall provide, that land shall be taxed according to its value, without regard to any improvements thereon, and that commercial and mercantile capital, or the profits arising therefrom, excepting only capital employed in the transportation of the produce of the country, also money at interest shall be taxed, in an equal proportion to other taxable property, manufacturing establishments excepted.

January 23, 1823,

Resolved by the General Assembly, That the committee of revision, be instructed so to amend and modify the laws relating to the collection of debts, and the practice of courts as to abolish imprisonment for debt, except in cases when the debtor shall attempt to prevent collections by fraud, or in cases of damages from wilful torts.

Resolved, That said committee be instructed to introduce into the laws for the collection of debts, such provisions as may be necessary to give creditors such means of securing their claims on the property of debtors, in lieu of arrest and imprisonment, when there shall be sufficient evidence for apprehending an attempt to defraud creditors, as may not be inconsistent with the rights of debtors.

January 23, 1823.

Resolved, That Charles Lofland, be authorized to take charge of the following property belonging to the state, to wit: In lots, No. 191 and the east half of No. 276, in the town of Columbus and 170 acres of land situate in the county of Champaign, part of entry No. 4157 to cause such repairs to be made to the buildings as may be necessary, and to rent said property, or any part thereof, upon the best terms that can be obtained for any term not exceed one year.

January 27, 1823.

Resolved by the General Assembly of the state of Ohio, That the laws and journals of the present session, shall be distrib:

uted agreeably to the provisions of the resolutions directing the distribution of the laws and journals of the last General Assembly; and that the acts of Congress now in the office of the secretary of state, shall be distributed to the several counties in proportion to the number of copies of the General laws which may be sent to each county, reserving four copies of the laws of each session, for the use of the state Library.

Resolved also, That the following acts passed at the present session, be published in the Columbus Gazette, and that the sum of ten dollars be allowed therefor, to be paid out of the Governor's contingent fund; the secretary of state to be furnished by P. H. Olmsted with sixty copies of the Gazette containing the same, to be forwarded to the clerks of the several counties.

"An act to amend the act providing for the remission of penalties, and the sale of land for taxes."

"An act fixing the times of holding Judicial Courts."

"An act authorizing collectors to distrain for taxes in certain cases."

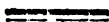
"An act to amend the act entitled an act for granting licenses, and regulating taverns, ferries and stores."

"An act to ascertain the number of Deaf and Dumb persons in this state."

"An act to authorize the surrender of certain leases and for other purposes."

"An act to amend the several acts regulating the duties of county auditors and county commissioners."

January 27, 1823.



Resolved by the Senate and House of Representatives of Ohio, That the ordinance of the convention of this state, passed 29th November, 1802, respecting school lands, and also the third section of the act of Congress, entitled an act to extend the time for locating Virginia Military warrants, for returning surveys thereon, to the office of the secretary of the department of war, and appropriating lands for the use of schools, in the Virginia Military reservation, in lieu of those heretofore appropriated; approved, March 2, 1807; be printed with the general laws of the present session.

JOSEPH RICHARDSON,
Speaker of the House of Representatives,
 ALLEN TRIMBLE,
Speaker of the Senate.

January 27, 1823.

Ordinance and Resolution passed in Convention.

We the representatives of the people of the eastern division of the Territory north west of the river Ohio, being Assembled in Convention, pursuant to an act of Congress, entitled "an act, to enable the people of the eastern division, of the Territory north west of the river Ohio, to form a Constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes," and having had under our consideration the propositions offered by the said act, for our free acceptance, or rejection. do resolve to accept of the said propositions: *Provided*, The following addition to, and modification of the said propositions shall be agreed to by the Congress of the United States, viz: That in addition to the first proposition, securing the section number sixteen in every township, within certain tracts to the inhabitants thereof, for the use of schools, a like donation, equal to the one thirty sixth part of the amount of the lands, in the United States military tract, shall be made for the support of schools within that tract: And that the like provision shall be made for the support of schools, in the Virginia reservation, so far as the unlocated lands, in that tract will supply the proportion aforesaid, after the warrants issued from said state has been satisfied, and also that a donation of the same kind, or such provision as Congress shall deem expedient, shall be made to the inhabitants of the Connecticut reserve. That all the lands which may hereafter be purchased of the Indian tribes, by the United States, and lying within the state of Ohio, the one thirty-sixth part, shall be given as aforesaid, for the support of public schools.

That all lands before mentioned to be appropriated by the United States, for the support of schools, shall be vested in the Legislature of this state, in trust for said purpose.

That not less than three per cent of the nett proceeds, of the lands of the United States, laying within the limits of the state of Ohio, sold and to be sold, after the thirtieth day of June last, shall be applied in laying out roads within the state, under the direction of the Legislature thereof.

And if the Congress of the United States shall agree to the above addition to, and modification of the said propositions, it is hereby declared and ordained, that every and each tract of land sold, or to be sold by Congress, from and after the thirtieth day of June last, shall be, and remain exempt from any tax laid by order, or under the authority of

this state, whether for state, county, township, or any other purposes whater, for the term of five years after the day of sale, to be reckoned from the date of the certificate, of the first quarterly payment.

That whereas Congress by a law, entitled "an act, authorizing the grant and conveyance of certain lands, to John Cleves Symmes and his associates," passed the fifth day of May. 1792, did authorize the president of the United States, to convey by letters pattent unto the said John Cleves Symmes and his associates, their heirs and assigns, a certain tract of land therein described, and did further authorize the president, by the act aforesaid, to grant and convey unto the said John Cleves Symmes and his associates, their heirs and assigns, in trust for the purpose of establishing an academy, and other public schools and seminaries of learning, one complete township, to be included and located within such limits and lines of boundary, as the president may judge expedient; and in pursuance thereof the president did convey unto the said John Cleves Symmes and his associates, their heirs and assigns, by his letters pattent the aforesaid one complete township, to be located and accepted by the governor of the Territory north west of the river Ohio: And in as much as the township aforesaid, has never been located and accepted, agreeably to the provision of the said act.

The Convention recommend the following propositions to Congress, as an equivalent for the one complete township aforesaid, to wit: the lots numbered eight, eleven and twenty six reserved in the several townships, for the future disposition of Congress, or so many of the said lots, as will amount to the number contained in the aforesaid complete township, to be vested in the Legislature, in trust to and for the purposes, for which the said township was originally intended to be designated by the Legislature of this state.

Resolved, That Thomas Worthington be appointed a special agent, to lay the aforesaid resolution and propositions before Congress, and that said agent, do endeavour to procure the assent of Congress thereto.

EDWARD TIFFIN,
President of the Convention.

Passed in Convention at Chillicothe, on the 29th day of November, 1802.

Attest,

THOMAS SCOTT, *Secretary.*

Extract from the act before referred to, entitled "an act, to extend the time for the locating Virginia military warrants, for returning surveys thereon, to the office of the Secretary of the department of war, and appropriating lands for the use of schools, in the Virginia military reservation, in lieu of those heretofore appropriated."

SEC. 3. *And be it further enacted*, That eighteen quarter townships, and three sections, to be selected by the Secretary of the Treasury, by lot, in that tract of land in the state of Ohio, lately purchased from the Indians, and laying between the tract, commonly called the United States military tract, and the tract, commonly called the Connecticut reserve, be and the same are hereby appropriated for the use of schools, in that tract of land, in the state aforesaid, commonly called "the Virginia military reservation," and be vested in the Legislature of that state, in trust for the use aforesaid, and for no other use, intent, or purpose whatever; which said eighteen quarter townships, and three sections are thus appropriated, and vested in lieu of the one thirty-sixth part of the tract aforesaid, called "the Virginia military reservation," which by a former act, had been appropriated and vested as aforesaid, for the use of schools within the same: *Provided however*, That no quarter townships, including the section number sixteen of such township, shall be selected as aforesaid for the purpose above mentioned: *And provided also*, And it is hereby understood and declared, that the said eighteen quarter townships and three sections, shall be appropriated, and vested for the purposes aforesaid, only on condition that the Legislature of the state of Ohio, shall within one year after the passing of this act, pass a law accepting the said eighteen quarter townships, and three sections for the purposes aforesaid, in lieu of the thirty-sixth part of the tract, commonly called "the Virginia military reservation," heretofore appropriated, and vested by law for the use of schools, within the same; and releasing to the United States all their claim, right, title and interest, and all the right, title and interest of the inhabitants of the tract of land last mentioned, to the thirty-sixth part of the said tract heretofore appropriated, and vested by law, for the use of schools, within the same: And if the Legislature of the said state, shall not pass a law as aforesaid, within one year after the passing of this act, the said eighteen quarter townships, and three sections, shall not be considered and held as appropriated, and vested for the purposes aforesaid, but shall be disposed of in the same manner, as is or may

be *provided* by law for the disposal of other public lands, in the same tract.

NATHANIEL MACON,
Speaker of the House of Representatives.
 GEORGE CLINTON,
Vice President of the United States, and
President of the Senate,

March 2, 1807.

Approved, THOMAS JEFFERSON,

SECRETARY OF STATE'S OFFICE,
 COLUMBUS, OHIO, FEBRUARY 14, 1823.

I certify the foregoing acts, resolutions, &c. to be correctly copyed, from the originals on file in this office.

JER. McLENE,
Secretary of State.

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REPORTS.

REPORTS.

Auditor of State's Office,

Columbus, December 4, 1822.

Agreeably to the duties assigned, the Auditor of State has the honor of submitting to the General Assembly of the state of Ohio, the receipts and expenditures, for the year 1822, ending on the 15th ultimo.

The amount of money paid into the treasury by the several resident collectors, within the year ending as aforesaid, is 51,095 91

The amount of money paid into the treasury for taxes on lands through this office within the year ending as aforesaid, is 21,633 60 1

The amount of money paid into the treasury being a balance for taxes on lands due from sundry counties for the year 1820 is 576 64

The amount of money paid into the treasury by James Hampson, on account of taxes due by the collector of Muskingum county for the year 1817 is 1,000 00

The amount of money paid into the treasury by the late agent of the Ohio Penitentiary is 511 81

The amount of money paid into the treasury by the keeper of the Ohio Penitentiary from the 6th of February 1822 to the 15th ultimo is 2,168 09

The amount of money paid into the treasury for licence to travelling merchants or pedlars is 54 81

The amount of money paid into the treasury by the Agent of the Scioto Salt works is 194 62 5

The amount of fees received by the Auditor of state for certified copies of surveys, and other documents from his office and paid into the treasury between the 28th December 1821 and the 15th November 1822 is 5 25

The total amount of money paid into the treasury between the 3d day of December 1821 and the 15th of November 1822 is 77,240 83 8

The amount of the Virginia Military School fund applied to the redemption of Audited bills and charged to the general revenue is

1,846 21

The amount of money heretofore paid into the treasury for the redemption of lands sold for taxes and charged to the general revenue is

1,953 18 2

To which add the balance charged to the treasurer on the 3d day of December 1821 to wit:

122.084 67 1

Make the aggregate sum of

\$203,124 89 3

From which deduct the amount of bills redeemed at the treasury between the 3d day of December 1821 and the 15th day of November 1822 to wit: 78,994 78

The amount of discount allowed on 431 dollars of uncurrent paper under a resolution of the 2d February 1821 at 50 per cent

215 50

Make the aggregate sum of

79,210 28 0

Leaves charged to the treasurer on the 15th of November 1822

\$123.914 61 9

It will be observed that the aforesaid sum of \$123,914 61 9 includes the tax collected from the bank of the United States; the balance consists of uncurrent paper, and debts due the state on judgments &c.

The payments made on account of the appropriations for that purpose from the 3d day of December 1821 to the 15th November 1822, are as follows, to wit:

To the members of the last general assembly including their clerks and door keepers

17,518 95

To do. at their extra session in May last

2,411 70

To the Governor, Secretary of state, Auditor and Treasurer of state, Chief clerk in the auditor's office, Judges of the supreme court and Presidents of the courts of common pleas

18,326 14

To Brigade Inspectors	1,393 55
To Adjutants of Regiments for 1821	1,678 62
For refunding taxes, twice or improperly paid under the appropriation of 1821	1,164 95
For refunding taxes twice or improperly paid under the appropriation of 1822	1,062 99
The contingent fund for the use of the Governor	1,291 13
The contingent fund for the Auditor's office	1,025 50
For printing the laws and Journals of the last general assembly	1,850 90
Paper for the present general assembly	1,230 00
To Lowry and Simonton and John C. Bayless for paper for the last general assembly	2,350 00
For the Ohio Penitentiary	10,383 76
To sundry counties for their proportion of the land tax for 1821	6,155 38
To sundry counties for their proportion of the land tax for 1820	4,526 17
To sundry county collectors for mileage in travelling to the seat of government to make their annual returns	506 51
For certificates of Wolf scalps under the old law allowing a bounty on Wolf scalps	207 00
For certificates of Wolf scalps killed prior to the repeal of the aforesaid act, but not issued for	184 00
For do. under the act of the 22d December, 1821	54 00
For distributing the laws and journals of the last session	363 90
To Jarvis Pike for stitching do.	147 32
To the Adjutant General of Ohio	221 52
To the Quarter Master General of Ohio	50 00
Fuel for the present general assembly	135 50
For entries from the different land offices	112 31
For expenses in examining into the practicability of connecting Lake Erie with the Ohio river by a canal	1,829 70
To the agent of the Scioto salt works	100 00
For small appropriations to sundry persons	1,138 33

The total amount of bills drawn upon the treasury between the 3d day of December 1821, and the 15th of November, 1822 is 77,460 92

The amount of bills unredeemed on the 3d day of December, 1821 must be added to the above amount to exhibit the bills in circulation during the year 1822

32,212 15

Make the aggregate amount of bills in circulation during the year 1822 ending as aforesaid

109,682 07

From which deduct the amount of bills redeemed at the treasury from the 3d day of December, 1821, to the 15th day of November 1822, viz:

78,994 78

Leaves Audited bills in circulation amounting to

30,686 85

The following are the unexpended balances of the several appropriations for the expenditures of the year 1822, to wit:

For the payment of the salaries of the Governor, Secretary, Auditor, Treasurer of state, Chief clerk in the Auditor's office, Judges of the supreme court and Presidents of the court of common pleas

273 86

For the payment of the general assembly their clerks and door keepers

2,481 05

For the payment of the general assembly at their May session 1822

538 30

Fuel for the general assembly

114 50

For the printing of the laws and journals

1,149 10

For defraying the expenses of the Penitentiary and transportation of convicts

1,616 24

For refunding taxes twice or improperly paid for 1822

437 01

For paper and other stationary for the general assembly

1,770 00

For entries from the Registers of land offices and the principal surveyor of the Virginia Military district

187 69

For the contingent fund subject to the order of the Governor

708 87

For the contingent fund subject to the order of the Auditor

474 41

For the contingent fund subject to the order of the Treasurer

60 00

For paying the bounty allowed on Wolf scalps

4,446 00

For paying the bounty allowed on Wolf scalps, killed prior to the repeal of the act allowing a bounty for the killing of Wolves	193, 00
For folding and stitching the laws and journals	102 68
For distributing the laws and journals	86 10
For expenses incurred in examining into the practicability of connecting Lake Erie with the Ohio river, by a canal	4,170 30

Make the aggregate amount of unexpended balances	<u>\$18,859 11</u>
---	--------------------

The aggregate number of acres of land, Residents and Non-Residents, returned to this office by the different county auditors, and sent out for taxation for the year 1822 is 13,682,499

The aggregate amount of taxes charged on lands of residents and non residents as returned to this office by the different county auditors for the year 1822 is	188,647 53 6
--	--------------

From the above sum of \$188,647 53 6, the following items must be deducted to shew the nett amount of tax applicable to the service of the state.

The amount of taxes assessed for roads and highways	47,593 82
---	-----------

The probable amount of defalcations which may be returned say	15,000 00
---	-----------

The resident collectors fees on \$126,053 71 6 at six per cent.	7,560 00
---	----------

The amount of travelling fees to the resident collectors for making their general return	800 00
--	--------

The proportion payable to counties being twenty per cent of the nett amount is	<u>23,538 74 3</u>
--	--------------------

94,492 56 3

Leaving a balance to the service of the state of	94,154 27 3
--	-------------

To which add the amount due from James Hampson and others securities of the late collector of Muskingum county for the year 1817 not exactly ascertained (say)

1,500 00

The amount due from James Perry's securities late non-resident collector principal and interest, is about

200 00

The amount of balances of land tax due from sundry counties from the year 1821, is

466 27 1

The amount of money ordered to be paid by the Marshal of the Ohio District, into the state treasury for subsistence and the use of the prison during the confinement of certain convicts sentenced to hard labor in the Penitentiary by the United States court for said district is

810 81

Make the estimated receipts into the treasury which may be relied on for the support of government for 1823

97,132 05 4

The following estimate will shew the probable amount of disbursements for the year 1823, to wit:

The amount due the Virginia Military school fund with interest on 7,146 21 is

7,574 98

The amount which may be wanted for the Penitentiary over and above the sum which may be paid into the treasury from that institution (say)

5,000 00

The amount to defray the expenses in examining into the practicability of connecting Lake Erie with the Ohio river by a canal

4,000 00

The amount which may be wanting to pay the bank of the United States, together with the interest and costs provided judgment should be rendered against the officers of state

5,000 00

The amount due sundry counties on account of the proportion of land tax for the year 1821

1,717 83

The probable amount for the ordinary expenses of government

52,000 00

The amount of Audited bills in circulation on the 15th November 1822

30,686 85

From which deduct the probable amount of receipts into the treasury as before stated for 1823

97,132 05 4

Will leave a deficit on the 15th of November 1823 of

8,847 60 6

In the foregoing estimate, I have not included the amount which may be received into the treasury, from arrearages and the sale of lands for taxes, which with the other receipts above mentioned, will it is believed exceed the deficit and meet all the debts due, and the disbursements necessary for the year 1823, unless some extraordinary appropriation should be made by the legislature.

The receipts into the treasury for the year past has exceeded my anticipation and should the receipts for the succeeding year be equal to the preceeding, in proportion to the amount of taxes assessed, and it is presumed they will be, this statement may be relied on.

In the foregoing calculations, I have not taken into consideration any debts due the state on judgments or loans heretofore made, as they are altogether contingent which cannot be depended on.

It will be seen that the amount of defalcations for the year 1822, differ materially from the defalcations of 1821, this is owing to the lands in arrears, two years and previous having been omitted on the duplicate for the year 1822, the lands now on the duplicate are taxed only for 1821 and '22, most of which will probably be paid.

The following is a statement of the three per cent fund.

The amount of money received from the treasury of the United States, and paid over to the treasurer of state of this state, April 27, 1822 is

3,257 54

To which add the balance remaining in the treasury on the 3d day of December 1821, to wit:

4,773 46 8

Make the aggregate amount of

8,031 00

The amount paid on proper vouchers for services performed and labor done on sundry roads from the 3d day of December 1821 to the 15th day of November 1822 is

3,092 62

Balance of that fund in the hands of the
treasurer on the 15th ultimo

4,938 38 8

The balance of money in the treasury for
the use of schools within the Virginia Mili-
tary district is

2,364 88 7

The accompanying schedule exhibits a detached view of
the quantity of land of the different rates and the amount
of taxes charged in the several counties which is stated in
gross in this report.

All of which is respectfully submitted.

R. OSBORN, *Auditor.*

A SCHEDULE,

Shewing the quantity of land, of the different rates and the amount of taxes charged thereon in the different counties, agreeably to the returns made to this office, by the county Auditors, for the year 1822.

Names of Counties.	Acres & Rates.			Road Tax.		State Tax.	
	1st.	2d.	3d.	Dols.	C. M.	Dols.	C. M.
Adams	74	84094	117885	746	42 5	2105	63
Athens	415	16799	354598	949	49 8	2850	47 3
Ashtabula	162	154462	254.27	1204	85 1	3654	58 9
Allen		1142	1000			28	14
Butler	14786	162923	66039	964	15 5	2776	48 5
Belmont	1132	40495	222168	675	35 1	3163	82 4
Brown	637	235220	95149	1149	68 4	4650	43 3
Clermont	4140	189603	58029	983	92 4	2844	67 1
Champaigne	5265	117436	42988	613	52 6	1863	37
Clinton	925	175350	29761	552	88 3	244	19 1
Coshington	2220	138238	93392	898	24 4	2558	64 5
Columbiana	664	179032	220569	1454	67 4	4148	26 3
Cuyahoga	408	87293	252954	1029	12 6	3118	79 6
Clark	6377	142816	48450	749	50 5	2184	82 4
Dark	410	49713	4024	199	45 2	593	64 6
Delaware	1236	165904	130510	1146	28 9	3239	56 3
Franklin	15080	156976	101489	925	6 5	2775	5
Fayette		124042	55867	771	87 4	2147	
Fairfield	9028	156687	23304	728	85 7	2186	38 3
Green	3138	181438	45950	873	36 1	2556	41
Gallia	2164	29578	40521	518	13 1	1508	79 8
Guernsey		64264	27628	559	31 1	1680	24 1
Geauga		51097	307960	1066	34 5	3092	42 7
Hamilton	10761	168407	64188	983	54 5	2611	2 8
Highland	644	159918	110394	1055	10 6	2988	99 1
Harrison		8442	131041	643	13 4	1926	40 6
Huron	730	194792	345852	1844	6 2	5236	18 2
Hocking	7	14718	55680	221	38	637	87 1
Hardin		85371	4971			1083	47 7
Jefferson	2616	92097	127334	70	12 9	2069	20 3
Jackson							
Knox	787	132152	100784	892	24 6	2528	22 4

Licking	2999	192905	98585	121485	1	3410417
Lawrence	1029	26117	17331	16625	7	181047
Logan	1909	158913	44143	92941	5	1858833
Montgomery	9012	89764	53440	89029	4	2670881
Miami	13933	130268	21522	76819	6	2141154
Madison		109777	82399	61766	1	1852884
Muskingum	2740	131906	146452	9567	1	2781876
Monroe	1400	43940	17156	25526	2	660363
Medina		193389	270683	441373	2	140917
Morgan	130	50761	25216	30169	5	869575
Meigs	1150	55106	153474	59494	6	1615566
Marion		12733	10412			330425
Preble	2938	138149	6110	79940	3	229782
Pike	10183	53113	12795	28194		966206
Pickaway	22965	133644	92998	10250	6	9854776
Portage		47636	399977	135704	5	3893339
Perry	1934	100227	48635	30710	1	152133
Ross	23957	152055	128508	10107	5	303974
Richland	4388	247663	44559	134429	5	3769116
Sicoto	3651	47027	35592	31394		91024
Stark	966	230358	132035	131173	9	381433
Shelby	328	31743	3110	12649		38047
Tuscarawas	630	147564	57062	78358	3	227060
Trumbull		22009	522248	143977		4319476
Union	428	123678	63976	643		928577
Warren	33394	186381	13364	89357	7	2381241
Washington	3681	16455	209860	66131	2	1927285
Wayne	868	337961	7925	158031	9	4454839
	226084	0870921	6585449	4759382	0	141063716

Treasury Office,

Columbus, November 15, 1822.

To the Honorable the General Assembly of the State of Ohio:

In compliance with the resolution of the 2d of February, 1822, authorizing the Treasurer of State, to receive from Hiram M. Curry late Treasurer of State, or his trustees proper deeds of release, or quit claims to certain parcels of real estate therein specified; I proceeded in conjunction with said Curry to have the same valued and appraised; after which deeds were made out by said Curry and trustees; vesting in the State legal titles to said property, and I receipted to said Curry for the amount of appraisment of said property on account of the defalcation due the State.

The legal proceedings on the part of the State vs. Hiram M. Curry and his securities having commenced previous to the passage of the aforesaid resolution, and not being authorized by the same, to treat for interest or costs, nor in any manner to interfere with the legal proceedings, I have confined myself to the express provisions of said resolution.

The judgments in favor of the State against banking institutions and individuals are generally well secured; executions have issued in all cases (except where transfers of judgments and mortgages have been taken) but no money made, except in the case of the State, vs. Miami Exporting Company \$250 was made on execution which yet remains in the hands of the sheriff. By virtue also of an execution, the same vs. the same, a house and lot on fifth street in the city of Cincinnati was purchased for \$500, by the attorney employed in that case.

EXHIBIT,

Shewing the amount of receipts and expenditures from the 3d of December 1821, to the 15th of November 1822.

*The Treasury of State,
To General Revenue Account, Dr.*

To balance of General Revenue Account (including the \$98,000 taken to satisfy in part the decree of the United States Circuit Court at September term 1821,) was on the 3d of December 1821,

\$124,849 17 1

To which add the amount received (including the loan of the Virginia Military school fund and balance of Virginia Military Redemption fund) from 3d December 1821, to the 15th November 1822,

\$81,040 05 3
202,909 22 4

Making together

Deduct the amount paid for the redemption of Audited bills including an interest of \$69 91 on said bills from the 3d December 1821, to the 15th November 1822,

78,994 78

Which leaves a balance in favor of the General Revenue Account (including the \$98,000 above stated) of

123,914 44 4

After deducting the \$18,000 it will leave a balance in favor of the Treasury of

\$25,914 44 4

To the Three per Cent Fund, Dr.

To balance remaining in Treasury on 3d December 1821,

\$4,773 46 6

To which add the amount received on the draft of the U. States Treasurer, on the 22d May 1822,

3,257 54

Making together

\$8,031 00 6

Deduct the amount paid on drafts from 3d December 1821, to 15th November 1822,

3,092 62 0

Which leaves a balance in favor of the Three per Cent Fund of

\$4,938 38 6

To Virginia Military School Fund, Dr.

To balance remaining in the Treasury on 3d December 1821,

\$2,364 88 7

To which add the amount received of Mordicai Bartley Register of the Virginia Military School Land, on 15th January 1822,

1,846 21

Making together

4,211 09 7

Deduct the amount loaned to General Revenue Account, by Act of 2d February 1822,

1,846 21

Leaving a balance in favor of the
Virginia Military School Fund of

\$2,364 88 7

To Virginia Military Redemption Fund, Dr.

To balance remaining in the Treasury
on the 3d December 1821

\$2,221 13 8

Deduct the amount paid out previous
to the passage of the Act authorizing the
balance to be paid out for "State purposes."

267 95 6

Which leaves a balance in favor of
the Redemption Fund of **\$1,953 18 2**
which balance has been transferred to
the Revenue Account

Total amount of balances in favor
of the Treasury,

\$33,277 17 1

Respectfully submitted,

SAMUEL SULLIVAN,

Treasurer of State

2. P.

Form 3251

LAW

R case

V. 19-21 (inlv.) 17274

Ohio, Laws, statutes, etc.

Laws of Ohio.

Local. 1820-1822

Due	Name of Borrower	Returned
6	D. N. Sutton	27

Bridges

V. 19-21

17274

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