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FROM

Hon. E. Lane



Revised
Oct 7, 1817
ACTS (*Leg. Session*)

PASSED

AT THE FIRST SESSION

OF THE

Fifteenth General Assembly

OF THE

STATE OF OHIO, —

BEGUN AND HELD IN THE TOWN OF

COLUMBUS, December 2, 1816;

AND IN THE FIFTEENTH YEAR OF SAID STATE

— — — — —
VOL. XV.

PUBLISHED BY AUTHORITY.

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L A W S.

CHAPTER I.

An act to change the name of the town of Clinton in the county of Fairfield.

Whereas it has been represented to this general assembly, that inconveniences arise to the inhabitants of Clinton, and its vicinity, in the county of Fairfield, in consequence of a town in the county of Knox being of the same name, by which letters and packets are frequently miscarried.

Therefore,

Be it enacted by the general assembly of the state of Ohio, That the name of the town of Clinton in the county of Fairfield, be, and the same is hereby changed, and shall hereafter be known and designated by the name of Rushville.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the Senate.

December 10, 1816.

CHAPTER II.

An act to amend the act defining the duties of the Auditor and Treasurer of state.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the state treasurer shall ^{The treasurer to} give bond ^{to the gov} previous to his entering on the duties of his office.

ernour forenter into bond with five or more sufficient securities such as shall be approved of by the governor in the sum of fifty thousand dollars payable to the governor and his successors in office, for the use of the state conditioned for the faithful discharge of all and singular the duties required of him by law; and for the faithful accounting for and paying over all monies by him received, for the use of the state, or otherwise deposited in his hands as state treasurer.

Repealing
clause.

Sec. 2. *And be it further enacted*, That so much of the first section of the act, to which this is an amendment as relates to the state treasurer's giving bond, be, and the same is hereby repealed.

Commence
ment.

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

THOS. KIRKER,

Speaker of the house of representatives,

ABRAHAM SHEPHERD,

Speaker of the senate,

December 12, 1816.

CHAPTER III.

An act to repeal so much of an act entitled "an act declaring certain streams navigable" as relates to One Leg creek.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That so much of an act entitled, "an act declaring certain streams navigable" as relates to One Leg creek in Tuscarawas county passed February 17, 1808, be and the same is hereby repealed.

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

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

December 14, 1816.

CHAPTER IV.

An act for the organization of Darke county.

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

Sec. 2. Be it further enacted, That all suits and actions whether of a civil or criminal nature which shall be instituted prior to the taking effect of this act shall be prosecuted to final judgment and execution in the county of Miami, as though the county of Darke had not been organized.

Sec. 3. And be it further enacted, That on the first Monday in April next the legal voters residing in the county of Darke shall assemble in their respective townships at the usual places of holding elections in said township and elect their several county officers, who shall hold their offices until the next annual election.

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

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD.

Speaker of the senate.

December 14, 1816.

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CHAPTER V.

An act to continue in force the act entitled, "an act for the incorporation of manufacturing companies.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the act entitled "an act for the incorporation of manufacturing companies passed January the 11th, 1812, be and the same is hereby continued in force; and all manufacturing companies that may hereafter regularly associate themselves together shall be enabled to avail themselves of the privileges granted by the provisions thereof as fully and amply as if the said act did not expire by limitation.

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

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

December 30, 1816.

CHAPTER VI.

An act for organizing the county of Lawrence and for other purposes.

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

Sec. 2. *Be it further enacted,* That all suits and actions whether of a civil or criminal nature which shall be instituted prior to the taking effect of this act shall be prosecuted to final judgment.

ment and execution in the counties of Gallia and Scioto, as though the county of Lawrence had not been organized.

Sec. 3. *Be it further enacted*, That on the first Monday in April next the legal voters residing in the county of Lawrence shall assemble in their respective townships at the usual place of holding elections in said townships and elect their several county officers, who shall hold their offices until the next annual election.

Sec. 4. *And be it further enacted*, That such part of fractional township number one in the 19th range as lies above the French grant in the county of Scioto, be and the same is hereby annexed to the county of Lawrence.

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

Commence-
ment-

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

December 20, 1816.

CHAPTER VII.

An act to amend the act, entitled, an act to provide for the election of electors of the President and Vice-President of the United States;

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That each elector of President and Vice-president of the United States, shall before the hour of 12 o'clock on the day next preceeding the day fixed by the law of congress to elect a President and Vice-president of the United States, give notice to the governor, that he is at the seat of government,

Vacancies
in the office
of electors
how filled.

and ready at the proper time to perform the duties of an elector; and the governor shall forthwith deliver to the electors present a certificate of all the names of the electors, and if on examination thereof it should be found that one or more of said electors are absent and shall fail to appear before nine o'clock on the day of election of President and Vice-president as aforesaid; the electors then present shall immediately proceed to elect by ballot in the presence of the governor a person or persons to fill such vacancy or vacancies as may have occurred through the non attendance of one or more of the electors.

Sec. 2. Be it further enacted, That if more than the number of persons required to fill the vacancy or vacancies as aforesaid shall have two or more the greatest and an equal number of votes, then the election of those having such equal and highest number of votes, shall be determined by lot to be drawn by the governor in the presence of the electors attending; otherwise he or they to the number required having the greatest number of votes shall be considered elected to fill such vacancy.

Sec. 3. Be it further enacted, That immediately after such choice is made in manner aforesaid, the name or names of the person or persons so chosen shall be forthwith certified to the governor by the electors making such choice, and the governor shall cause immediate notice certified in writing to be given to each and every of the electors chosen to fill the vacancy as aforesaid; and the said person or persons so elected and notified, and not the person or persons in whose place he or they shall have been chosen shall be electors and shall meet the other electors at the same time and place, and then and there dis-

charge all and singular the duties enjoined on him or them as electors as aforesaid by the constitution and laws of the United States, or of this state.

Sec. 4. *Be it further enacted*, That the sheriff's of the different counties shall each receive Compensation for the services which have been or may be performed under the act to which this is an amendment, the following fees, to wit, for advertising the election for electors agreeably to the provisions of the before recited act the sum of sixty two and an half cents for each township within his county; for attending at the seat of justice to receive the township returns, the sum of three dollars; for delivering the poll books to the secretary of state at his office, the sum of three dollars for every twenty five miles traveling to and from the seat of government, the distance to be estimated from their respective seats of justice on the most usual route to the seat of government: which fees shall be allowed by the auditor on the certificate of the secretary of state and paid by the treasurer of state.

Sec. 5. *Be it further enacted*, That each and every elector who attended the college of electors at the seat of government in December in the year 1816 shall be entitled to receive three dollars for each and every days attendance at the seat of government to perform the duties of an elector: and three dollars for every twenty five miles travel of the estimated distance by the most usual route from his place of residence to the seat of government, and the like sum for returning; and all future electors shall receive the same compensation until otherwise provided by law—which sum shall be allowed by the auditor upon the certificate of the governor, and paid out of any money in the treasury not otherwise appropriated by law: *Provided however*,
 Compensation of electors and how obtained.
 Provision.

That when a member of the general assembly shall be appointed an elector he shall not be entitled to the compensation herein allowed.

Repealing clause. Sec. 6. *And be it further enacted,* That the eighth section of the act entitled, "an act to provide for the election of electors of the President and Vice-president of the United States" and so much of the seventh section of the same act as comes within the purview of this act, be and the same is hereby repealed.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD.

Speaker of the senate.

December 20, 1816.

CHAPTER VIII.

An act, for leasing a part of section number 16, township 3, and range 2, in John Cleves Symmes' purchase .

Duty of township trustees. Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the trustees of the original surveyed township number three in the second entire range, in John Cleves Symmes' purchase situated within the county of Butler, be and they are hereby empowered and required so soon as the present lease expires on that part of section number 16 in said township which includes a millseat; to appoint three disinterested freeholders, who shall after taking an oath or affirmation faithfully and impartially to discharge the trust reposed in them, take to their assistance a skilful surveyor, and proceed to lay off 20 acres of said lot including the mill seat and such further part of said lot as will include

3 freeholders & surveyor to be appointed and take an oath.

the ground through which the race may be cut; Their pow-
 carefully marking the lines and corners of such ^{er & duty.}
 lot; and after laying off the same in manner a-
 foresaid, the said freeholders shall proceed to
 appraise the same and make return thereof to
 the trustees of the aforesaid township under
 their hands and seals; and after receiving said
 return the trustees shall advertise in a newspa- ^{Trustees}
 per printed in Hamilton at least 30 days before ^{to give no-}
 the day of sale setting forth the time and place ^{tice and}
 at which they will offer the aforesaid lot to lease ^{lease the}
 to the highest bidder; obligating the lessee to ^{will lot.}
 build a grist mill thereon within 3 years from
 the date of such lease, and keep the same in
 constant repair.

Sec. 2. *Be it further enacted,* That the trust- ^{Conditions}
 ees aforesaid shall execute a lease to the pur- ^{of the lease}
 chaser or purchasers for 99 years renewable
 forever, conditioned that the lessee or lessees
 shall within 3 years erect a grist mill thereon
 and keep the same in constant repair, and pay
 six per cent, on the purchase money yearly and
 every year on the first Monday of April, and ^{Manner of}
 on failure of payment the trustees may sue for ^{collecting}
 and recover the same as other debts are collect- ^{cents.}
 ed by law, and if no goods and chattels can be
 found whereon distress can be made, or if mes-
 ne process cannot be served, upon the return of
 the same the trustees are thereupon authorised
 to re-enter upon the land of the delinquent or
 delinquents and sell at public vendue his, her or
 their title in the said lease, to satisfy such rent
 and costs; in which case the trustees shall give
 twenty days previous notice of the time and
 place wheresaid lease will be sold, by adver-
 tising the same in such manner as is pointed
 out in the first section of this act subjecting the
 purchaser or purchasers to the conditions con-

tained in the original lease; and if the lease shall sell for more than the rent and costs, the surplus shall be paid over to the delinquent or delinquents or to his, her or their legal representatives.

Sec. 3. *Be it further enacted,* That the trustees of the original surveyed township be and they are hereby empowered to lease to any applicant the balance of the lot or lots from which the before mentioned mill lot may be taken in the same manner they are authorised to lease a lot of eighty acres by the fifth section of the act to incorporate the original surveyed townships although such lot or lots contains a less quantity.

Sec. 4. *Be it further enacted,* That the mill lot so laid off shall not be sold for less than the appraised value thereof as mentioned in the first section of this act; and the trustees shall each receive for their services under this act for every day they shall be employed therein the sum of seventy five cents, the appraisors each one dollar, and the surveyor one dollar and fifty cents per day and the clerk of the trustees fifty cents for the lease executed to the purchaser or purchasers as aforesaid which sums shall be paid out of the proceeds of the school section.

Sec. 5. *And be it further enacted,* That the nett proceeds of the said lot so laid off shall be distributed and applied in the manner pointed out in the act supplementary to the act entitled an act to incorporate the original surveyed townships passed the 9th day of February 1814.

THOS. KIRKER,

Speaker of the house of representatives.
ABRAHAM SHEPHERD.

Speaker of the senate.

December 23, 1816.

CHAPTER IX.

An act to incorporate the inhabitants of the third fractional township in the first fractional range of townships within the Miami purchase in the county of Hamilton.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the inhabitants of the third fractional township and first fractional range of townships in the Miami purchase, and county of Hamilton, be and they are hereby erected into a body corporate and politic to be known by the name of the township of Delhigh, to have the same powers and privileges, and to be under the same rules and regulations as are mentioned in the act, entitled "an act providing for the incorporation of townships," passed February the 19th, 1810. The proviso to the first section of the above recited act to the contrary notwithstanding.

Sec. 2. *And be it further enacted,* That the first election for township officers shall be holden at the dwelling house of William T. Cul-lum at the time pointed out by the act aforesaid and all suits remaining unsettled, all taxes, fines and penalties or other demands shall be prosecuted to final judgment, and collected in the same manner as though this act had not been passed.

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

THOS. KIRKER,
Speaker of the house of representatives.

ABRAHAM SHEPHERD,
Speaker of the senate.

December 27, 1816.

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CHAPTER X.

An act to change the name of the town of St. Clairsville in the county of Adams.

Whereas it has been represented to this general assembly, that inconveniences do arise in the town of St. Clairsville, in the county of Adams, in consequence of there being one or more other towns of the same name within this state:

Therefore,

Be it enacted by the general assembly of the state of Ohio, That the name of the town of St. Clairsville in the county of Adams, be and the same is hereby changed, and that the said town shall henceforth be known and distinguished by the name of Decatur, *Provided,* That this change shall in no case be so construed, as to effect the right or title of property granted in or to said town of St. Clairsville.

THOS. KIRKER,

Speaker of the house of representatives,

ABRAHAM SHEPHERD,

Speaker of the senate,

December 30, 1816.

CHAPTER XL

An act giving the assent of this state to the erection of a toll bridge across the Ohio river at Wheeling.

Whereas the general assembly of the commonwealth of Virginia did on the 17th day of February annodomini 1816, pass an act entitled "an act incorporating a company to erect a toll bridge over the Ohio river at Wheeling by which act it is provided and declared that the same should be in force so soon as the assent of

the legislature of the state of Ohio to its provisions should be obtained.

Therefore,

Be it enacted by the general assembly of the state of Ohio, That the Wheeling and Belmont bridge company be and they are hereby recognized and declared to be a body corporate and politic within this state, with all the powers and privileges, and subject to all the restrictions of the act of the general assembly of the commonwealth of Virginia entitled, "an act incorporating a company to erect a toll bridge over the Ohio river at Wheeling," to the provisions of which act the general assembly of the state of Ohio, do hereby assent as fully and completely as if the same were herein particularly recited; *Provided,* The same shall be completed within ten years from and after the passage of this act; *Provided also,* That it shall at no time be lawful for the said company to use their funds for the purpose of banking, and if the said company shall at any time apply any of their funds to the use or purpose of banking, they shall forfeit all the benefit and privileges conferred by this act.

THOS. KIRKER,

Speaker of the house of representatives;

ABRAHAM SHEPHERD,

Speaker of the senate.

December 30, 1816.

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CHAPTER XII.

An act declaring the Cuyahoga river navigable.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That Cuyahoga river from

Points of the junction with Lake Erie to the place where navigation the bridge across said river at the Cuyahoga portage now stands, be and the same is hereby declared navigable and a public high way.

Sec. 2. Be it further enacted, That no person shall be permitted to build any mill dam on said river or otherwise to obstruct the navigation thereof between the points aforesaid.

Sec. 3. Be it further enacted, That if any person shall offend against the provisions of this act, such person so offending shall forfeit and pay for every such offence a sum not exceeding one thousand dollars, nor less than five dollars at the discretion of the court; to be recovered by indictment for the use of the county in which such offence may be committed; and if any person shall build any dam on said river or otherwise obstruct the navigation thereof, where said river shall form the line between two counties, such offence may be prosecuted in either of said counties, and the fine or penalty shall go to the use of the county in which the offence shall be prosecuted, and the person so offending shall moreover be liable to any person or persons for any injury which such person or persons may sustain in consequence of any such offence.

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

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 1, 1817.

CHAPTER XIII.

An act to incorporate the Zanesville and Lancaster turnpike company.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That Philemon Beecher, John Creed, William W. Irwin, Thomas Sturgeon, John Williamson, Edward Murphy, Elnathan Scofield, Jacob Ditto, Jacob Catterlin, John Marquart, Christian King, William Trimble, David Beckwith, George Trout, Thomas H. Dolson, Jacob Crooks, Levi Whipple Increase Matthews, Willis Silliman and Ebenezer Buckingham Jr. and their associates be and they are hereby created a body politic and corporate by the name and title of "the President and Directors of the Zanesville and Lancaster Turnpike Company" and by that name they and their successors shall have perpetual succession and all the privileges and immunities incident to a corporation, and shall be capable of holding capital stock to the amount of forty thousand dollars, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions in manner and form as they shall think proper, if such enlargement shall be necessary to fulfil the intent of this act, which is hereby declared to be to enable said company to make a turnpike road from Zanesville to Lancaster and for no other purposes; and for taking purchasing and holding to them their successors and assigns in fee simple and for any lesser estate, any such lands tenements or hereditaments and estates real, personal and mixed, as shall be necessary for them in the prosecution of their works, and shall be capable of suing and being sued, pleading and being impleaded, and of doing all and every mat-

First
comrs.
names.

Style of the
corporation.

Amount of
stock.

Lands may
be held.

May sue &
be sued.

R*

ter and thing a corporation or body politic may lawfully do; and may have a common seal, and the same break, alter and renew at pleasure.

Sec. 2. *Be it further enacted,* That so soon as the persons named in the first section of this act or a majority of them, shall have organized themselves into a company by written articles of association, recognizing this act, they may then proceed to have subscription books opened at the towns of Zanesville, Putnam, Somerset, Lancaster and at such other places as they may think proper, to receive subscriptions to the stock of said company, in shares of fifty dollars each, which books shall be opened at such time and under such regulations as shall be directed by said commissioners or a majority of them, provided that not more than one dollar on each share shall be demanded at the time of subscribing, and not more than four at any subsequent instalment, and before any penalty or forfeiture shall accrue on account of non payment of any instalment, at least sixty days notice of the time and place of paying such instalment shall have been given in one of the newspapers printed in the towns of Zanesville and Lancaster.

Subscription books to be opened at Zanesville, Lancaster &c.

Time and manner of paying stock.

Sec. 3. *Be it further enacted,* That whenever there shall be three hundred shares subscribed to the stock of said company, it shall be the duty of the commissioners or a majority of them to call a meeting of the stockholders, by giving public notice not more than thirty nor less than fifteen days in a newspaper printed in Zanesville and Lancaster. for the purpose of electing five directors, at which election at least three of the commissioners aforesaid shall preside, and all votes shall be by ballot. each stockholder shall be entitled to give for each share not ex-

Time and manner of electing five directors.

ceeding ten, one vote, for every two shares above ten and not exceeding fifty, one vote, for every five shares above fifty, one vote; stockholders may vote by proxy under such regulations as may be prescribed in the bye-laws; no person who is not the owner of ten shares shall fill the office of director of said company; and the directors or a majority of them, when thus elected and qualified, shall on the day succeeding their election, between the hours of ten and twelve A. M. proceed to elect a president from their number, and all elections after the first shall be on the first Tuesday in January in each and every year at such place as the directors shall appoint, the directors shall each of them take an oath or affirmation diligently and impartially to discharge the duties of their office, *Provided* Directors to take an oath. however, That it shall and may be lawful to hold an election at any other time on notice being given as aforesaid.

Sec. 4. *Be it further enacted*, That the president and directors shall hold their office for one year and until others are chosen and qualified; they shall in all cases manage the concerns of said company, appoint such officers and agents as are necessary, fill all vacancies that may happen in their own body, until the annual election, make bye-laws for the government of the corporation, provided the same be not inconsistent with the constitution and laws of this state or of the United States, and may require an oath or affirmation of any of the agents of said company when they may think necessary, may call special meetings of the stockholders, always giving at least ten days notice as directed in the third section of this act. keep a record of all transactions relative to the business of the company and do all other matters and things touching the concerns of the company contemplated in this act. Power and duty of directors in general.

Penalty on stockholders who may fail to make payment. *Sec. 5. Be it further enacted,* That if any stockholder shall neglect or refuse to pay any instalment after having sixty days notice of the time and place of payment as provided in the second section of this act, he shall for every month the same remains unpaid forfeit and pay the sum of five per cent. on the amount of such instalment, and provided the same remains unpaid for the space of six months, it shall be at the option of the directors to declare the stock of such delinquent forfeited to the company, together with whatever may have been paid thereon, or to collect the same together with the penalty that may have accrued thereon by suit, and no delinquent stockholder shall have a right to vote at any meeting of the company.

Points of the road. *Sec. 6. Be it further enacted,* That the said company or their agents shall have a right to lay out and survey the said road through any improved or unimproved lands on the best route from the west end of the bridge across the Muskingum river in the town of Putnam along the main street in said town of Putnam, thence through Somerset and Rushville to the main street in the town of Lancaster, and to take from the land occupied by said road when located, laid out and surveyed as aforesaid any stone, gravel, timber or other materials necessary to construct a secure, firm and substantial road as contemplated by this act, and in case sufficient materials cannot be procured on the land so as aforesaid located for said road, said company or their agents shall have a right to enter upon any unimproved lands adjoining or in the vicinity of said road, and to dig, cut down, take and carry away so much stone, gravel, timber or other materials (not previously dug, cut down, taken or appropriated by the owners to any other particular use) as may be

Manner of procuring materials

necessary to enable said company to construct said road, (having first given the owner or owners of such lands notice of such their intention,) doing as little damage as possible to such lands and repairing all breaches made in any enclosure for the purpose aforesaid, and if any difference shall arise between the owner or owners of any ground over which the road is to pass, or from which materials may be taken as aforesaid, and the agents of the company respecting the damages done to such ground either in making the road or procuring materials for so doing, it shall be determined by three disinterested freeholders to be appointed by the commissioners of the county in which the land lies; and it is hereby made the duty of the commissioners when thereunto requested by the agents of said company or such owner or owners to make such appointment; and the freeholders thus appointed shall before entering on the duties assigned them, take an oath or affirmation to discharge the duties of their appointment with impartiality, and in assessing the damages done to any land by laying out and making said road through the same, they shall take into view whether the plantation or tract of land is really made less valuable on account of such road, and shall make out their assessment in writing, a copy of which shall be given to the proprietor of the land, and another copy to the agent or agents of the company, and before the agent of said company shall in any wise enter such ground to make said road, other than to survey the same, they shall pay or offer to pay to the owner of such land the amount of damages assessed as aforesaid, *Provided*. That all expenses incurred in carrying into effect the provisions of this section, shall be defrayed by said turnpike company.

Manner of
 estimating
 damages
 done in
 procuring
 materials.

Provided..

Sec. 7. *Be it further enacted,* That the president and directors of the Zanesville and Lancaster turnpike company shall cause the said road to be opened not exceeding sixty six feet wide, at least eighteen of which shall be made an artificial road composed of stone, gravel wood or other convenient materials well compacted together in such manner as to secure a firm, substantial and even road, raising in the middle with a gradual arch; and shall maintain and keep the same in good repair, and in no case shall the ascent in the road be of greater elevation than five degrees.

Sec. 8. *Be it further enacted,* That so soon as the said turnpike company shall have completed the road as aforesaid from Zanesville to Lancaster or any part thereof not less than ten miles measuring from the west end of the bridge across the Muskingum river in the town of Putnam, and so from time to time as often as five miles of said road shall be completed, always measuring from the bridge aforesaid, the commissioners of the county in which said finished road lies, shall on application of the agents of said company, appoint three disinterested freeholders, who shall on oath or affirmation examine the same, and report their opinion to the commissioners in writing; and if such report shall state the road, or such part thereof to be completed agreeably to the provisions of this act, the commissioners shall, by licence in writing authorize the said company to erect gates at suitable distances, and to demand and receive of persons travelling the same the tolls allowed by this act.

Sec. 9. *Be it further enacted,* That the said company having completed the road or any part thereof according to the provisions of this act, shall have a right to demand and receive the

Following rates of toll for each and every ten miles of said road and in the same proportion for a greater or less distance, to wit, for every four wheel carriage drawn by two horses or oxen twenty five cents; for every horse or ox in addition six and a fourth cents; for every two wheel carriage drawn by two horses or oxen eighteen and three fourth cents, for every horse or ox in addition six and a fourth cents; for every sled or sleigh drawn by two horses or oxen twelve and a half cents, and for every horse or ox in addition six and a fourth cents; for every horse and rider six and a fourth cents; for every horse, mule or ass led or driven six months old or upwards three cents; for every head of neat cattle six months old or upwards two cents; for every score of sheep or hogs twelve and a half cents; for every four wheel pleasure carriage drawn by two horses thirty-seven and a half cents for every horse in addition twelve and a half cents; for every two wheel pleasure carriage drawn by one horse twenty five cents, for every horse in addition twelve and a half cents; for every four wheel carriage drawn by one horse eighteen and three fourth cents; *Provided*, That all persons going to and from public worship on the Sabbath, funerals, militia musters, and general elections shall pass free of toll; and all other persons who by law are or may be exempt from paying ferriages or tolls at toll bridges, shall pass free of toll on said road, *Provided also*. That any future legislature may reduce the rate of toll to be collected on the aforesaid road after the year one thousand eight hundred and forty three.

Sec. 10. *Be it further enacted*. That if any person or persons using said road shall with intent to defraud said company or to evade the payment of toll, pass through any private gate-
Penalty for evading the payment of toll

Further proviso.

How re-
covered.

or bars or along any other ground near to any turnpike gate which shall be erected in pursuance of this act, or shall practice any fraudulent means with intent to evade or lessen the payment of such toll, or if any person shall take another person off of said road with intent to defraud said turnpike company, each and every one concerned in such fraudulent practices, shall for every such offence forfeit and pay to the president, directors and company the sum of five dollars without stay of execution, to be recovered with costs of suit before any justice of the peace in any county through which said road may pass, *Provided*, That nothing in this act shall be so construed as to prevent persons using the said road between the gates for commercial purposes.

Penalty for *Sec. 11. Be it further enacted*, That if the said company shall fail to keep said road in good repair for ten days in succession and complaint thereof be made to a justice of the peace in the county in which said road is out of repair, it shall be his duty forthwith to summon three disinterested freeholders to examine the same and he shall give notice to the toll gatherer at the nearest gate of the time when said freeholders will proceed to examine the same, and the said freeholders after having taken an oath or affirmation to act impartially, shall proceed to examine said road; and if the same is out of repair, they shall certify it under their hands to the justice of the peace, who shall immediately transmit a copy of such certificate to the nearest toll gatherer where such defective part of the road lies, and allow such compensation to said freeholders as shall appear reasonable, not exceeding one dollar per day, and also allow justices and constables fees as in other cases to be recovered from said company if the

road shall be found out of repair, and from the complainant: *Provided*, The said road should appear to have been in good repair; and from the time of receiving such notice no toll shall be demanded or received for such part of the road until the same shall be put in complete repair, under a penalty of five dollars for every such offence to be recovered with costs of suit of said turnpike company on the complaint and for the use of the person aggrieved.

Sec. 12. *Be it further enacted*, That the said company shall put up a post or stone at the end of each mile with the number of miles from the court house in Zanesville, fairly cut or painted thereon, and also in a conspicuous place near each gate shall be placed a board with the rates of toll painted thereon, and directions, to keep to the right as the law directs. Mile stones to be erected.

Sec. 13. *Be it further enacted*, That any person wilfully defacing or destroying any guide board, mile post or stone, or painted list of rates of toll erected on said road, shall on conviction thereof before a justice of the peace, be fined not exceeding twenty dollars with costs of prosecution, to be recovered at the suit of any person for the use of said company. Penalty for defacing mile stones &c.

Sec. 14. *Be it further enacted*, That all persons driving carriages or riding on horseback shall on meeting carriages or persons on horseback keep to the right so as to leave at least half of the road free; and if any person shall refuse to comply with the provisions of this section or in any other way hinder or obstruct any person in the free passage of said road, he or they shall, upon conviction thereof, before any justice of the peace having jurisdiction thereof, for every such offence forfeit and pay not less than one nor more than twenty dollars at the suit, and for the use of the person aggrieved. Regulations for travellers on said road.

Penalty on toll gatherers for detaining travellers &c. *Sec. 15. Be it further enacted,* That if any toll gatherer on said road shall unreasonably detain any passenger after the toll has been paid or offered to be paid, or shall demand or receive greater toll than by this act is allowed, he shall for every such offence forfeit and pay a sum not exceeding twenty dollars to be recovered with costs of suit, before any justice of the peace having competent jurisdiction thereof.

Suits to be commenced in three weeks. *Sec. 16. Be it further enacted,* That no suit or action shall be brought against any person or persons for any penalty incurred under the fifteenth section of this act, unless the same shall be commenced within three weeks from the time of incurring the same; and the defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence.

Company to keep an account of all expenses. *Sec. 17. Be it further enacted,* That there shall be kept a fair account of the whole expense of making and repairing said road, with the expense of toll gatherers and all other necessary agents or officers whom the company may find it convenient to employ, and also a fair account of the toll received; and the state or counties through which said road may pass, shall have a right to purchase the same on paying said company a sum of money, which together with the toll received, shall equal the cost and expense of said turnpike road as aforesaid; with an interest of twelve per centum per annum; and the books of the company shall always be open for the inspection of the commissioners of any county through which said road may pass, or the agent of the state, appointed by the legislature, and if the said company shall neglect or refuse to exhibit their accounts agreeably to the provisions of this section when thereunto required, either by the counties or state, all the

rights and privileges granted by this act shall cease.

Sec. 18. *Be it further enacted*, That if said company shall not within three years from the passage of this act proceed to carry on said work, or shall not within eight years thereafter complete the said road according to the true intent and meaning of this act, then and in either of those cases it shall and may be lawful for the legislature to resume all the rights liberties and privileges granted by this act. Time of commencing and completing said road.

Sec. 19. *And be it further enacted*, That if at any time the said company shall use their funds or any part thereof in any banking or other transaction of business or for any object or purpose other than that intended and expressed in the provisions of this act, then and in that case the privileges granted to said company shall cease and have no further effect. Proviso as to banking.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

December 25, 1816.

CHAPTER XIV.

An act authorising Dan Heaton of Trumbull county, together with his wife and children to assume and use the surname of Eaton.

Whereas it is represented to this general assembly, that since the year 1804, Dan Heaton of the county of Trumbull has written and subscribed his name Dan Eaton without any law authorising him so to do; and whereas the said Dan Heaton is desirous that a law may be pas-

sed authorising him the said Dan Heaton his wife and children to assume and use the surname of Eaton,

Therefore,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio, That Dan Heaton of the county of Trumbull, together with his wife and children, be and they are hereby authorised to assume the surname of Eaton and all contracts heretofore made, and all acts heretofore done by the said Dan Heaton in and by the surname of Eaton, are hereby declared to be to every intent and purpose as valid and obligatory as if the same had been made or done in and by the surname of Heaton.*

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 1, 1817.

CHAPTER XV.

An act to incorporate the Steubenville and Cadiz turnpike company.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio, That Bazleel Wells, Benjamin Tappan, John C. Wright, Alexander Sutherland, John Fritchard, John Hanna, William Tingley, Thomas Elliott and Jacob Sheplor, and their associates be and they are hereby incorporated, created and made a body corporate and politic, by the name and style of the Steubenville and Cadiz turnpike company, for the intent and purpose of making a turnpike road from the town of Steubenville in Jefferson*

Company
created.

Style
thereof.

county, to the town of Cadiz in Harrison count. Former a
 ty, with all the rights, privileges and immuni- referred to
 ties, and subject to all the restrictions, limita-
 tions, provisions and disabilities prescribed in
 the act to provide for the regulation of turnpike
 companies.

Sec. 2. *Be it further enacted*, That the cap- Capital
 ital stock of said company shall consist of fifty stock of the
 thousand dollars, to be divided into shares of company.
 fifty dollars each; with the privilege of extend-
 ing said capital stock to any amount not exceed-
 ing one hundred and fifty thousand dollars, if
 such extention shall be found necessary to effect
 the object of the incorporation.

Sec. 3. *Be it further enacted*, That said per- Commis-
 sons named in the first section of this act, or a sioners to
 majority of them shall be commissioners for the receive sub-
 purpose of receiving subscriptions to the capital scriptions
 stock of said company and of performing all the
 duties required of them, or contemplated by the
 act, to provide for the regulation of turnpike
 companies.

Sec. 4. *Be it further enacted*, That books Books to
 shall be opened for the purpose of receiving be opened
 subscriptions to the capital stock of said compa- on the first
 ny on the first Monday of May in the year 1817, May next.
 in the towns of Steubenville and Cadiz and at
 such other times and places as the commission-
 ers or directors may direct: and whenever three
 hundred shares shall be subscribed, it shall be
 lawful for the aforesaid commissioners to call a
 meeting of the stockholders for the purpose of
 electing nine directors who shall manage the
 concerns of said company.

Sec. 5. *Be it further enacted*, That when-
 ever said company shall have completed said
 turnpike road according to the provisions of the
 "act to provide for the regulation of turnpike
 companies," they shall have a right to demand

Rates 62
 tolls

C*

and receive from all persons travelling the same who are not exempted from the payment of toll by the above recited act, the following rates of toll, for every ten miles of said road, and in the same proportion for a greater or less distance, to wit, for every four wheel carriage drawn by two horses or oxen twenty five cents, and for every horse or ox in addition six and a fourth cents; for every two wheel carriage drawn by two horses or oxen eighteen and three fourth cents, and for every horse or ox in addition six and a fourth cents; for every sled or sleigh drawn by two horses or oxen twelve and a half cents, and for every horse or ox in addition six and a fourth cents; for every horse and rider six and a fourth cents; for every horse, mule or ass, led or driven six months old or upwards three cents; for every head of neat cattle six months old or upwards two cents; for every score of sheep or hogs twelve and a half cents; for every four wheel pleasure carriage drawn by two horses thirty seven and a half cents, and for every horse in addition twelve and a half cents; for every two wheel pleasure carriage drawn by one horse twenty five cents, and for every horse in addition twelve and a half cents; for every four wheel carriage drawn by one horse eighteen and three fourth cents; *Provided*, That no turnpike gate shall be erected nearer than one mile to the court-houses in the towns of Steubenville and Cadiz, *Provided also*, That there shall be a passway at every gate for foot passengers.

Rates of
toll con-
tinued.

Troviso.

The road
to be com-
menced in
two years
and com-
pleted in
eight years

Sec. 6. *And be it further enacted*, That if said turnpike company shall not commence making said road within two years from the passage of this act, and if the same shall not be completed within eight years thereafter, all the rights, privileges and immunities granted to said

company by this act or by the "act to provide for the regulation of turnpike companies," shall cease and determine.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD.

Speaker of the senate.

January 9, 1847.

CHAPTER XVI.

An act supplementary to the act, entitled "an act to incorporate the town of Steubenville in the county of Jefferson.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the town of Steubenville in the county of Jefferson, shall include within its limits, the following described territory, to wit, beginning on the Ohio river at the point where the north line of factory street in Ross' addition to said town intersects the said river, thence down the Ohio river to a point where the south line of south street intersects the said river, thence westerly with the south line of said south street to the western line of the town plat, thence along said western line diverging only so as to include in said line the addition to said town laid out by *Brice Veirs*, to the north line of north street, thence easterly along said north line of north street to the west line of the twenty feet alley which is the western boundary of Ross' addition, thence along said west line of said alley northwardly until said line shall intersect the north line of factory street aforesaid, and thence easterly along the north line of said factory street to the place of begin-

Bounda-
ries of the
corpora-
tion.

Continued

ing; and that the same shall hereafter be known and established as the territorial limits of said town.

Sec. 2. *And be it further enacted,* That the president and trustees of said town shall annually publish in a newspaper printed in said town, a true and exact account of the receipts and expenditures of the town for the year preceeing, at least two weeks before the next election of officers for said town.

List of receipts and expenditures to be published annually.

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

THOS. KIRKER,
Speaker of the house of representatives.
ABRAHAM SHEPHERD,
Speaker of the senate.

January 7, 1817.

CHAPTER VII.

An act to incorporate the Knox, Richland and Huron turnpike company.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That Samuel Williams, Winn Winship, John Garrison James Hedges Ebenezer P. Sturges, Joseph Williams, Daniel Ayres, Almond Ruggles, David Abbot, Jonathan Miller, Gilman Bryant, John Warden, John Haunn, Benjamin Martin, Hosmer Curtis, Anthony Banning, John Davison, David Moore, John J. Brice, Aaron Baker, William W. Gault, with their associates be and they are hereby incorporated, created and made a body corporate and politic by the name and style of the Knox, Richland and Huron turnpike company, for the intent and purpose of making

The company created.

Style thereof

a turnpike road from New-Ark through Mount Vernon, Mansfield and Traxville, to such point on Lake Erie or Sandusky Bay as the directors may think most to the interest of the state; with all the rights, privileges and immunities, and subject to all the restrictions, limitations, provisions and disabilities prescribed in the act to provide for the regulation of turnpike companies.

Sec. 2. *Be it further enacted*, That the capital stock of said company shall consist of one hundred thousand dollars to be divided into shares of twenty five dollars each, with the privilege of extending said capital stock to any amount not exceeding one hundred and fifty thousand dollars if such sum shall be found necessary to effect the object of the incorporation.

Capital stock of the company.

Sec. 3. *Be it further enacted*, That the said persons named in the first section of this act shall be commissioners for the purpose of receiving subscriptions to the capital stock of said company, and of performing all the duties required of them or contemplated by the act, to provide for the regulation of turnpike companies: books shall be opened for the purpose of receiving subscriptions to the capital stock of said company on the first Monday of May next, at Mount Vernon in the county of Knox, Mansfield in the county of Richland, Huron in the county of Huron, and New-Ark in the county of Licking; and whenever forty thousand dollars shall be subscribed it shall be lawful for the aforesaid commissioners to call a meeting of the stockholders, for the purpose of electing thirteen directors who shall manage the concerns of said company.

Commissioners to receive subscriptions.

Books to be opened on the first May next.

Sec. 4. *Be it further enacted*, That whenever said company shall have completed said

Rates of
toll.

turnpike road according to the provisions of the act to provide for the regulation of turnpike companies; they shall have a right to demand and receive from all persons traveling the same who are not exempted from the payment of toll by the above recited act the following rates of toll, for every ten miles of said road, and in the same proportion for a greater or less distance, to wit, for every four wheel carriage drawn by two horses or oxen twenty five cents, for every horse or ox in addition six and one fourth cents, for every two wheel carriage drawn by two horses or oxen twenty cents; for every horse or ox in addition, six & one fourth cents; for every sled or sleigh drawn by two horses or oxen, twelve & one half cents; for every horse or ox in addition, six & one fourth cents; for every horse & rider twelve & one half cents; for every horse, mule or ass, led or driven, six months old or upwards, three cents; for every head of neat cattle six months old or upwards, two cents; for every score of sheep or hogs twelve & one half cents; for every four wheel pleasure carriage, drawn by two horses, thirty-seven & one half cents; for every horse in addition, twelve & one half cents; for every two wheel pleasure carriage drawn by one horse, twenty-five cents; for every horse in addition twelve & one half cents; for every four wheel carriage drawn by one horse, twenty-five cents; for every sled, sleigh or two wheeled carriage, drawn by one horse or ox, twelve & an half cents. *Provided*, no turnpike gate shall be erected nearer than one mile to the court house in Newark, Mount Vernon or Mansfield, & in the erection of each gate a passage shall be left free for foot passengers. *Provided also*, that the legislature may regulate the rates of toll herein fixed after the year

Rates of
toll contin-
ued.

Proviso.

Further
proviso.

one thousand eight hundred and forty three.

Sec. 5. *And be it further enacted*, That if said turnpike company shall not commence making said road within two years from the passage of this act, and if the same shall not be completed within ten years thereafter, all the rights, privileges and immunities granted to said company by this act or the act to provide for the regulation of turnpike companies, shall cease and determine.

The road to be commenced in two and finished in ten years.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 10, 1817.

CHAPTER XVIII.

An act supplementary to the act entitled "an act to incorporate the stockholders of the Zanesville Canal and Manufacturing company."

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the operation of the fifteenth section of the act, entitled "an act to incorporate the Zanesville Canal and Manufacturing company," passed the twenty fourth day of February 1816, be and the same is hereby suspended until the first day of January 1818.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 7, 1817.

CHAPTER XIX.

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

Sec. 1. Be it enacted by the general assembly of the state of Ohio, That Isaac Stubbs, Robert Whitacre and their associates, their heirs and successors be and they are hereby authorised to build a toll bridge over the little Miami river, above the mouth of Todd's fork in the county of Warren, at any point the said Isaac Stubbs, Robert Whitacre and their associates or a majority of them may agree on, so that the distance will not exceed forty perches above the mouth of the said Todd's fork, the consent of the owner or owners of the lands first being had, and that the persons above named together with their associates, shall be known by the name of the little Miami bridge company, and that the said company be and they are hereby created a body corporate and politic with sufficient powers to sue and be sued, plead and be impleaded in any court of law or equity, having competent jurisdiction.

Sec. 2. Be it further enacted, That the building, superintendence and management of said bridge shall be conducted by said company or a majority of them, who shall meet on the first Monday of May next, at the house of Cyrenius Jennings in the county of Warren and annually thereafter at such time and place as said company or a majority of them may direct and elect out of their own body a president a secretary and treasurer, and shall appoint a toll gatherer as any time thereafter, and such other assistants at said company may deem necessary, and

Scheme of the
bridge.

Style of the
corporation.

Officers to
be elected
on the first
Monday of
May annually who
shall give
security.

may demand security for the faithful performance of their respective duties.

Sec. 3. *Be it further enacted*, That the said 'Little Miami bridge company,' be and their heirs or successors, are hereby authorised to ask, demand and receive from passengers that may cross the said bridge the following rates of toll, to wit, for every foot passenger three cents, for each horse and rider twelve and one half cents, for each horse, mule or ass one year old or upwards led or driven three cents, for each waggon or four wheeled carriage drawn by one horse or ox including the driver thirty seven & one half cents, for each waggon or four wheeled carriage drawn by two horses or oxen including the driver fifty cents, and for every horse or ox in addition six and one fourth cents, for each cart, sled or sleigh drawn by two horses or oxen including the driver thirty seven and one half cents, and for each additional horse or ox six and one fourth cents, for each cart, sled or sleigh drawn by one horse or ox including the driver twenty five cents, for each head of neat cattle six months old or upwards two cents, and for every head of hogs & sheep one cent, *Provided always*, That persons going to and from public worship on the Sabbath, all funeral processions, persons going to and from general elections, and persons going to & from militia musters shall pass free of toll, together with all public mails expresses and passengers which are exempt from the payment of ferriages within this state or which may hereafter be exempted, shall pass on said bridge free from toll together with the troops of the United States or of this state, with their artillery, baggage and stores. *Provided also*, That if said company shall demand and receive any higher or

Rates of
toll;

Provide as
exempts

Provide as
to receiv-
ing improp-
per toll.

D

greater toll than is by this act, *Provided*, They shall be subject to the like fines and forfeitures as are or may be provided in the case of ferries.

The work to be commenced in one and finished in four years. Sec. 4. *Be it further enacted*, That if the said company their heirs or successors shall begin the work of said bridge within one year, and complete the same in a sufficient manner of a proper width, having a convenient foot way with hand railing and in other respects of sufficient strength and dimensions so as to admit of the safe passage of passengers, carriages, wagons, carts, neat cattle, hogs & sheep as aforesaid, within the bounds aforesaid, within four years from the passage of this act, the said company shall enjoy all the privileges and emoluments secured to them by this act, so long as they shall keep said bridge in repair, *Provided*,

Rates of toll to be regulated and when.

Proviso as to navigation &c.

That any future legislature may regulate the toll aforesaid after the year one thousand eight hundred and forty. *And provided also*, The navigation of said river shall in no wise be obstructed by said bridge nor the fording be in anywise impeded so as to prevent travellers or citizens from passing or repassing when said river is fordable.

Rates of toll to be posted up.

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

Restrictions as to banking.

Sec. 6. *Be it further enacted*, That if the said company shall use their funds or any part thereof or the profits arising therefrom in any banking transaction or in issuing or striking any bank paper, or shall not complete the said

bridge within the aforesaid time, then and in either of those cases all the privileges granted by this act shall cease.

Sec. 7. *And be it further enacted*, That the company be and they are hereby authorised at any time to sell, dispose of and transfer either jointly or severally their interest in said bridge subjecting their assignee or assignees to the same restrictions and stipulations as are set forth in this act. Stock how sold and transferred

THOS. KIRKER,

Speaker of the house of representatives:

ABRAHAM SHEPHERD,

Speaker of the senate,

January 7, 1817.

CHAPTER XX.

An act to provide for the regulation of turnpike companies.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That each and every company or association of individuals, which may be hereafter incorporated by the general assembly for the purpose of making any turnpike road or roads within this state, shall be a body politic and corporate with perpetual succession by such name and title as shall be given them by the act incorporating such company, with all the privileges and immunities incident to a corporation or body politic, and shall in their corporate name and capacity be capable of taking and holding capital stock to the amount limited by their act of incorporation, and the increase and profits thereof—and of purchasing, receiving and holding to them their successors General provision for incorporating turnpike companies Authorized to hold property

and assigns in fee simple or for any lesser estate all such lands tenements or hereditaments and estate, real, personal or mixed, as shall be necessary to enable them to complete the object of their corporation—and shall in their corporate name and capacity be capable of suing & being sued, pleading and being impleaded, defending and being defended, answering and being answered, in any cause or action, bill, plaint or matter whatsoever, in any court of justice or equity within this state or elsewhere, and may have a common seal and the same to break alter or renew at pleasure.

May sue &
be sued &
have a com-
mon seal.

Subscription
book
to be open-
ed.

Thirty
days notice
of opening
books to
be given.

Proviso

Sec. 2. *Be it further enacted,* That so soon as the persons named in any act for the incorporation of a turnpike company or a majority of them shall have associated themselves together and organized such company by written articles of association, recognizing the special act under which they may be incorporated—and this act they may then proceed to open subscription books at the places pointed out by such special act of incorporation, and at such other places as they may think proper, for the purpose of receiving subscriptions to the stock of such company in shares of such amount each as may be pointed out by such special act, which books shall be opened at such time or times & under such regulations as shall be directed by such commissioners, or a majority of them, giving at least thirty days notice in some public paper in general circulation, printed on or nearest to the route of such intended turnpike road, of the time and place or places of opening such subscription books, *Provided,* That not more than five per cent. on each share shall be demanded at the time of subscribing, nor more than ten per cent. at any subsequent installment, and at least sixty days notice shall

be given in manner aforesaid of the time and place or places of paying in any installment subsequent to the installment paid at the time of subscribing, *Provided also*, That no installment shall be called for in less than sixty days from the day of payment of any preceeding installment.

Further
provises

Sec. 3. *Be it further enacted*, That whenever so much of the capital stock of any such turnpike company as is required by the special act incorporating such company shall be subscribed; it shall be the duty of the commissioners named in such act to call a meeting of the stockholders at such place adjoining the proposed route of such turnpike as they may deem most expedient; for the purpose of electing five or more directors as may be prescribed by the special act, of the time and place of holding which meeting not more than thirty nor less than fifteen days notice shall be given by said commissioners by publication as prescribed in the second section of this act, at which election at least three of the commissioners aforesaid shall preside, & all votes shall be by ballot, each stockholder shall be entitled to one vote on each share he may own not exceeding ten, for every two shares above ten and not exceeding fifty, one vote, and for every five shares above fifty, one vote; stockholders may vote by proxy under such regulations as may be prescribed in the bye-laws of such company, & all elections after the first, shall be held on the second Monday in January annually at such place as the directors shall appoint, of the time & place of holding which annual election at least thirty days notice shall be given by the president in the manner prescribed in the second section of this act, *Provided however*, That it shall and may

When the
stock is
subscribed
for a meet-
ing of the
stockhol-
ders to be
called to-
gether by
notice.

Manner of
conducting
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holders

D.

be lawful to hold an election at any other time on notice being given as aforesaid.

Directors to take an oath and continue in office one year. Sec. 4. *Be it further enacted,* That the directors when elected as provided in the preceeding section shall each take an oath or affirmation diligently and impartially to discharge the duties of his office, and the directors or a majority of them when thus qualified shall on the day of their election or the succeeding day proceed to elect a president from their number and the president & directors shall hold their offices for one year & until their successors are chosen and qualified.

Directors to appoint officers & agents, also to make bye-laws &c. Sec. 5. *Be it further enacted,* That the president and directors shall in all cases manage the concerns of the company, appoint such officers and agents as may be necessary, fill all vacancies which may happen in their body, until the next annual election, make bye-laws for the regulation and government of the company, provided the same shall be consistent with the constitution and laws of this state and of the United States, they may require such oath or affirmation of any of the agents of said company as they may think necessary, may call special meetings of the stockholders always giving at least ten days notice as directed in the second and third sections of this act, keep records of all the transactions of said company & do all other matters and things touching the concerns of said company contemplated in this act.

Penalty on stockholders for neglect of payment. Sec. 6. *Be it further enacted,* That if any stockholder in any such turnpike company shall neglect or refuse to pay any installment after sixty days notice of the time and place of payment being given in manner provided in the second section of this act, he shall for every

month the same remains unpaid, forfeit & pay to said company five per cent on the amount of such installment, and provided the same remains unpaid for the space of six months after the time when the same was required to be paid it shall be at the option of the directors to declare the stock of such delinquent forfeited to the company together with whatever may have been paid thereon, or to collect the same, together with the penalty which may have accrued thereon, by suit. *Provided* always that this act shall not be construed so as to effect the estate of any deceased stockholder until said estate can be legally settled—& no delinquent stockholder shall have a right to vote at any meeting of said company.

Manner of
collecting
the same.

Sec. 7. *Be it further enacted,* That any such turnpike company or their agents shall have a right to lay out, locate, survey and make the turnpike road for the making of which such company shall be incorporated, through any improved or unimproved lands on the best route between the points or places designated in the special act by which such company may be incorporated in such manner as may be prescribed by such special act—paying the owner or owners of any ground over which the road may pass the damages done to said ground by laying out and making such road over the same, doing as little damage as possible and repairing all breaches made in any inclosure by laying out and making said road through the same. And if such owner or owners, and said company or their agents cannot agree respecting the damages done to any ground by laying out & making such road over the same, the amount of such damages shall be assessed and determined by three disinterested freeholders, one to be

Duties of
turnpike
companies
in laying
out said
road.

Manner of
assessing
damages
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the road,
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parties
cannot a-
g. ee.

Chosen by such owner or owners, one by such company or their agent, and the third by the other two chosen as aforesaid (provided the parties cannot otherwise agree,) and the freeholders thus appointed shall before entering on the duties assigned them take an oath or affirmation faithfully and impartially to discharge the duties of their appointment—and in assessing the damages they shall take into view whether the plantation or tract of land with the improvements thereon is made less valuable to the owner or owners by laying out and making said road over the same, and if they shall be of opinion that said tract of land or plantation is made less valuable they shall assess the amount of such damage,) and said freeholders shall make out their assessment in writing a copy of which shall be given to the owner or owners of the land, and another copy to said company or their agent, and before such company or their agent shall in any wise enter such ground to lay out or make said road other than to survey the same they shall pay or offer to pay such owner or owners the amount of damages so as aforesaid assessed, and if such owner or owners, or said company shall refuse or neglect to join in such choice it shall be lawful for the other party to apply to any justice of the peace of the township in which the land may lie, whose duty it shall be upon such application to appoint three disinterested freeholders for the purpose aforesaid.

Sec. 8. Be it further enacted, That any turnpike company incorporated as aforesaid shall have a right to take from the ground occupied by any such road after the same shall have been laid out and surveyed any stone, gravel, sand or timber necessary for constructing a firm even

The com-
pany au-
thorized
take
therefrom
the road

secure & substantial road, and if sufficient materials for constructing such road cannot be found on the ground occupied by the same, it shall be lawful for said company to enter upon any unimproved lands adjoining to or in the vicinity of said road to procure such necessary materials, *Provided*, said company or their agent shall give notice to the owner or occupier of said land of such their intention, and the owner or occupier of said land may designate and point out to said company or their agent the place where such owner or occupier may choose to have such materials taken, and if such owner or occupier shall fail to designate any place for procuring such materials, or shall designate a place where such materials cannot be procured, it shall be lawful for such company to enter upon any such unimproved lands contiguous to such road, and to dig, cut down, take and carry away any of the aforesaid materials necessary to construct a firm and substantial road, not previously appropriated by the owner or occupier of such land to any other particular use, doing as little damage as possible, paying the owner or owners for such materials, & for any damage which may be done in procuring the same, & repairing any breaches that may necessarily be made in any inclosure in conveying such materials to such road, & if any difference shall arise between said company and the owner or occupier of any such land as to the amount of damages done in procuring such materials or the value of such materials, the same shall be determined by three disinterested freeholders to be chosen or appointed as provided in the preceding section & all expenses incurred under the provisions of this or the preceding section shall be paid by such turnpike company.

Provide to notice of such intention.

Value of materials to be assessed by 3 freeholders if the parties cannot agree.

Sec. 9. *Be it further enacted,* That all turnpike roads shall be opened not exceeding sixty six feet wide, thirty three feet of which shall be cleared from brush & logs & at least eighteen feet shall be made an artificial road composed of stone, gravel, wood or other convenient materials well compacted together in such manner as to secure a firm, even & substantial road, rising in the middle with a gradual arch, & in no case shall the ascent in any such turnpike road be greater than five degrees.

Width of the road. sed of stone, gravel, wood or other convenient materials well compacted together in such manner as to secure a firm, even & substantial road, rising in the middle with a gradual arch, & in no case shall the ascent in any such turnpike road be greater than five degrees.

Manner of constructing the same.

Sec. 10. *Be it further enacted,* That so

When ten miles are completed the company may apply to the county commissioners who shall appoint three freeholders to view the same and make report thereon. soon as any turnpike company shall have completed any such turnpike road as aforesaid or any part thereof not less than ten miles together in any part of the route, & so from time to time as often as five miles in addition shall be completed adjoining any ten miles previously completed, the commissioners of the county in which such finished road lies, or in case the same lies in two or more counties, the commissioners of either of said counties shall on the application of the agent of the company appoint three judicious disinterested freeholders, who shall on oath or affirmation examine the same & report their opinion to the commissioners in writing, & if such report shall state the road or such part thereof to be completed agreeably to the provisions of this act, the commissioners shall by license in writing authorise the company to erect gates at suitable distances & demand & receive of persons travelling such road, the tolls allowed by the special act incorporating such company. & in case it should happen that said commissioners or either of them should be stockholders in the turnpike company making application as aforesaid, the duties hereby re-

Proceedings on said report

soon as any turnpike company shall have completed any such turnpike road as aforesaid or any part thereof not less than ten miles together in any part of the route, & so from time to time as often as five miles in addition shall be completed adjoining any ten miles previously completed, the commissioners of the county in which such finished road lies, or in case the same lies in two or more counties, the commissioners of either of said counties shall on the application of the agent of the company appoint three judicious disinterested freeholders, who shall on oath or affirmation examine the same & report their opinion to the commissioners in writing, & if such report shall state the road or such part thereof to be completed agreeably to the provisions of this act, the commissioners shall by license in writing authorise the company to erect gates at suitable distances & demand & receive of persons travelling such road, the tolls allowed by the special act incorporating such company. & in case it should happen that said commissioners or either of them should be stockholders in the turnpike company making application as aforesaid, the duties hereby re-

quired of them shall devolve upon the associate judges of the county or counties aforesaid, and in such associate judges or either of them should be stockholders as aforesaid, said duties shall devolve upon the president of the circuit in which such road lies, or the president of any of the circuits in which such road may lie in case the same lies in two or more circuits.

Sec. 11. *Be it further enacted,* That all ^{Persons} persons going to and from public worship on the Sabbath; funerals, militia musters, jury men, ^{exempted from toll,} going to and from court, the troops & armies of the United States and of this state, & all persons conveying the public mails of the United States may pass on any such turnpike road free from toll.

Sec. 12. *Be it further enacted,* That if any ^{Penalty for} person or persons using any such turnpike road, ^{are enjoining} shall with intent to defraud any such turnpike ^{or evade} company or to evade the payment of toll pass ^{the pay-} through any private gate or bars or along any ^{ment of} other ground near any turnpike gate which ^{toll.} shall be erected in pursuance of this act or any special act incorporating any such turnpike company or shall practice any fraudulent means with intent to evade or lessen the payment of such toll, or if any person shall take off an other person with intent to defraud any such turnpike company, each & every person concerned in any such fraudulent practices shall for every such offence, forfeit & pay to the president, directors and company owning such turnpike road, the sum of five dollars to be recovered with costs of suit before any justice of the peace of the county in which such offence may have been committed, without stay of execution, *Provided,* nothing in this act shall be ^{Provised} so construed as to prevent persons using any

Proceed: such road between the gates for common pur-
ings when poses.

any part of the road is re-
ported to be out of
repair

Sec. 13. *Be it further enacted.* That if any turnpike company shall fail to keep their road in good repair for five days in succession and complaint thereof be made to a justice of the peace in the county in which such road is out of repair, such justice shall issue a precept directed to any constable of his township commanding him to summon three judicious disinterested freeholders to meet at a certain time within two days at the place on said road which is complained of, of which meeting the constable shall give notice to the keeper of the turnpike gate nearest thereto, & the said freeholders shall at such time & place, having taken an oath or affirmation to act impartially, proceed to examine such road & if the same be found out of repair shall make return of their opinion thereon to said justice in writing under their hands and seals, & the said justice shall certify and send one copy of said report to the keepers of the two turnpike gates between which such defective place or places may be & nearest to the same and from thenceforth no toll for the intermediate distance between the two gates nearest such defective road, and between which such defective road may lie, shall be demanded or received at said gates until the said defective part or parts of said road shall be put in good order and repair, and if any of the keepers of the gates shall attempt to exact tolls for the intermediate distance between the gates aforesaid from any traveller during the time such road shall continue out of repair, such keepers shall forfeit and pay to the person from whom such toll is deman-

ad or received, the sum of five dollars to be recovered before any justice of the peace having jurisdiction in an action of debt, and the company shall moreover be liable to any person for any damage which such person may sustain in consequence of any such turnpike road being suffered to remain out of repair through the neglect of said company.

Sec. 14. *Be it further enacted,* That all turnpike companies hereafter to be incorporated as contemplated by this act, shall put up a post or stone at the end of each mile with the number of miles from some noted point or place at one end of the turnpike fairly cut or painted thereon, and also in a conspicuous place near each gate shall be placed a board with the rates of toll painted thereon, and no toll shall be demanded unless such rates are kept up, and directions to keep to the right as the law directs.

Mile
stones to
be set up

Rates of
toll to be
posted up.

Sec. 15. *Be it further enacted,* That any person wilfully defacing or destroying any guide board, mile post or stone or painted list of rates of toll shall on conviction thereof before a justice of the peace be fined not exceeding twenty dollars with costs of prosecution to be recovered at the suit of any person for the use of the company.

Penalty for
defacing
mile stones
or guide
posts.

Sec. 16. *Be it further enacted,* That all persons driving carriages or riding on horse back on any turnpike road shall on meeting carriages or persons on horse back keep to the right so as to leave at least half of the road free, and if any person shall neglect or refuse to comply with the provisions of this section, or shall in any other manner hinder or obstruct any person in the free passage of any such turnpike road; he shall on conviction thereof before any justice of the peace having jurisdiction thereof, for every

Carriages
&c. meeting
others
to keep on
the right
hand side
of the road

Penalty for
obstruction
or refusal

How recovered.

such offence forfeit and pay not less than one dollar nor more than twenty dollars at the discretion of said justice at the suit, and for the use of the person aggrieved, and shall moreover be liable to the person aggrieved for any damage which such person may have sustained.

Penalty on toll gatherers for detaining travellers or demanding improper toll.

Sec. 17. *Be it further enacted*, That if any toll gatherer on any turnpike road shall unreasonably detain any passenger after the toll has been paid or offered to be paid or shall demand or receive greater toll than shall be allowed by law on such road, he shall for every such offence forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit before any justice of the peace having competent jurisdiction thereof, without stay of execution, *Provided*, No suit shall be commenced against any toll gatherer for any offence committed or penalty incurred under this section unless the same shall be commenced within twenty days from the time of committing or incurring the same, and the defendant or defendants in any such suit or action may plead the general issue and give this act & special matter in evidence.

Proviso.

Turnpike companies to keep an account of expenses &c.

Sec 18. *Be it further enacted*, That every turnpike company hereafter to be incorporated as contemplated by this act, shall cause to be kept a fair and accurate account of the whole expense of making any such turnpike road with the expence of toll gatherers and all other necessary agents or officers whom the company may find it convenient to employ, and also a fair & accurate account of the amount of toll received & of shares forfeited or penalties recovered for the use of said company, and the state or the county or counties through which any such turnpike road may pass, shall have a right to purchase the same on paying the

The state or county may purchase the right of any road.

company owning said road a sum of money which together with the toll received shall equal the cost and expense of such roads with an interest of twelve per cent. per annum, and the books of every such company shall always be open for the inspection of the commissioners of any county through which such road may pass, or of the agent of the general assembly of the state, and if any turnpike company shall neglect or refuse to exhibit their accounts agreeably to the provisions of this section when thereunto required by such commissioners or the agent of the general assembly all the rights granted by this act or the special act incorporating such company shall cease and determine.

Sec. 19. *Be it further enacted,* That the method of commencing suit against any turnpike company shall be by the proper officer or person, leaving an attested copy of the process or bill with the president of said company if he may be found within the jurisdiction of the court or magistrate before whom any such suit or action may be commenced and if the president cannot be found within the jurisdiction of such court or magistrate, a copy of such process or bill may be left with either of the directors of said company.

Manner
commencing
suit & con-
ducting
suits
against turn-
pike com-
panies,

Sec. 20. *Be it further enacted,* That justices and constables shall be allowed the same fees for any duties performed by them under the provisions of this act as they are allowed by law for similar services, and the freeholders who may be appointed to perform any duties under the seventh, eighth, tenth & thirteenth sections of this act shall each be allowed one dollar and fifty cents for each and every day they may be employed in performing said duties.

Fees to
justices,
constables
and free-
holders,

Sec. 21. And be it further enacted, That if
 No company any turnpike company shall at any time use
 by may use their funds or any part thereof in any banking
 their funds transaction or business, or shall issue or put in
 in banking circulation any bonds, bills or notes calculated
 or intended to circulate as money or bank paper
 or to pass as a circulating medium or medium
 of exchange, or shall appropriate or use their
 funds for any other purpose or in any other bu-
 siness than that of making and keeping in re-
 pair the road for the making of which such com-
 pany shall be incorporated, then and in either
 case such charter shall be forfeited & all rights
 granted to any such company by any special
 act incorporating the same, or by this act shall
 cease and determine.

THOS. KIRKER,
 Speaker of the house of representatives.
ABRAHAM SHEPHERD,
 Speaker of the senate.

January 7, 1817.

CHAPTER XXI.

An act dispensing with proof in certain cases.

Sec. 1. Be it enacted by the general assembly
of the state of Ohio, That upon plea of non est
 factum offered by the person charged as the
 obligor or grantor of a deed or plea of non as-
 sumsit or nihil debet offered by the person charg-
 ed as the maker of any promisory note, it shall
 not be necessary for the plaintiff to prove the
 execution of the deed or note upon which such
 suit is brought, unless the party offering such
 plea shall make affidavit of the truth thereof.

and when any person other than the grantor or obligor of such deed or the maker of such promissory note shall be defendant, the same rule shall be observed as to proof, unless the defendant at the time when either the aforesaid pleas shall be offered, shall make affidavit that he or she believes the deed, on which the action is founded is not the deed of the party charged as the obligor or grantor thereof, or that the promissory note was not subscribed by the party charged as the maker thereof.

Sec. 3. *And be it further enacted*, That this act shall take effect and be in force from & after the first day of May next.

THOS. KIRKER,

Speaker of the house of representatives,

ABRAHAM SHEPHERD,

Speaker of the senate,

January 21, 1817.

CHAPTER XXII.

An act to amend the act, entitled "an act to attach a part of the county of Butler to the county of Warren and for other purposes.

Whereas it appears by the act to which this is an amendment passed January 30th, 1815, Preamble
That the surveyor of Ross county was appointed to survey and set off a certain part of the county of Warren to the county of Clinton, also a certain part of the county of Highland to the county of Clinton aforesaid, which surveying has never been done,

E*

Therefore,

The surveyor of Green county to perform certain services
Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the surveyor of Green county is hereby appointed and required to perform all the duties that was enjoined on the surveyor of Ross county by the act, entitled an act to attach a part of the county of Butler to the county of Warren & for other purposes, & in performing said duties he shall in all respects be governed by the above recited act.

His compensation
Sec. 2. *And be it further enacted,* That the surveyor of Green county shall receive the same compensation & be paid in the same manner as was provided in the above recited act, for the surveyor of Ross county.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 11, 1817.

CHAPTER XXIII.

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

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the sum of eight thousand dollars be and the same is hereby appropriated for the payment of members & officers of the general assembly in part of their wages for the present session; on the certificates of the speakers of the respective houses; also a sum not exceeding five hundred dollars to be paid to the public printers on the certificate of the secretary of state agreeably to contract;

and the auditor of public accounts is hereby directed to issue bills payable at the treasury of state to the amount of said certificates.

THOS. KIRKER,
Speaker of the house of representatives,
ABRAHAM SHEPHERD,
Speaker of the senate

January 14, 1817.

CHAPTER XXIV.

An act supplementary to the act, to provide for the safe keeping of lunatics and for other purposes.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That in cases where any person owning property either real or personal within this state, hath or shall in consequence of mental derangement abandon such property & remove or escape out of the country, so that proceedings to ascertain whether such person be non-compos, lunatic or insane cannot be had under the provisions of the act, entitled "an act to provide for the safe keeping of lunatics & for other purposes," it shall be lawful for the relatives of such person to apply by petition to the court of common pleas of the county where any part of the real estate of such person may be situated, setting forth the facts, that such person owned property, and in consequence of mental derangement had abandoned the same and removed or escaped out of the country, and praying the court to proceed and inquire into the truth of the allegations in the petition contained.

Lunatics abandoning their property.
Proceedings to be had thereon by petition to court.

The facts to be tried by a jury *Sec. 2. Be it further enacted,* That upon the hearing of the petition the court shall order a jury to be empaneled before them to enquire into the facts in the petition stated, and such jury after hearing the evidence offered in support of the facts in the petition alledged, shall return a verdict according to the truth of the case: and if it shall be found by verdict of the jury that the matter alledged in the petitions are true the court shall proceed to appoint a guardian or guardians to take charge of the property of such person, which guardian shall give bond, and shall proceed in the same manner, have the same power, and be subject to the same rules and regulations provided in cases of guardians appointed under the provisions of the act to which this is a supplement.

Court to appoint a guardian.

Proceedings when the lunatic returns & is restored to his right mind.

Sec. 3. And be it further enacted, That if any person for whom a guardian is appointed under the provisions of this act shall return to the county, and the court where the guardian was appointed shall upon actual observation adjudge that such person is restored to the use of his or her reason the court shall direct the residue of the property in the hands of the guardian to be restored to such person, and in case of the death of such person the property shall be delivered to or accounted for with his or her heirs or administrators.

THOS. KIRKER,
Speaker of the house of representatives.

ABRAHAM SHEPHERD.
Speaker of the senate.

January 14, 1817.

57

CHAPTER XXV.

An act authorising the selection and sale of a certain section of land in the county of Jackson.

Whereas it is provided by an act of congress approved April 16th, 1818, that the legislature of the state of Ohio are authorised and empowered to cause to be selected and sold in such manner and on such terms and conditions as they may by law direct, any one section not exceeding the quantity of six hundred and forty acres, of the tract of land of six miles square reserved for the benefit of this state at the Scioto salt springs in said county of Jackson, *Provided,* That the section so selected shall not include the said salt springs; and that the money accruing from the sale of the aforesaid section shall be applied to the erection of a court house or other public buildings thereon for the use of the county of Jackson in this state; and whenever the selection and sale of the said section of land shall have been made, and the same shall be duly certified to the commissioner of the general land office, a patent shall be granted by the president of the United States for the said section in trust to such person or persons as the legislature shall appoint and authorise to sell and execute titles to the purchasers of the land aforesaid.

Therefore,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That commissioners shall be appointed to fix the seat of justice in the county of Jackson as is pointed out in the act, entitled "an act establishing seats of justice," passed the 28th day of March 1803, & the said commissioners, when met in the county of Jackson for the purpose of fixing the seat of

Preamble,

Commissioners to be appointed.

Duty of the
commissioners to
select a
section &c.

Justice for said county, shall select any one section not exceeding the quantity of six hundred and forty acres, of the six miles square reserved by congress for the use of this state at the Scioto salt springs; which section shall not include the said salt springs, and shall not be on either boundary of said township or tract of land and when selected it shall be the duty of the commissioners to point out thereon such spot as in their opinion will be most eligible for the seat of justice in said county, and shall make report thereof to the next court of common pleas to be held in said county agreeably to the provisions of the before recited act.

A town to
be laid off
and a di-
rector to
be appoint-
ed.

Sec. 2. *Be it further enacted*, That there shall be a town laid off on said section to be known by the name of Jackson, and a director appointed by joint resolution of both houses of the general assembly and commissioned by the governor, who shall hold his office until the duties required by this act shall be performed if so long he behaves well, and previous to entering on the duties of his office he shall take an oath or affirmation faithfully to discharge the duty assigned him by this act, and also shall enter into bond with one or more securities in such sum as the court of common pleas in said county may direct, made payable to the treasurer of Jackson county and his successors in office, conditioned for the faithful paying over and accounting for all monies that may come into his hands by virtue of his office as director.

Director to
give bond
and take
an oath.

Duty of the
director in
laying off
the town.

Sec. 3. *Be it further enacted*, That it shall be the duty of the director on being duly notified by the clerk of the court of common pleas of Jackson county that the commissioners have selected a section and pointed out thereon the

seat of justice; to proceed to lay off one half of
 said section into a suitable number of town lots
 at the place selected by the said commissioners
 of such a size as he may think most advantage-
 ous; none of which shall exceed ten acres,
 and make out an accurate plat of the same and
 cause it to be recorded in the recorder's office of
 Jackson county, and shall proceed to sell the
 said town lots at public sale, giving at least
 thirty days notice of the time of such sale in
 the newspaper printed at Gallipolis and one of
 the papers printed at Chillicothe, which sale
 when commenced shall continue from day to
 day until all the lots are sold, which shall be on
 the following conditions, one fourth part of the purchase
 money to be paid at the time of sale, one fourth
 part in twelve months, and the balance in two
 annual payments, the purchaser or purchasers;
 giving his or their bond with good and suffi-
 cient security to the director thereof—and if not
 punctually paid at the time the money shall
 become due to bear interest from the time of
 sale: the director shall give each purchaser of a
 lot or lots a certificate of purchase, specifying
 therein the number of the lots by him purchased
 and that a conveyance will be made when the
 last instalment shall be paid and when the lots
 are all sold the director shall deposit in the
 office of the secretary of state an accurate plat
 of said town, designating the section on which
 the same is laid off accompanied with a list of
 the sale which shall be filed in said office, and
 the governor thereupon shall certify the same to
 the commissioner of the general land office of
 the United States, and procure a patent for said
 section in the name of the director and his
 successors in office in trust; who shall make
 conveyances to the

Notice of
 the sale of
 lots to be
 given

Director to
 deposit a
 plat of the
 town and
 list of sales
 with the
 day of sale

Director to purchasers of lots on their complying with the convey to terms of sale.

Sec. 4. *Be it further enacted,* That the half of the section of land so as aforesaid selected as shall not be laid off into town lots agreeably to the provisions of the third section of this act shall be and remain under the direction of the court of common pleas of said county of Jackson, and the director of said town shall make sale thereof at such time and under such regulations as said court may direct.

The balance of the section to be under the direction of court of common pleas.

Compensation of director.

Sec. 5. *Be it further enacted,* That the director shall be entitled to receive two dollars per day for each day he may be necessarily employed in the discharge of his duty as director to be allowed by the commissioners of Jackson county and to be paid out of the county treasury.

Proceeds of sale to be paid into the county treasury.

Sec. 6. *Be it further enacted,* That all monies for the sale of lots in said town shall be collected by the director and paid into the county treasury of the county of Jackson; and the commissioners of said county after defraying the expenses incurred by the director and his fees shall apply the balance to erecting a court house and other public buildings for the said county and for no other purpose.

Provision in favour of settlers.

Sec. 7. *And be it further enacted,* That if any person or persons, having heretofore settled on said section of land so as aforesaid selected by the commissioners to be sold under the law of the United States for the purposes aforesaid having leased the lot or lots upon which they may reside of this state, and whose lease will expire on the first day of March 1847, if on the sale of the aforesaid lots by the director of said town the lessees do not become the purchasers, then in that case the purchaser or purchasers

of such lots shall pay to such lessee of such lot the piece of the buildings erected on said lot to be valued by the commissioners of said county or any two of them.

THOS. KIRKER,
Speaker of the house of representatives,
ABRAHAM SHEPHERD,
Speaker of the senate,

January 14, 1817.

CHAPTER XXVI.

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

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That in all cases not otherwise provided, when it may become the duty of a constable to deliver in custody to the sheriff the body of any person under the provisions of the act to which this is an amendment: the said constable before he shall be entitled to a receipt shall deliver to the sheriff a certified copy of the execution or process by virtue of which the said person was arrested, which copy shall be a sufficient voucher for the sheriff.

Constables
duty on de-
livering a
prisoners
to the
sheriff.

Sec. 2. *And be it further enacted,* That in all cases where the balance claimed to be due upon a bond, note or bill, or upon any open and unsettled account shall be under seventy dollars, the plaintiff may commence his suit before a justice of the peace for the balance actually claimed to be due, and the justice shall have power to hear and determine all matters of controversy between the parties, without any re-

Duty of
justice in
deciding
on unsat-
isfied or
open ac-
counts.

F

Proviso. **Appeals from a justice how to be decided** guard to the amount of the original contract or account, and shall render judgment for the amount actually due as in other cases; *Provided*, the amount found to be due shall not exceed seventy dollars; & if an appeal be taken by either party the plaintiff may declare for the whole amount of the original contract or account and the proceedings, and trial shall be the same as in other cases, except that if the plaintiff recover a greater sum than seventy dollars, he shall not recover any costs.

THOS. KIRKER,
Speaker of the house of representatives

ABRAHAM SHEPHERD,
Speaker of the senate

January 24, 1817.

CHAPTER XXVII

An act for the relief of Ethan Stone.

Whereas by a law of this state passed January the twentieth eighteen hundred & fifteen, Ethan Stone & his associates were authorised to build a toll bridge over the mouth of mill creek in Hamilton county, which said bridge has been built and completed by the said Ethan Stone, and at his sole expense, without the aid of any associate,

Therefore,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the said Ethan Stone his heirs and assigns be and they are hereby vested with all the rights, privileges and emol-

ments granted by said law to him and his associates and under the same restrictions and regulations.

Sec. 2. *And be it further enacted*, That the third section of said law be & the same is hereby repealed.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 20, 1817.

CHAPTER XXVIII

An act to amend the act for granting a permanent lease for the southeast quarter of section numbered sixteen in township number three, range number eight in the county of Green.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That George Drummond and Jacob Smith, their heirs or assigns be, and they are hereby authorised and empowered to build a grist mill on said quarter section of land, in lieu of the fulling mill specified in the above recited act, which shall be completed within three years from the taking effect of this act; and the said mill to be kept in such repair that it may not stop for want of attention more than three months at any one time.

A grist mill to be built instead of a fulling mill. To be completed in three years and kept in repair.

Repealing Sec. 2. *And be it further enacted, That the*
clause. fourth section of the act to which this is an a-
Commence *ment.* *mentment 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.

THOS. KIRKER,
Speaker of the house of representatives.
 ABRAHAM SHEPHERD,
Speaker of the senate.

January 20, 1817.

CHAPTER XXIX.

An act to amend the act creating the office of county surveyor and defining his duties.

Sec. 1. *Be it enacted by the general assembly*
of the state of Ohio, That whenever the office of
 county surveyor shall become vacant either by
 death, resignation or otherwise the court of com-
 mon pleas next to be holden for the county
 where such vacancy may happen, shall appoint
 a person well qualified to discharge the duties
 of said office; who shall be commissioned in the
 same manner and hold his office for the same
 term of time, and be subject to the same regula-
 tions in every respect as is directed by the act
 to which this act is an amendment.

Court of
 common
 pleas to fill
 vacancies.

County
 surveyor's
 fees.

Sec. 2. *Be it further enacted,* That the several county surveyors who now are or hereafter may be appointed to that office may demand & receive for their services the following fees, viz: for each survey where the lines do not exceed one mile the sum of three dollars, and for each mile he may run in addition thereto, the sum of one dollar and fifty cents; for making out and

certifying an original connected plat of any number of surveys or entries, twelve and a half cents for each survey or entry laid down on the same; for every certified copy of a connected plat, six and a fourth cents for each survey or entry laid down on the same; for making out a plat and certificate of survey, fifty cents; for a copy thereof, twenty five cents; for making out a calculation of the contents of a tract of land, where there are not more than four lines to the same, fifty cents; and where the number of lines exceed four, and do not exceed ten, seventy five cents; and where the number of lines exceed ten, one dollar; and for every mile he shall travel from his place of residence in going to and returning from the tract of land he may be called on to survey by the customary route, six and a fourth cents: *Provided*, That all expenses of chain carriers, markers, &c. shall be paid by the person for whose benefit the survey is made.

Proviso

Sec. 3. *Be it further enacted*, That all calculations to ascertain the contents of a tract of land, by the county surveyor, or such other person as may at any time be called on by the court to execute a survey, shall be made by latitude and departure; and on each plat, the county surveyor, or person called on by the court as aforesaid, shall lay down the variation of the magnetic needle from the original course of such survey.

Calculations to be made by person.

Sec. 4. *Be it further enacted*, That each surveyor shall have the right to retain the return of any survey by him made, until he shall be paid the fees allowed by this act, and shall also have the right to collect such fees by suit, if the return of survey is not called for.

Fees to be paid before he delivers

1.*

Sec. 5. *And be it further enacted, That the*
 Repealing sixth, seventh and thirteenth sections of the
 clause "act creating the office of county surveyor, and
 defining his duties" be, and the same are hereby
 repealed.

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

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 21, 1817.

††††

CHAPTER XXX.

**An act to amend the act, entitled "an act regulat-
 ing the times of holding judicial courts and in-
 creasing the number of circuits of the courts of
 common pleas.**

Supreme
 court wh
 holden in
 the sever
 counties

Sec. 1. *Be it enacted by the general assembly
 of the state of Ohio, That the supreme court
 shall commence its session and be holden as
 follows, to wit; in the county of Scioto on the
 twenty second day of April; in the county of
 Adams on the twenty eighth day of April; in
 the county of Highland on the fifth day of May;
 in the county of Fayette on the eighth day of
 May; in the county of Clinton on the twelfth
 day of May; in the county of Warren on the
 sixteenth day of May; in the county of Cler-
 mont on the twenty sixth day of May; in the
 county of Hamilton on the thirty first day of
 May; in the county of Butler on the eighteenth
 day of June; in the county of Preble on the
 twenty fourth day of June; in the county of*

Montgomery on the twenty seventh day of
 June ; in the county of Miami on the third day
 of July ; in the county of Darke on the seventh
 day of July ; in the county of Champaign on
 the ninth day of July ; in the county of Green
 on the fifteenth day of July ; in the county of
 Madison on the twenty first day of July ; in
 the county of Franklin on the twenty fourth day
 of July ; in the county of Delaware on the
 twenty eighth day of July ; in the county of
 Pickaway on the first day of August ; in the
 county of Fairfield on the eleventh day of Au-
 gust ; in the county of Licking on the eigh-
 teenth day of August ; in the county of Knox
 on the twenty first day of August ; in the coun-
 ty of Coshocton on the twenty fifth day of Au-
 gust ; in the county of Tuscarawas on the
 twenty ninth day of August ; in the county of
 Wayne on the first day of September ; in the
 county of Richland on the fourth day of Sep-
 tember ; in the county of Huron on the eighth
 day of September ; in the county of Cuyahoga
 on the eleventh day of September ; in the coun-
 ty of Geauga on the fifteenth day of September ;
 in the county of Ashtabula on the eighteenth
 day of September ; in the county of Trumbull
 on the twenty second day of September ; in the
 county of Portage on the twenty ninth day of
 September ; in the county of Stark on the
 third day of October ; in the county of Colum-
 biana on the sixth day of October ; in the coun-
 ty of Jefferson on the tenth day of October ; in
 the county of Harrison on the twentieth day of
 October ; in the county of Belmont on the
 twenty second day of October ; in the county of
 Monroe on the twenty seventh day of October ;
 in the county of Guernsey on the twenty ninth
 day of October ; in the county of Muskingum

on the third day of November; in the county of Washington on the thirteenth day of November; in the county of Athens on the twentieth day of November; in the county of Galia on the twenty sixth day of November; in the county of Lawrence on the twenty eighth day of November; in the county of Jackson on the first day of December; in the county of Pike on the fourth day of December; & in the county of Ross on the eighth day of December.

Courts of
common
pleas in the
first circuit
when holden.

Sec. 2. *Be it further enacted.* That the county of Clermont is hereby attached to the first circuit, and the courts of common pleas for said circuit shall be holden as follows: in the county of Hamilton on the second Monday of March, the fourth Monday of July, and the third Monday of November; in the county of Clermont on the third Mondays next after the first days of the court in Hamilton; in the county of Warren on the second Mondays next after the first days of the court in Clermont; in the county of Butler on the second Mondays next after the first days of the court in Warren; in the county of Preble on the second Mondays after the first days of the court in Butler; in the county of Montgomery on the Mondays next after the first days of the court in Preble; in the county of Miami on the Mondays next after the first days of the court in Montgomery; and in the county of Darke on the Mondays next after the first days of the court in Miami county.

Courts of
common
pleas in the
second circuit
when holden.

Sec. 3. *Be it further enacted.* That the county of Lawrence is hereby attached to the second circuit, & the courts of common pleas for said circuit shall be holden as follows, in the county of Pickaway on the fourth Monday of February, second Monday of June, and third Monday

of September; in the county of Highland on the Mondays next after the first days of the court in Pickaway; in the county of Adams on the Mondays next after the first days of the court in Highland; in the county of Scioto on the Mondays next after the first days of the court in Adams; in the county of Lawrence on the Mondays next after the first days of the court in Scioto; in the county of Galia on the Mondays next after the first days of the court of Lawrence; in the county of Jackson on the Mondays next after the first days of the court in Galia; in the county of Pike on the Mondays next after the first days of the court in Jackson; and in the county of Ross on the Mondays next after the first days of the court in the county of Pike.

Sec. 4. *Be it further enacted.* That the courts of common pleas for the third circuit shall be holden as follows, in the county of Wayne on the first Tuesdays of February, May and October; in the county of Richland on the Tuesdays next after the first days of the court in Wayne; in the county of Huron on the Tuesdays next after the first days of the court in Richland; in the county of Cuyahoga on the Tuesdays next after the first days of the court in Huron; in the county of Geauga on the Tuesdays next after the first days of the court in Cuyahoga; in the county of Ashtabula on the Tuesdays next after the first days of the court in Geauga; in the county of Trumbull on the Tuesdays next after the first days of the court in Ashtabula, and in the county of Portage on the Tuesdays next after the first days of the court in the county of Trumbull.

Courts of
common
pleas in the
third cir-
cuit when
holden.

**Court of
common
pleas in the
fourth cir-
cuit when
holden.**

Sec. 5. Be it further enacted, That the courts of common pleas in the fourth circuit shall be holden as follows, in the county of Muskingum on the second Monday of February, the second Monday of May, and the first Monday of September; in the county of Washington on the second Mondays next after the first days of the courts in Muskingum; in the county of Athens on the Mondays next after the first days of the court in Washington; in the county of Fairfield on the Mondays next after the first days of the court in Athens; in the county of Licking on the Mondays next after the first days of the court in Fairfield; in the county of Knox on the Mondays next after the first days of the court in the county of Licking, and in the county of Coshocton on the Mondays next after the first days of the court in the county of Knox.

**Courts of
common
pleas in
the fifth cir-
cuit when
holden.**

Sec. 6. Be it further enacted, That the courts of common pleas for the fifth circuit shall be holden as follows, in the county of Guernsey on the first Monday of March, first Monday of August and third Monday of November; in the county of Monroe on the next Fridays after the first days of the court at Guernsey; in the county of Belmont the Mondays next after the first days of the court in Monroe; in the county of Harrison, the Mondays next after the first days of the court in Belmont; in the county of Tuscarawas the Mondays next after the first days of the court in Harrison; in the county of Stark the Thursdays next after the first days of the court in Tuscarawas; in the county of Columbiana on the Mondays next after the first days of the court in the county of Stark, and in the county of Jefferson, the Mondays next after the first days of the court in the county of Columbiana.

Sec. 7. Be it further enacted, That the courts of common pleas for the sixth circuit shall be holden as follows, in the county of Clifton on the fourth monday of march, the second monday of July, and third monday of October; in the county of Green on the mondays next after the first days of the court in Clifton; in the county of Champaign on the mondays next after the first days of the court in Green; in the county of Delaware on the second mondays next after the first days of the court in Champaign; in the county of Franklin on the mondays next after the first days of the court in Delaware; in the county of Madison on the second mondays next after the first days of the court in Franklin; in the county of Fayette on the mondays next after the first days of the court in the county of Madison.

Courts of
common
pleas in the
sixth cir-
cuit when
holden.

Sec. 8. And be it further enacted, That the first section of the act, entitled "an act regulating the times of holding the judicial courts, and increasing the number of circuits of the courts of common pleas, and so much of the second, third, fourth, fifth, sixth and seventh sections of the same act as relates to the time of holding courts, & also so much of the seventh section of said act as relates to the county of Clermont, be and the same are hereby repealed; and all suits and process pending in any of the courts of common pleas at the taking effect of this act shall be returned and continued to the different terms of the said courts respectively, which shall take place next after the taking effect of this act in relation to such courts.

Repealing
clause, &c.

THOS. KIRKER,
Speaker of the house of representatives.
ABRAHAM SHEPHERD,
Speaker of the senate.

January 24, 1817.

CHAPTER XXXI.

An act to amend the act entitled an act establishing boards of commissioners

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That each county commissioner shall be allowed the sum of two dollars and twenty five cents for each and every days service in the discharge of the duties of his office, an account of which shall be rendered to & audited by the associate judges, in their respective counties when in session.

Sec. 2. *And be it further enacted,* That the thirteenth section of the act, entitled "an act establishing boards of commissioners" be and the same is hereby repealed.

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

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 20, 1817,

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CHAPTER XXXII.

An act for the incorporation of religious societies.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That every religious society of not less than twenty members are hereby authorised to assemble themselves together at their usual place of holding public worship, giving at least ten days notice of the time and purpose of holding said meeting, by having the

Twenty members may associate and constitute an incorporation.

same proclaimed when assembled for public worship and by putting up written notice in a conspicuous place where worship is usually held, at least ten days before the time of holding such meeting.

Sec. 2. *Be it further enacted*, That every religious society when assembled together as provided in the first section of this act may proceed to elect by ballot three trustees and one clerk, who shall hold their offices for one year and until others are elected and qualified, and the said trustees when they shall have given such society a name, shall immediately certify the same, together with the name of the township in which the meeting was held, under their hands and seals to the clerk of the court of common pleas in the county where said township lies; and it is hereby made the duty of the clerk to record the same immediately in a book to be by him kept for that purpose, and he shall when thereunto requested give a certificate of such record under his seal of office—and for each record and certificate he shall be entitled to demand and receive fifty cents.

Sec. 3. *And be it further enacted*, That the said trustees when thus elected shall before entering on the duties of their office, take an oath or affirmation faithfully to discharge the duties of trustees of such religious society, and after being thus qualified, they shall, to all intents & purposes be a body corporate in law, with perpetual succession and full power to do all and every act necessary to a body corporate for the purposes hereby intended, which are to enable such religious society to hold in fee simple or for any lesser estate any tract or tracts of land or which to erect such buildings as are necessary for their religious worship, and on which

Three trustees and a clerk to be elected annually.

Duty of county clerk.

Trustees to take an oath of office.

Power and duty of the trustees.

May hold, and &c.

to have their burial ground, and any donations made to such religious society which shall be disposed of agreeably to the express will of the donor or donors; *Provided*, The whole quantity of lands held by any one society shall not exceed ten acres: *Provided also*, That any future legislature of this state shall have the right to alter or amend this act in any way they may think proper, and that the succession of such religious society may be preserved and perpetuated the regular members of the society after the same is incorporated, shall annually on the first Monday of May, meet at their usual place of holding public worship, and elect by ballot three trustees and a clerk to serve for the ensuing year.

Provide as to quantity

Further proviso.

Annual elections to be on the first Monday of May

THOS. KIRKER,
Speaker of the house of representatives.
ABRAHAM SHEPHERD,
Speaker of the senate.

January 7, 1817.

CHAPTER XXXIII.

An act to provide for the incorporation of towns.

Two thirds of the house holders in any town may petition the court of common pleas to be incorporated.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the householders in any town within this state laid out and the plat thereof recorded according to law, and containing within the limits of said plat forty householders or upwards may on the first day of the term, setting forth the name

and situation of such town by whom laid out & when recorded, the exact number of householders within the same, and containing also a particular description of the limits and boundaries of said town, whether comprised in one or more plats, which petition shall be subscribed by two thirds of the householders within said town and shall pray that the same may be incorporated according to law.

Sec. 2. *Be it further enacted,* That the court at the term when such petition is presented shall cause the same to be recorded upon their journals, and shall make an order that the clerk post up a copy of such petition at the courthouse door at least thirty days before the next term, and shall moreover cause the sheriff to make proclamation on the first day of the term when such petition is presented, that the householders of the town in the petition named have presented a petition praying that measures may be taken for the incorporation of the same.

Proceed-
ing of the
court on
such peti-
tion.

Sec. 3. *Be it further enacted,* That at the term next after presenting the petition the court shall proceed to examine the truth of the facts therein stated, and if the same are found to be true, the court shall cause an order to be entered upon their journals specifying that the matters alledged in the petition are satisfactorily proved; and thereupon the clerk shall make out a correct transcript of the petition and of all the orders made thereon, which he shall certify under the seal of the court, and the president of the court shall examine such transcript and certify thereon that the same is correct, which transcript shall be delivered to some one of the petitioners who shall pay the clerk therefor such fees as the court shall direct.

Further
proceed-
ings on
such peti-
tion.

Petition-
ers to pay
fees.

Transcript to be filed in the office of the secretary of state & then recorded.

Fees for recording

Sec. 4. *Be it further enacted,* That the petitioners shall cause such transcript to be filed in the office of secretary of state, and if the secretary shall find the same duly made out and certified in the manner herein before provided he shall thereupon grant, under the seal of the state letters of incorporation to such town, which letters he shall record in a book to be kept in his office for that purpose; and the petitioners shall pay the secretary of state for making out such letters and also for recording the same, such fees as are allowed by law for the recording of deeds, and from the time of recording such letters of incorporation, the town in such letters named shall be considered a corporate town for every intent and purpose in the said letters specified.

Preamble to the letters of incorporation.

Sec. 5. *Be it further enacted,* That the letters of incorporation so to be granted by the secretary of state, except so far as is necessary to set forth the name limits and boundaries of the town, and the county in which it is situate and also the name of the secretary of state & the date of such letter shall be in the words and figures following: Whereas the householders in the town of _____ in the county of _____ having complied with the provisions of the act of the general assembly entitled an act to provide for the incorporation of towns; and having filed in the office of the secretary of state, the documents required by the above recited act—therefore to all to whom these presents shall come be it known that the tract of land described in the following boundaries, beginning at _____ and situate in the county of _____ is hereby declared a town corporate and shall henceforth be distinguished by the name of _____ and shall be subject to and gov.

erned by the following rules and regulations, subject to such alterations as the legislature may at any time think proper to make.

Art. 1. The white male persons above the age of twenty one years who have been residents in said town at least twelve months before the day of election, and who in other respects possess the qualifications of electors for members of the general assembly shall meet at such place in said town as they may appoint on the first Saturday in March annually after the date of these presents between the hours of ten in the morning and four in the afternoon, and then & there elect a president, recorder and five trustees who shall either be freeholders or householders in the manner herein after provided, who shall be a body corporate and politic with perpetual succession to be known and distinguished by the name of the president, recorder and trustees of the town of _____ and who shall hold their respective offices until the next annual election, and untill their successors are elected and qualified.

Qualifications of electors.

Annual election, when held.

What officers to be elected.

Their continuance in office.

Art. 2. At the election in said town two judges and a clerk shall be appointed viva voce by the electors present, the said judges & clerk shall take an oath or affirmation faithfully and impartially to discharge the duties of their office and shall preside at, and conduct the said election: at all subsequent elections the president and trustees or any two of them shall be judges and the recorder clerk. At the close of the poll the ballots shall be counted by the judges and the statement publicly declared, and a fair record thereof made by the clerk, who shall notify the persons elected thereof, within five days after the day of election, and the persons so notified shall take the proper oath or affirmation.

Elections how conducted.

to support the constitution of the United States and of this state, and also an oath of office.

Persons refusing to qualify their place to be filled *Art. 3.* If any person elected president, recorder or trustee as aforesaid shall neglect or refuse to qualify by taking the necessary oaths, within the time prescribed, after being duly notified of his election, those of the said president recorder or trustees who have been qualified shall proceed to fill the vacancy occasioned thereby, and the person they may elect shall serve until the next annual election.

May hold property, &c. *Art. 4.* The president, recorder and trustees and their successors in office shall be capable to acquire, receive, hold and convey any estate, real or personal, for the use of said town, the clear annual income of which shall not exceed three thousand dollars; and shall be capable in law by the name aforesaid of suing and being sued, of pleading and being impleaded, answering and being answered unto in any suit or action, in any court within this state.

Manner of commencing suits against the corporation. *Art. 5.* When any suit shall be commenced against the said corporation the service shall be by a proper officer, leaving an attested copy of the original process with the recorder ten days before the return thereof; and if the said corporation shall fail to enter their appearance upon the return of such process in due form of law, the court from which said process issued may proceed to compel such appearance by writ of distringas according to the forms and usages of law.

May have a seal. *Art. 6.* The president, recorder and trustees shall have one common seal for the use of the corporation which they may alter at their discretion.

Art. 7. The president, recorder and trustees shall appoint a town marshal, a collector and ^{town made} a treasurer, who shall hold their offices for one ^{shal &c. to} year. The marshal, collector and treasurer ^{be appoint-} shall take the proper oath of office, and also an ^{ed and take} oath to support the constitution of the U. States ^{an oath} & of this state, and shall give bond for the faithful discharge of the duties of their respective offices, in such sum and with such security as the president, recorder and trustees may require.

Art. 8. The president, recorder and trustees shall fill all vacancies that may happen in their own body, between the periods of the annual election, and the appointments so made shall continue until the next annual election, and no longer. Manner of filling vacancies

Art. 9. The president, recorder and trustees, any four of whom the president or recorder being one, shall be a quorum to do business, shall have power and authority to pass and publish all such laws and ordinances as to them shall seem necessary for regulating the streets, alleys and highways and for cleansing, raising, paving, draining, turnpiking or otherwise keeping the same in repair. They shall also have power to require the owners of in lots in said town to ~~pave or gravel~~ the side walks in front thereof. They shall have power to establish and regulate markets, to establish an assise of bread, to provide for the abatement of nuisances, for the cleansing of chimnies and for the extinguishment of fires within said town. They shall have power to impose reasonable fines upon all persons transgressing the laws, ordinances and regulations which they may adopt, and they shall have power to pass all such laws and ordinances relative to the good government of said town not in contravention of the laws of Powers & duty of trustees

the United States or this state, as they may deem necessary.

Duty of recorder.

Art. 10. The laws, ordinances and regulations made and established by the president, recorder and trustees shall be kept by the recorder who shall record them in a book to be provided for that purpose, and no such law, ordinance or regulation shall take effect or be in force until it shall have been published and made known either by publication in a newspaper or by posting up copies thereof in the most public place in said town for at least ten days.

Each person to work one day on the streets.

Art. 11. The president, recorder and trustees shall have power to require every able bodied male person above the age of twenty one years, who may have resided three months in said town to perform annually one days work on the streets or highways under the direction of a supervisor or such other officer as may be appointed to superintend the improving and preserving the streets and highways. They

Dogs, hogs and geese may be taxed.

shall also have power to levy and collect a tax on dogs, hogs and geese owned or kept by the householders or other resident in said town and suffered to run at large therein, and upon all property that is or may be subject to taxation for county purposes; but no tax upon dogs, hogs or geese shall exceed one dollar per head; no tax upon real estate shall exceed one half of one per cent. upon the value thereof and no tax on personal property shall exceed the amount that may by law be assessed upon the same for county purposes.

Tax on real estate regulated.

An assessor supervisor &c may be appointed.

Art. 12. The president, recorder and trustees may appoint assessors of property, supervisors of streets and alleys, clerk of the market and all such other subordinate officers as they may

deem necessary to execute and carry into effect the laws, ordinances and regulations which they may adopt for the good government of the town, all of whom may be removed from their offices by the president, recorder and trustees at pleasure.

Art. 13. A time shall be prescribed for the **Duty of**
 assessor or assessors to return their estimate of **assessor,**
 taxable property, and a copy of the assessment
 to the recorder who shall file the same and pub-
 lish a day of appeal to be held by the presi-
 dent, recorder and trustees where all persons **A day of**
 who may suppose themselves aggrieved by the **appeals to**
 assessment shall be heard and such order shall **be publish-**
 be taken thereon as may seem fit. **ed.**

Art. 14. The president shall be a conserva-
 tor of the peace within the limits of the town
 and shall have all the powers of a justice of the
 peace therein, both in civil and criminal cases.
 He shall keep a docket upon which he shall **Powers and**
 minute down his proceedings, and shall be **duty of the**
 governed in all things appertaining to his duties **president**
 as a justice of the peace by the laws defining
 and regulating the duties of the justices of the
 peace, he shall be entitled to the same fees as
 a justice of the peace, and an appeal shall lie
 from his judgement to the court of common
 pleas of the county of _____ and upon such
 appeal bond shall be given, and the like pro-
 ceedings had as may at any time be required by
 law upon appeals from the judgment of a justice
 of the peace.

Art. 15. The marshal shall serve all process **Powers and**
 issued by the president, and in execution of **duty of the**
 process the marshal shall have the same power **town mar-**
 shall be governed by the same regulations and **shal.**

shall be entitled to demand the same fees as may by law be provided for and allowed to constables in like cases.

Fines how
recovered
and dispos-
ed of.

Art. 16. All fines incurred for transgressing any of the laws, ordinances or regulations of the president, recorder and trustees shall be recovered by action of debt prosecuted at the suit of the treasurer before the president and applied in aid of the taxes of the town, and in all cases where the president shall render judgment an appeal shall lie to the court of common pleas as in other cases.

Manner of
collecting
tax off non-
residents
lots.

Art. 17. Where the owners of unimproved lots do not reside within the limits of the town and the tax assessed upon such unimproved lot is not paid within the time prescribed by the ordinances or bye-laws assessing the tax, a penalty of one hundred per cent. upon the amount of each years tax shall be incurred, and the corporation shall have a lien upon such lot for the tax and penalties that may be due thereon, and the owner and any subsequent purchaser of such lot shall be liable for the amount thereof, but when the tax and penalties due amount to one half the valuation of such lot, the president, recorder and trustees may direct the collector to make sale of the same, to raise the tax and penalties so due thereon, and the collector shall convey the same to the purchaser in fee simple, but no sale shall take place until the time and place of sale, the number of the lot and the amount due thereon shall be advertised for at least six weeks in some public newspaper printed in said town or county, and if there be no newspaper therein, then in the first nearest newspaper.

Art. 18. No lot shall be sold for a less sum than the tax and penalty due thereon with the

expenses of sale, and where a lot shall sell for a greater sum than the tax and penalty due, the surplus shall be paid into the treasury of the corporation for the use and benefit of the owner of such lot, and to be paid to him or her upon application by order or otherwise. No sale of any lot for taxes and penalties shall prejudice the rights of infants, persons in captivity, feme covert, idiots or lunatics, provided they pay in to the treasury of the corporation the whole amount of tax and penalties within one year after their disability is removed, together with the tax collected after the sale and the interest thereon, which shall be returned to the person or persons who paid the same.

Continued

Art. 19. An account of the receipts and expenditures of the incorporation shall be annually published by the recorder for the information of the citizens

Receipts
&c. to be
published
annually

In testimony whereof and in conformity to law I _____ secretary of state have caused these letters to be made patent and have hereto set my hand and affixed the seal of the state at Columbus this _____ day of _____ anno domini.

Sec. 6. Be it further enacted, That if the president, recorder and trustees of any town incorporated under this act, shall take upon themselves to exercise any power or authority not warranted by their letters of incorporation or to use their funds for any purpose not herein allowed, the supreme court shall have power and jurisdiction to stay all such proceedings of the said president, recorder and trustees by writ of injunction or prohibition in such case and in such manner as may be conformable to the forms and usages of law.

Duty of the
supreme
court in
case the
corporation ex-
ceeds their
powers

Sec. 7. *And be it further enacted, That all*
Provision towns now incorporated by law may obtain let-
for towns ters of incorporation under the provisions of
already in- this act, and from the time of obtaining such let-
corporated ters the original act of incorporation of such
 town shall be taken and deemed to be of no force
 or effect so far as may respect the subsequent
 proceedings of said town.

THOS. KIRKER,
 Speaker of the house of representatives.
ABRAHAM SHEPHERD,
 Speaker of the senate,

January 7, 1817.

CHAPTER XXXIV.

**An act to amend the act, entitled "an act to author-
 ise Charles Williams and his associates to erect
 a toll bridge over the Muskingum river."**

Preamble Whereas a law was passed at the last ses-
 sion of the legislature of this state authorising
 Charles Williams and his associates to erect a
 toll bridge across the Muskingum river; and
 it appears by the first section of the act alluded
 to that the said Charles Williams and asso-
 ciates must first obtain the consent of the owner
 or owners of the ground whereon to erect the
 abutments of said bridge, and that the land on
 the west side of the river belongs to persons un-
 known to the said Charles Williams and his
 associates.

Therefore,

Sec. 1. *Be it enacted by the general assembly of
 the state of Ohio, That the court of common
 pleas in and for the county of Coshocton, are*

hereby authorised upon the application of Charles Williams and his associates to appoint three disinterested freeholders of said county who after being sworn or affirmed shall proceed to value the ground on which the said Charles Williams and his associates may wish to erect the west end of a toll bridge, which by law they are authorised to build across the Muskingum river : and the freeholders shall take into view and adjudge how much less valuable, the same will be rendered by the erection of such bridge and the freeholders shall make out their report in writing under their hand and seal, and transmit the same to the next court of common pleas succeeding their appointment, & the court shall order, that the said Charles Williams and his associates shall pay the damage (if any) to the owner, owners or agent of such ground when demanded, with interest from the time of assessing such damage : and if the said Charles Williams and his associates shall refuse to pay to the owner, owners or agent of such ground when demanded, the sum assessed as aforesaid then and in that case all the privileges granted by this act shall cease and determine ; *Provided*, That all the expences incurred in carrying into effect the provisions of this act shall be paid by the said Charles Williams and his associates,

Application
to be
made to
court.

Court to
appoint
three free-
holders to
value the
ground.

Valuation
to be paid
to owners.

Proviso,

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD.

Speaker of the senate.

January 24, 1817.

H

CHAPTER XXXV.

An act to incorporate the Franklin turnpike company.

Corporation created.

Names and style thereof.

Capital stock of the company limited.

Books for subscription to be opened first Monday of April 1817.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That Lucas Sullivant, James Johnson, John Kerr, Lemuel Rose, Timothy Spelman, David Moore, John J. Brice, William Taylor, Zachariah Davis, William W. Gault, Stephen M. Doughal, Lyne Starling, Joseph Vance and Joseph Miller and their associates, be and they are hereby incorporated, created and made a body corporate and politic by the name and style of the Franklin turnpike road company, for the intent and purpose of making a turnpike road from the town of Columbus in the county of Franklin to the town of Newark in the county of Licking, with all the rights, privileges and immunities, and subject to all the restrictions, limitations, provisions and disabilities prescribed in the act entitled an act to provide for the regulation of turnpike companies.

Sec. 2. *Be it further enacted,* That the capital stock of said company shall consist of thirty thousand dollars to be divided into shares of twenty five dollars each, with the privilege of extending said capital stock, to any amount not exceeding one hundred and fifty thousand dollars if such sum shall be found necessary to effect the object of the incorporation.

Sec. 3. *Be it further enacted,* That the said persons named in the first section of this act shall be commissioners for the purpose of receiving subscriptions to the capital stock of said company, and of performing all the duties required of them or contemplated by the act to

provide for the regulation of turnpike companies—books shall be opened for the purpose of receiving subscriptions to the capital stock of said company on the first Monday of April next or so soon after as the said company may think proper, in the towns of Columbus, Franklinton and Newark, and whenever five hundred shares shall be subscribed, it shall be lawful for the aforesaid commissioners to call a meeting of the stockholders for the purpose of electing thirteen directors who shall manage the concerns of said company.

Rates of
toll.

Sec. 4. *Be it further enacted*, That whenever said company shall have completed said turnpike road according to the provisions of the act to provide for the regulation of turnpike companies, they shall have a right to demand and receive from all persons travelling the same, who are not exempted from the payment of toll by the above recited act or any act supplementary thereto, the following rates of toll; for every ten miles of said road, and in the same proportion for a greater or less distance, to wit; for every four wheel carriage drawn by two horses or oxen, twenty five cents; for every horse or ox in addition six and a fourth cents; for every two wheel carriage drawn by two horses or oxen, eighteen and three fourth cents; for every horse or ox in addition, six & one fourth cents; for every sled or sleigh drawn by two horses or oxen, twelve and one half cents; for every horse or ox in addition, six and a fourth cents; for every sled, sleigh or two wheel carriage drawn by one horse, twelve and one half cents; for every horse and rider, six and one fourth cents; for every horse, mule or ass led or driven six months old or upwards, three cents; for every head of neat cattle six months

Rates of toll continued.

old or upwards, two cents; for every score of sheep or hogs, twelve and a half cents; for every four wheel pleasure carriage drawn by two horses, fifty cents; for every horse in addition, twelve and a half cents: for every two wheel pleasure carriage drawn by one horse, thirty seven and one half cents; for every horse in addition six and one fourth cents; for every four wheel carriage drawn by one horse, twenty five cents; *Provided*, No turnpike gate shall be erected nearer than one mile to either of the towns of Columbus or Newark, and at every gate there shall be a convenient way open for foot passengers.

Toll bridges may be erected over certain streams.

Sec. 5. Be it further enacted, That said turnpike company shall be, and they are hereby authorised to erect toll bridges across Alumn creek and Big Walnut creek, where said turnpike road may cross the same, and when said bridges shall be completed with good and sufficient foot ways and cart ways with hand railing; said company shall have a right to ask and receive from all persons passing over said bridges, and who are not exempted from the payment of toll, travelling said turnpike road, one half the above rates of toll for each of said bridges; *Provided*, said company shall erect and keep up in some conspicuous place near one end of each of said bridges; a post or board on which shall be printed or painted in a plain manner the rates of toll allowed by this section for passing said bridges; *Provided also*, That the fords of the above named creeks shall in no wise be impeded by said turnpike company.

Proviso.

The road to be commenced in two years, &c.

Sec. 6. And be it further enacted, That if said turnpike company shall not commence making said road within two years from the passage of this act, and if said road and bridges shall not

be completed within eight years thereafter, all the rights, privileges and immunities granted to said company by this act or by the act to provide for the regulation of turnpike companies shall cease and determine.

THOS. KIRKER,
Speaker of the house of representatives.

ABRAHAM SHEPHERD,
Speaker of the senate.
January 27, 1817.

CHAPTER XXXVI.

An act for the relief of Thomas Rardon,

Whereas it is represented to this general assembly, that Thomas Rardon of the county of Scioto, is in indigent and distressing circumstances, being himself sixty four years of age, and his wife fifty nine years—also having a son thirty one years of age, blind, deaf and dumb, and a daughter a woman grown, insane, insensible and helpless,

Therefore,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the county commissioners of the said county of Scioto shall at their annual meeting on the first Monday of June in each year (so long as the son of the said Thomas shall remain blind and dumb, and the daughter continue insane) take into consideration, and inquire into the situation of the said Thomas Rardon and family, and shall make to him such allowance as to them shall seem right,

H*

and the necessity of the case may require, and shall issue an order in favour of the said Thomas Rardon for the sum so allowed to be paid out of the county treasury.

THOS. KIRKER,
Speaker of the house of representatives,
ABRAHAM SHEPHERD,
Speaker of the senate.

January 27, 1817.

CHAPTER XXXVII.

An act to alter the line between the second and third divisions of Militia, and for other purposes.

Certain di-
vision and
brigade
lines alter
ed.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That so much of the counties of Lawrence and Jackson as lie within the third division, be and the same is hereby attached to the second brigade in the second division, and so much of the county of Pike as lies within the third brigade in the second division be & the same is hereby attached to the second brigade in said division; and so much of the second brigade of the fourth division as lies within the counties of Stark and Wayne, shall be and the same is hereby erected into a fifth brigade.

Paymas-
ters and
others to
pay over
monies col-
lected for
non-per-
formance
of militia
duty to

Sec. 2. *Be it further enacted,* That all money in the hands of any paymaster, officer or any other person within any regiment or odd battalion which shall have been received for non-performance of tours of duty, and not otherwise provided for shall be drawn by the commandant of regiments or odd battalion (as the case may be) who shall pay over the same to the

treasurer of the county in which the same was collected, and take his receipt therefor, which receipt he shall deposit with the commissioners of the county, & the commissioners shall apply the amount to the improvement of roads or the erection of bridges within their county in such manner as they may deem most advantageous to the county, and if any such person or persons shall refuse or neglect to pay over said money to the commandant of the regiment or odd battalion (as the case may be) the said commandant shall proceed against such person or persons in the same manner as adjutants are required to do against delinquent pay masters in the thirty eighth section of the act, entitled an act for organizing and disciplining the militia : *Provided nevertheless,* That the commandants of each regiment or odd battalion shall pay out of the funds aforesaid all accounts of any officer within their respective commands who have paid or become bound for the payment of any money for the purpose of employing substitutes to perform any tours of duty, and the balance (if any) to be paid over in the manner as before prescribed.

commandants of regiments &c.

Proceeding to be had against person refusing to pay over

Proviso

Sec. 3. *Be it further enacted,* That the adjutant general shall be allowed for his services when the United States shall be engaged in a war which shall require a call of militia from this state, the sum of four hundred dollars, and in time of peace the sum of two hundred dollars annually which shall be paid semi annually upon the certificate of the Governor.

Adjutant general's salary.

Sec. 4. *Be it further enacted,* That all ministers of the gospel regularly licensed agreeably to the rules and regulations of their respective churches during such time as they shall continue to exercise the duties of their profession

Certain persons exempt from militia duty.

Proviso. shall be exempted from the performance of military duty; *Provided*, That nothing in this section contained shall be so construed as to exempt any preacher of the gospel who shall accept of a seat in the legislature, or hold any other appointment of profit under the authority of the United States or of this state.

**Adjutant
generals
office to be
kept at the
seat of gov-
ernment.**

Sec. 5. *And be it further enacted*, That the office of Adjutant general shall be kept at the seat of government.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 24, 1817.

CHAPTER XXXVIII.

An act to incorporate the Columbiana, Portage and Cuyahoga turnpike company.

**Corpora-
tion creat-
ed.**

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That Mortain Helman, Joseph Richardson, David Scoott, John Thomson of Columbiana county; Alva Day, William Tappan, Ira Hudson, John Campbell, of Portage county and Erastus Miles, James Kingsbury, David Long and Alfred Kelly of the county of Cuyahoga with their associates be and they are hereby incorporated, created and made a body corporate and politic by the name and style of Columbiana, Portage and Cuyahoga turnpike company, for the intent and purpose of making a turnpike road from the village of Cleveland, Cuyahoga county through Ravenna, Portage county, and through New Lis-

**Style
thereof.**

**Points in
the road.**

bea Columbia county, to the nearest and most convenient point on the Ohio river with all the rights, privileges and immunities, and subject to all the restrictions limitations provisions and disabilities, prescribed in the act to provide for the regulation of turnpike companies.

Sec. 2. *Be it further enacted,* That the capital stock of said company shall consist of one hundred thousand dollars to be divided into shares of twenty five dollars each, with the privilege of extending said capital stock to any amount not exceeding two hundred thousand dollars, if such extension shall be found necessary to effect the object of this corporation.

Amount of
capital
stock.

Sec. 3. *Be it further enacted,* That the said persons named in the first section of this act shall be commissioners for the purpose of receiving subscriptions to the capital stock of said company and of performing all the duties required of them by this act or contemplated by the act, entitled "an act to provide for the regulation of turnpike companies," books shall be opened for the purpose of receiving subscriptions to the capital stock of said company on the first Monday of May next, at the village of Cleveland in the county of Cuyahoga, at Ravenna Portage county, at New Lisbon Columbiana county and at such other places as said commissioners may think proper, & whenever twenty five thousand dollars shall be subscribed, it shall be lawful for the aforesaid commissioners to call a meeting of the stockholders for the purpose of electing thirteen directors at least four of whom shall be in each of the counties aforesaid, who shall manage the concerns of said company,

When and
by whom
subscriptions
may be received.

Thirteen
directors
to be elected

Rates of
toll.

Rates of
toll contin
ued.

Proviso

Sec 4. *Be it further enacted,* That whenever said company shall have completed said turnpike road or any part thereof according to the provisions of the act to provide for the regulation of turnpike companies, they shall have a right to demand and receive from all persons travelling the same, who are not exempted from the payment of toll by the above recited act, the following rates of toll for every ten miles of said road and in the same proportion for a greater or less distance, to wit; for every four wheel carriage drawn by two horses or oxen, twenty five cents; & for every horse or ox in addition, six and one fourth cents; for every two wheel carriage drawn by two horses or oxen, eighteen and three fourth cents; and for every horse or ox in addition, six & one fourth cents; for every sled or sleigh drawn by two horses or oxen, twelve and an half cents; and for every horse or ox in addition, six and one fourth cents; for every horse and rider, six and a fourth cents; for every horse, mule or ass led or driven six month old or upwards, three cents; for every head of neat cattle six months old or upwards, two cents; for every score of sheep or hogs twelve and an half cents; for every four wheel pleasure carriage drawn by two horses, thirty seven and an half cents; for every horse in addition twelve and an half cents; for every two wheel pleasure carriage drawn by one horse, twenty five cents, and for every horse in addition, twelve and an half cents; for every four wheel carriage drawn by one horse, twenty five cents; *Provided,* No turnpike gate shall be erected nearer than two miles to the courthouse either of the towns of New Lisbon, Ravanna or Cleveland; & at every toll gate a pass way shall be left for foot passengers;

Provided also, That the legislature may alter **Further**
the rates of toll after the year eighteen hun- **proviso.**
dred and forty three.

Sec. 5. *And be it further enacted,* That if said
turnpike company shall not commence making **Time of**
said road within two years from the passage of **commence-**
this act, & if they shall not complete ten miles **ing the**
of said road within five years, & five miles in **road &c.**
each & every succeeding year until the same
shall be completed; then and in either of those
cases all the rights, privileges and immunities
granted to said company by this act or by the
act to provide for the regulation of turnpike
companies shall cease & determine.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 21, 1817.

CHAPTER XXXIX.

**An act to incorporate the Grand River harbour
company.**

Sec. 1. *Be it enacted by the general assembly
of the state of Ohio,* That Abraham Skinner,
Calvin Cole, Wm. Lattimore, Solomon Kings-
bury, Samuel Huntington, Francis Huntington,
Eli Bond, & George Warner & their asso-
ciates; be & they are hereby ordained, consti-
tuted, declared & made a body corporate & po-
litic, with perpetual succession, to be known &
distinguished by the name & style of the **Name and**
"Grand River Harbour company," & by that **style of the**
name they & their successors shall be a body **corporation.**

May sue &
be sued.

Object of
the act.

in law, capable of contracting & being contracted with, suing & being sued, pleading & being impleaded, answering & being answered unto, defending & being defended, in all courts & places & in all manner of suits, complaints, bills, causes & matters whatsoever, & shall have a proper seal which they may break, alter or renew at pleasure; & said company shall in law be capable of purchasing, receiving, holding & enjoying & of granting, selling and conveying any estate or property real, personal or mixed, necessary for promoting the object of this corporation, which object is hereby declared to be for the construction of a pier or harbour on the south border of Lake Erie, adjacent to the mouth of Grand River in the county of Geauga; or to open and secure the mouth of said river in such manner as to permit vessels navigating the lake freely, & securely to enter the same at the option of said company, as may be deemed most advantageous or practicable; but if said company shall choose to erect a pier or harbour adjacent to the mouth of said river they shall in no way whatever incommode the entrance of free navigation of said river.

Seven directors to
be chosen.

Sec. 2. *Be it further enacted*, That the concerns of said company shall be managed by seven directors one of whom to be chosen by said directors shall be president, said directors shall be chosen by the persons associating together for the object stated in the first section of this act at a meeting to be holden by them for that purpose, at the house of Calvin Cole in the village of Champion on the first Friday in May next, & on the first Friday in May annually thereafter by the stockholders of said company at such place as said directors shall appoint; said directors & president shall hold

First election on the
first Friday
of May.

their respective offices for one year, and until their successors are chosen and, qualified, the president shall give three weeks previous notice by advertisement in three of the most public places in the township, or in some newspaper in general circulation in said township, of the time and place of holding all elections or meetings of said company subsequent to the first election.

Sec. 3. *Be it further enacted*, That the directors or a majority of them shall have power to make such bye-laws and rules for regulating the concerns of said company not inconsistent with the constitution and laws of the United States or of this state, as they may think necessary and expedient, to appoint a clerk, treasurer and such other officers as may be necessary to manage the concerns of said company, and to require of such officers or any of them such security for the faithful performance of their duties as they may think necessary and proper, and to fill any vacancy in the office of president or director until the next annual election.

Directors
to make
bye-laws,
appoint
officers &c.

Sec. 4. *Be it further enacted*, That the stock of said company shall consist of such number of shares and each share of such amount as the directors shall deem necessary and best calculated to carry into effect the object of this act; *Provided*, the whole amount of said stock shall not exceed one hundred thousand dollars; and said stock shall be subscribed in such manner and paid in at such times in such proportions and under such regulations and penalties as may be prescribed by the bye-laws and rules of said company.

Stock to be
divided in-
to shares.

Proviso.

Sec. 5. *Be it further enacted*, That when said harbour or pier shall be so far completed or the mouth of said river so far opened and

Rates of
tolls

Secured as to afford protection to ships and vessels navigating the lake to the acceptance of the associate judges of the county of Geauga, said company shall have a right to demand and receive at their office to be established for that purpose at the mouth of Grand river, from the owner or owners or masters of any ship or vessel coming within or receiving protection from said harbour, pier or river, provided the mouth thereof shall be opened as aforesaid, eighteen and three fourth cents wharfage or pierage for every ton which such ship or vessel may rate, according to the custom house rules of admeasurement and if said ship or vessel shall remain in said harbour or river, more than two days the additional sum of ten cents per ton for any time not exceeding one week, and two cents per ton for every succeeding week which such ship or vessel may remain in said harbour or river, and for the payment of the aforesaid sums or rates, the owner or owners or master of such ship or vessel and each and every one of them shall be liable, and said company shall moreover have a right to detain such ship or vessel until the aforesaid sum shall be paid; but if said company shall elect to open and secure the mouth of said river aforesaid, said company shall not have a right to demand or receive any wharfage or pierage from any boat or vessel of less than five tons burthen; *Provided, That* said company shall not have a right to demand and receive any wharfage or pierage from any ship of war or other vessel of the United States conveying any of their troops, arms, ammunition, provisions or baggage, and provided also that any future legislature may regulate the amount which said company shall have a right to demand as aforesaid from the owner or

Proviso.

owners, or master of any ship or vessel coming within or receiving protection from said harbour, pier or river after the year one thousand eight hundred and forty.

Sec. 6. *Be it further enacted*, That the stock of said company shall be considered personal estate, and if an election for directors should not be held at the time herein prescribed, the said company shall not for that cause be dissolved, but it shall be lawful on any other day to hold an election for directors in such manner as may be prescribed by the bye-laws and rules of said corporation. Further regulations as to elections.

Sec. 7. *And be it further enacted*, That if at any time the said company shall use their funds or any part thereof, in any banking or other transaction of business, or for any object or purpose other than that intended and expressed in the first section of this act, then in that case the privileges granted in this act shall cease and have no further effect; *Provided*, That this act shall be liable to such alterations and amendments as the legislature may from time to time think proper to make. No banking transactions to be carried on by the company.
 Provided

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

December 30, 1846.

CHAPTER XL.

An act to incorporate the Mesopotamia and Harpersfield turnpike company

Corpora-
tion creat-
ed.

Style
thereof.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That Francis Freeman, Seth Tracy, Otis Guild, Solomon Griswold; Jonathan Higley jr. Jonathan Clapp, John Cunningham, James A. Harper, John Hubbard, Abraham Tappan, Jonathan Gregory, John Braheman and Robert Harper, with their associates be and they are hereby incorporated, created and made a body corporate and politic, by the name and style of the Mesopotamia and Harpersfield turnpike company, for the intent and purpose of making a turnpike road from the place on the shore of lake Erie fixed on by the Harpersfield commercial company for the purpose of building a dock through Harpersfield and Mesopotamia in a direction to Warren in the county of Trumbull till it intersects with the Trumbull, and Ashtabula turnpike road, with all the rights, privileges and immunities, and subject to all the restrictions, limitations, provisions and disabilities prescribed in the act to provide for the regulation of turnpike companies.

Amount of
capital
stock.

Sec. 2. *Be it further enacted,* That the capital stock of said company shall consist of fifty thousand dollars to be divided into shares of twenty five dollars each, with the privilege of extending said capital stock to any amount not exceeding seventy five thousand dollars, if such sum shall be found necessary to effect the object of the incorporation.

Sec. 3. *Be it further enacted,* That the said persons named in the first section of this act

shall be commissioners for the purpose of receiving subscriptions to the capital stock of said company, and of performing all the duties required of them, or contemplated by the act to provide for the regulation of turnpike companies; books shall be opened for the purpose of receiving subscriptions to the capital stock of said company on the first Monday of June next at Warren and Mesopotamia in the county of Trumbull, at Windsor and Harpersfield in the county of Ashtabula, & whenever fifteen thousand dollars shall be subscribed, it shall be lawful for the aforesaid commissioners to call a meeting of the stockholders for the purpose of electing thirteen directors who shall manage the concerns of said company.

Books to
be opened
on the first
Monday of
June

Sec. 4. Be it further enacted, That whenever said company shall have completed said turnpike road, according to the provisions of the act to provide for the regulation of turnpike companies; they shall have a right to demand and receive from all persons travelling the same who are not exempt from the payment of toll by the above recited act or any act supplementary thereto; the following rates of toll for every ten miles of said road, and in the same proportion for a greater or less distance, to wit: for every four wheel carriage drawn by two horses or oxen, twenty five cents; for every horse, or ox in addition, six and a fourth cents; for every two wheel carriage drawn by two horses or oxen, eighteen and three fourth cents; for every horse or ox in addition, six and a fourth cents; for every sled or sleigh drawn by two horses or oxen, twelve and a half cents; for every horse or ox in addition, six and a fourth cents; for every horse and rider, six & a fourth cents; for every horse, mule or ass,

Rates of
toll

1*

Continued.

led or driven six months old or upwards, three cents; for every head of neat cattle, six months old or upwards, two cents; for every score of sheep or hogs, twelve and a half cents; for every four wheel pleasure carriage drawn by two horses, thirty seven and a half cents; for every horse in addition, twelve and a half cents; for every two wheel pleasure carriage drawn by one horse, twenty five cents; for every horse in addition, twelve and a half cents; for every four wheel carriage drawn by one horse, twenty five cents; *Provided*, no turnpike gate shall be erected nearer than one mile to either the town of Warren or the lake shore, and that at each gate a passage be left open and free for foot persons, and no toll shall be demanded from any person for passing through any turnpike gate while transacting his or her ordinary business on his or her own farm: *Provided also*, the rates of toll hereby allowed may be regulated after the year eighteen hundred and forty three.

Road to be commenced in one and finished in five years.

Sec. 5. And be it further enacted. That if said turnpike company shall not commence making said road within one year from the passage of this act, and if they shall not complete ten miles of said road within five years and five miles in each and every succeeding year until the same shall be completed, then and in either of those cases all the rights, privileges and immunities granted to said company by this act, and by the act to provide for the regulation of turnpike companies, shall cease and determine.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 27, 1817,

CHAPTER XII.

An act to incorporate the Lancaster and Chillicothe turnpike company.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio, That* William M'Farland, John Crouse, John Carlisle, Humphrey Fullerton, John M'Lanburgh, John M'Coy, Mathew Ferguson, John M'Cutchen, Joel Beaeon, Joshua Hobbs, Elnathan Scofield, Emanuel Carpenter jr. James Wilson, Philemon Beecher, Samuel Carpenter, Christian King, Peter Raber, George Ritchey, Edward Tiffin, Duncan M'Arthur, Nathan Reeves, Thomas Jones, Samuel Lybrand, Philip Shartle and Benjamin Hough, and their associates be, and are hereby created a body politic and corporate, by the name and title "of the president and directors of the Lancaster and Chillicothe turnpike company," and by that name they and their successors shall have perpetual succession; and all the privileges and immunities incident to a corporation; and shall be capable of holding capital stock to the amount of forty thousand dollars, together with the increase and profits thereof; and of enlarging the same from time to time by new subscriptions in manner and form as they, or a majority of them may think proper, if such enlargement shall be necessary to accomplish the intent of this act, which is hereby declared to be for the purpose of making a turnpike road from Lancaster in the county of Fairfield through Tarlton in the county of Pickaway to Chillicothe in the county of Ross; and for no other purpose, except that of purchasing and holding to themselves, their successors and assigns in fee simple, and for any les-

The corpor-
ation cre-
ated,

Style
thereof.

Amount of
capital
stock.

Points in
the road.

May hold
property,
sue and be
sued, also
have a com-
mon seal

free estate, any such lands, tenements or hereditaments and estates real, personal or mixed, as shall be necessary for them in the prosecution of their works; and shall be capable of suing and being sued, pleading and being impleaded, and of doing all and every matter and thing a corporation or body politic, can or may lawfully do, and may have a common seal, and the same to break, alter and renew at pleasure.

Books to be opened at Lancaster, Chillicothe and Tarkenton.

Sec. 2. *Be it further enacted*, That so soon as the persons named in the first section of this act, or a majority of them, shall have organized themselves into a company, by written articles of associations, recognizing this act, and the "act to provide for the regulation of turnpike companies," they shall then proceed to open books for the purpose of subscribing the capital stock for the purposes aforesaid, at the towns of Lancaster, Chillicothe and Tarkenton, and at such other places as they or a majority of them may think proper; each share consisting of fifty dollars, and the said company shall, so soon as three hundred shares of the said stock is subscribed for, have receive and enjoy all the rights, privileges and immunities granted to turnpike companies by the above recited act; subject however to all the rules, regulations, restrictions, limitations and provisions therein prescribed and declared.

Rates of toll.

Sec. 3. *Be it further enacted*, That whenever the said company have completed the said road or so much thereof as contemplated by the tenth section of the above recited act, & obtained the necessary licence for the erection of gates thereon, in the manner pointed out in said section; they shall have a right to demand & receive from travellers or others using said road, the following rates of toll; for every ten

Miles of said road, and in the same proportion for a greater or less distance, to wit; for every four wheeled carriage drawn by two horses or oxen, twenty five cents; for each horse or ox in addition, six and one fourth cents; for every two wheeled carriage drawn by two horses or oxen, eighteen and three fourth cents; for each horse in addition, six and a fourth cents; for every sled or sleigh drawn by two horses or oxen, twelve and a half cents; and for each horse or ox in addition, six and a fourth cents; for every sled, sleigh or two wheeled carriage drawn by one horse or ox, twelve and a half cents; for every horse and rider, six and one fourth cents; for every horse, mule or ass of six months old or upwards, either led or driven, three cents; for every head of neat cattle of six months old or upwards, two cents; for each score of sheep or hogs, twelve and an half cents; for every four wheeled pleasure carriage drawn by two horses, thirty seven and an half cents; for each horse in addition, twelve and an half cents; for every two wheeled pleasure carriage drawn by one horse, twenty five cents; for each horse in addition, twelve and an half cents; for every four wheeled pleasure carriage drawn by one horse, eighteen and three fourth cents; *Provided*, That no turnpike gate shall be erected within two miles of either of the towns of Lancaster or Chillicothe; and provided also that any future legislature may alter the above rates of toll to be collected on said road, after the year one thousand eight hundred and forty three.

Rates of
toll contin-
ued

Proviso as
to the erec-
tion of
gates.

Rates of
toll may be
altered af-
ter 1843.

Sec. 4. *And be it further enacted*, That if to be com-
said turnpike company shall not commence menced in
making said road within one year from the one & fin-
passage of this act, and if the same shall not be ished in six
years,

The road
to be com-
menced in
one & fin-
ished in six
years,

completed within six years thereafter all the rights, privileges and immunities granted to said company by this act or the act to provide for the regulation of turnpike companies shall cease and determine.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 21, 1817.

CHAPTER XLII.

An act appropriating money for the payment of loans obtained for the use of the state, for the year eighteen hundred and sixteen.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That a sum of not exceeding **\$10,000** one hundred and ten thousand dollars, he and **dollars appropriated.** the same is hereby appropriated for the payment of loans obtained from the Miami Exporting company, from the bank of Chillicothe and from the bank of Muskingum, for the purpose of paying the quota of direct tax apportioned to the state of Ohio, by the United States for the year one thousand eight hundred and sixteen, together with the interest upon the several loans as aforesaid agreeably to contract.

Duty of the auditor. **Sec. 2.** *And be it further enacted,* That the auditor is hereby required to adjust and liquidate the amounts between the state and the several banks from whom loans were obtained as aforesaid, and issue his order or draft on the state treasurer in favour of the cashier for the use of each bank or company respectively for

the sum barrowed as aforesaid with the interest thereon at the rate of six per cent. per annum, and charge each bank or company with the amount of such order, and the state treasurer shall pay the amount thereof out of any monies in the treasury not otherwise appropriated.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 27, 1817.

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CHAPTER XLIII.

An act to provide for the incorporation of schools and library companies.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That at any time when six or more persons shall have associated themselves together for the purpose of establishing a school and building a school house, or for the purpose of establishing a library, and shall have given themselves a name, it shall and may be lawful for such association to obtain letters of incorporation in the following manner: such persons shall make out and subscribe their articles of association in which shall be set forth the name of the association, the time and manner of electing their officers, to consist of a president and four trustees, and such officer to serve as a treasurer, clerk or librarian as may be proper and necessary; the time for the stated meetings of the president and trustees, and the method of convening a special meeting; such articles shall make provision for the ac-

Six or more persons may associate together, may obtain letters of incorporation.

Conditions thereof.

acquisition and disposition of property real and personal by the association, and shall prescribe the manner of enacting bye-laws for the good government of the school or library, and for the proper management and preservation of the estate and funds of the association, the property to be owned by such association, except philosophical and mathematical apparatus, books, maps and charts shall at no one time exceed the value of ten thousand dollars, no part of which shall at any time be applied to any other purpose than the establishment and support of a school or a library as the case may be.

To,000 dollars worth of property may be held or owned.

Sec. 2. *Be it further enacted*, That the articles thus made out and subscribed shall be submitted to the inspection of the president of the court of common pleas of the circuit in which such association is about to be established, and if such articles are found to be conformable to the provisions of this act, the president of the court of common pleas shall endorse on said articles that he approves the same; the said articles shall then be submitted to the inspection of two judges of the supreme court who if they find them conformable to the provisions of this act shall in like manner endorse thereon that they approve the same; and the articles thus endorsed shall be deposited in the recorder's office of the county wherein such association is established.

Articles of association to be submitted to the inspection of judges of courts.

Who shall endorse the same.

Articles to be recorded.

Sec. 3. *Be it further enacted*, That the recorder shall record all articles deposited with him which shall be endorsed by the president of the court of common pleas and two judges of supreme court in the manner herein before directed and shall certify upon said articles that they have been duly recorded, distinctly stating the day upon which such record was made.

for which the association shall pay him the same fees as may be allowed him by law for recording deeds.

Sec. 4. *Be it further enacted*, That from & after the day of recording such articles the association therein named shall be to all intents and purposes a body corporate and politic, with perpetual succession & as such shall be known in law by the name in said articles set forth & by such name may sue and be sued, plead and be impleaded, answer and be answered unto in any court in this state, and may have one common seal, and break the same at pleasure; and moreover shall have power to make and enact bye-laws respecting all matters specified in their articles of association, and to prescribe reasonable penalties for the enforcing of the same; *Provided*, such bye-laws shall in no case contravene the constitution or laws of the United States or this state.

Sec. 5. *Be it further enacted*, That all existing associations for the establishment of schools and library companies may obtain letters of incorporation under this act.

Sec. 6. *Be it further enacted*, That if any association incorporated under the provisions of this act shall at any time use or attempt to use any of their funds for any kind of banking purpose, or shall in any way transcend their charter by the exercise of powers not warranted by this act such association shall forfeit its charter of incorporation: & for the purpose of vacating such charter, the association may be proceeded against by the prosecuting attorney of the proper county by writ of quo warranto before the court of common pleas of the supreme court; and upon such proceeding either of the said courts shall have power to vacate the charter of any

Association that shall be found to have violated the same.

Future legislature may alter incorporations.

Sec. 7. *And be it further enacted*, That nothing in this act contained shall be understood or construed to preclude any future legislature from making any regulations or provisions respecting such incorporations as may be deemed necessary or proper

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 24, 1817.

CHAPTER XLIV.

An act making further appropriations of the three per cent. fund granted by the United States for laying out, opening and making roads in this state.

60000 dollars appropriated, to be divided among the several counties in this state.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That a sum not exceeding sixty thousand dollars, shall be appropriated out of the monies which have been or may be received by the treasurer of this state, of the three per cent fund, agreeably to the provisions of an act of congress granting the same, which sum as aforesaid shall be appropriated, next after the appropriations heretofore made out of said fund, shall have been satisfied and the same is hereby appropriated for the purpose of opening and repairing roads within this state in manner hereinafter provided.

Sec. 2. *Be it further enacted*, That there shall be appropriated in the county of Hamilton

the sum of eighteen hundred dollars including five hundred and fifty dollars being a former appropriation of the three per cent. fund, for building a bridge over mill creek at M'Henry's ford in the county of Hamilton; which appropriation is superceded by the turnpike road crossing the said creek at the same place, viz. one hundred and sixty three dollars and sixty three cents to belaid out in improving the road leading from Colerain to Cincinnati, beginning at the school house near the house of Jesse Baris to the five mile run on said road, one hundred and sixty three dollars and sixty three cents on the road leading from Cincinnati to Hamilton, beginning at White's tanyard & running northerly to the line of Mill creek township, one hundred and sixty three dollars and sixty three cents to be laid out in three equal parts on the old and new Hamilton roads and the road commonly called the Trenton road in the township of Springfield, three hundred and twenty seven dollars and twenty six cents to be appropriated on the road leading from the town of Montgomery to Sharpsburgh, one hundred and sixty three dollars and sixty three cents to be laid out in improving the main road leading from Cincinnati to Williamsburgh on such part thereof as lies in the township of Anderson, one hundred and sixty three dollars and sixty three cents to be expended on the road leading from the salt well on the great Hamilton road to Walkers mill, one hundred and sixty three dollars and sixty three cents, on the road from Fentons tavern to the Great Miami river near Hutchisons mill, and four hundred and ninety dollars and eighty cents to be appropriated on the road leading from Fentons tavern to the state boundary line and passing through the

Appropriations in
Hamilton
county.

town of Miami; *And be it further enacted,* That so much of the forty fourth section of the act entitled "an act making further appropriations of the three per cent. fund granted by the United States for laying out, opening and making roads in this state" as respects an appropriation of five hundred and fifty dollars for building a bridge over Mill creek at the ford commonly called M'Henry's ford on the state road leading from Cincinnati to Hamilton in the county of Butler, be and the same is hereby repealed and the same shall be appropriated on the several roads in the county of Hamilton as is provided in the section of this act.

Appropriations in Butler county.

Sec. 3. Be it further enacted, That twelve hundred and fifty dollars, be and the same are hereby appropriated in the county of Butler on the following roads, viz. on the state road from Hamilton to Moses Vail's mill, one hundred dollars; on the state road from Cincinnati to Dayton, between John Caldwell's tanyard and the north bank of Dick's creek one hundred dollars; on that part of the state road from Lebanon to Oxford between John Finkle's tavern and the great Miami river forty dollars; on the state road from Hamilton to Princeton eighty dollars; and twenty dollars on that part of the road from Lebanon to Cincinnati which lies within the county of Butler; on that part of the county road from Rossville to Oxford which lies between Jeremy Beatty's and Fossville seventy five dollars; on the county road from French's mill to John Shaw's fording on the Great Miami river seventy dollars; on the county road from Knox's by Robison's (formerly Lemingers) mill, to the intersection of the last mentioned road, near Sayre's saw,

mill, fifty dollars ; on the state road from Rossville by Millville to the western line of the state fifty dollars ; on the county road, from Shaw's fording to Millville forty dollars ; on the state road from Rossville to the mouth of the Great Miami river, so far as lies within Butler county forty dollars ; on the county road which leads from the state road and intersects the county road to Shaw's fording near William Gwilym's, thirty dollars ; on the county road from Dr. Benjamin Clark's by Brown's, Demoret's, King's to the state road thirty dollars ; for building a bridge over Two mile creek, where the county road from Rossville to Eaton crosses said creek, three hundred dollars ; & should any part of the said sum remain after building said bridge, that remainder to be expended in repairing the said road from the creek to John Hamiltons old place, on the county road between Jeremy Beatty's and Oxford fifty dollars ; on the road from Hamiltons to Thomas Fleming's on the way to Cincinnati one hundred dollars ; on the road from Oxford to Robert Lyttles fifty dollars ; and twenty five dollars on the road from Oxford to the north west corner of the college township.

Sec. 4. *Be it further enacted*, That there be appropriated in the county of Miami the following sums to wit ; the sum of five hundred dollars on the state road leading from Urbana by Troy to Greenville, one half between the town of Troy and the eastern boundary of Miami county, and one half between Troy and the western boundary of Miami county ; the sum of three hundred dollars on the state road leading from Piqua to Lorimie ; the sum of three hundred dollars on the road from Troy past

Appropriations in
Miami
county.

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Charles Wolverton's to Yount's mill on Mill creek; and the sum of one hundred and fifty dollars on the road leading from Troy to Dayton across the Miami at the broad ford.

Appropriations to Preble county. Sec. 5. *Be it further enacted,* That there shall be appropriated in the county of Preble the following sums, to wit. on the road leading from Hamilton through Eaton to the north boundary of Preble county four hundred and twenty five dollars; on the road from Dayton through Eaton to the western boundary of Preble county four hundred and twenty five dollars; on the road from Franklin to Eaton two hundred dollars; and the further sum of two hundred dollars on the road leading from Eaton to the south west corner of the ninth township in the first range east.

Appropriations in Dark county. Sec. 6. *Be it further enacted,* That there shall be appropriated in the county of Dark the following sums, to wit. on the road leading from Greenville to Eaton the sum of three hundred and fifty dollars; on the road leading from Greenville to Milton the sum of two hundred and seventy five dollars; on the road from Greenville to Troy the sum of three hundred and twenty five dollars; on the road from Fort Jefferson to New Lexington the sum of one hundred and fifty dollars; and the sum of one hundred and fifty dollars for the purpose of paying the road commissioners for their services subject to the order of the county commissioners, and if there should remain any money in the hands of the county commissioners after paying the road commissioners for their services, the said county commissioners shall expend the same on the public roads as they shall deem expedient.

Sec. 7. Be it further enacted, That there shall be appropriated within the county of Champaign the sum of twelve hundred and fifty dollars in the following manner to wit. on the state road leading from Urbana by the mouth of Kings creek and Covington's mill to the Great Miami river the sum of one hundred & seventeen dollars; on the state road leading from Urbana by Zanes to the Indian boundary line eighty dollars; on the old state road from Urbana to Springfield one hundred dollars; on the old road from Urbana by Megrue's to Troy eighty dollars; on the road from Springfield to the Yellow spring thirty dollars; on the road from Springfield by John Reads to Chillicothe forty dollars; on the road from Springfield to Limestone thirty dollars; on the road from Springfield by Laytons to Dayton one hundred and twenty dollars; on the new state road commencing at the four mile tree north of Urbana on the old state road thence by Black's and Hull's crossing of Mad river to the Indian boundary line where Hull's trace crosses said line sixty dollars; on the road from Springfield to Columbus, one hundred dollars; on the road from Springfield to Troy fifty dollars; on the road from Urbana to Delaware sixty dollars; on the road from Springfield by Pricket's mill for the purpose of building a bridge across the east branch of Mad river at said mill thirty three dollars; on the road from Urbana by the bridge on Mad river to Troy one hundred dollars; on a new state road from Urbana by John Lafferty's and Mechanicsburgh to Columbus two hundred & fifty dollars; and the further sum of seventy seven dollars heretofore appropriated on the old road from Urbana to Franklinton (and not yet ex-

appropriations in
Champaign county
ty.

pended) by the act making further appropriations of the three per cent fund, passed February the sixteenth eighteen hundred & fifteen.

Appropriations in Warren county.

Sec. 8. *Be it further enacted*, That there shall be appropriated in the county of Warren the following sums, to wit; on the college township road the sum of two hundred dollars, one hundred dollars of which shall be expended on the east, and one hundred on the west of Lebanon; on the state road from William Belch's by Lebanon three hundred dollars to be applied as follows, one hundred and twenty five dollars from Lebanon to the south boundary of the county and the remaining one hundred and seventy five dollars from Lebanon to the north boundary, on the state road leading from Lebanon to Wilmington two hundred and fifty dollars, one hundred and fifty dollars of which shall be laid out east of the little Miami river, and one hundred dollars west of the river aforesaid; on the Hamilton road west of Beedles station the sum of seventy five dollars; on the state road leading from Waynesville to Wilmington the sum of fifty dollars; on the state road leading from Cincinnati to Chillicothe passing Peter Burr's farm on the waters of Todds fork, on so much thereof as lies within the county of Warren the sum of two hundred and fifty dollars, one hundred dollars of which shall be laid out east of the mouth of Todds fork, and the remaining one hundred and fifty dollars west thereof; on the road leading from Deerfield to Williamsburgh the sum of fifty dollars; and seventy five dollars on so much of the state road leading from Cincinnati to Dayton, as lies in the county of Warren; and the commissioners that may be appointed to expend the money appropriated by this section

are hereby authorized to straighten and establish the roads on which they shall be appointed commissioners.

Sec. 9. *Be it further enacted,* That there shall be appropriated in the county of Wayne the following sums to wit; two hundred and fifty dollars on a new road to be laid out from Wooster in said county, by Mount Vernon in Knox county to Carpenter's mills in Delaware county thence to the town of Columbus in Franklin county; two hundred and fifty dollars on a new road to be laid out from Wooster aforesaid by way of Coits salt works in Medina county to Granger in Cuyahoga county; fifty dollars on the Coshocton road; five hundred dollars to be appropriated on the different state roads within said county as the county commissioners or a majority of them shall direct; *Provided,* said county commissioners shall at their June meeting next, set apart the different sums to be applied to the improvement of the roads aforesaid, and also appoint a suitable person or persons for road commissioners to lay out said money, one hundred and fifty dollars for paying road commissioners; if one hundred and fifty dollars should be more than sufficient for the payment of road commissioners, the overplus to be laid out on the roads under the direction of the county commissioners.

Appropriations in Wayne county.

Sec. 10. *Be it further enacted,* That there shall be appropriated in the county of Montgomery the following sums viz. on the road leading from Springfield through Dayton to Eaton, three hundred and fifty dollars, on the road leading from Franklin through Dayton to the line of Miami county in a direction to Staunton

Appropriations in Montgomery county.

three hundred dollars; the further sum of six hundred dollars to be appropriated for the purpose of building a bridge across Mad river on the road leading from Dayton to Staunton which shall be made subject to the order of the commissioners of said county.

Appropriations in Ross county. Sec. 11. *Be it further enacted,* That there shall be appropriated within the county of Ross the following sums viz. four hundred dollars to be applied for the erection of a bridge over the north fork of Paint creek, at or near the place where the road from Chillicothe to Bainbridge crosses the same; and eight hundred and fifty dollars for the erection of a bridge over main Paint at or near the place where the road from Chillicothe to Portsmouth crosses the same.

Appropriations in Pickaway county. Sec. 12. *Be it further enacted,* That there shall be appropriated in the county of Pickaway the following sums to wit. to Robert Taylor for work already done on the bridge across Walnut creek the sum of two hundred dollars; for the bridge across Hargu's creek near Circleville one hundred and fifty dollars; for the road from Carlton towards Chillicothe one hundred and fifty dollars, for the state road that runs through the Walnut plains east and west two hundred dollars: one half to be laid out on each side of the river Scioto, and the commissioner appointed for that purpose, shall have power to make such alterations as he may think proper first obtaining the consent of

the owner or owners of the land where such alterations may be necessary; for the road from Circleville to London one hundred and twenty five dollars to be laid out on the west side of the Scioto river; for the road that leads up Deer creek by Burton's old place, one hundred and twenty five dollars; for the road that leads from Westfall by Shanton's fifty dollars; for the road from Jefferson towards Lancaster fifty dollars; on the road from Circleville towards Lancaster by Apple's old place fifty dollars; on the road from Circleville to Chillicothe seventy five dollars; on the state road from Franklinton by Washington to the mouth of Bullskin the sum of seventy five dollars.

Sec. 13. *Be it further enacted*, That there shall be appropriated in the county of Franklin the following sums to wit. on the road from Columbus to Newark, the sum of three hundred and twenty five dollars, on the road west of Columbus towards Springfield beginning six miles west of Columbus thence to the county line four hundred and fifty dollars; on the road towards London in Madison county the sum of one hundred dollars; on the state road leading from Franklinton towards Delaware to the county line one hundred dollars; on the road to-

Appropriations in Franklin county.

wards Lancaster the sum of one hundred and fifty dollars; on the road leading from Columbus to Circleville beginning five miles south of Columbus the sum of one hundred dollars.

Appropriation for laying out and opening a road from Columbus to Franklinton.

Sec. 14. *Be it further enacted*, That the sum of twenty five dollars be appropriated for laying out and opening a state road leading from the west end of broad street in the town of Columbus in a direct line to the east end of Franklin street in the town of Franklinton and to continue with said Franklin street to a canal or mill race west of said town of Franklinton, thence westwardly so as to intersect the state road leading from Franklinton to Dayton at or near a small branch, the west side of the Prairie which surrounds the town of Franklinton.

Commissioners of Franklin county authorized to draw on the treasury of said county, for what ever damage may be sustained by opening said road from Columbus to Franklinton.

Sec. 15. *Be it further enacted*, That in case any person or persons shall consider themselves aggrieved by the location of the road from the west end of Broad street in Columbus to the state road west of Franklinton on application to the commissioners of Franklin county they shall appoint three disinterested freeholders who after being duly sworn shall proceed to assess the damage such person or persons may sustain by the location and opening said road which damage so to be assessed shall be paid out of the county

treasury of Franklin county, on the order of the county commissioners in the same manner as is provided by the seventh section of the act for opening and regulating roads and highways.

Sec. 16. *Be it further enacted,* That there shall be appropriated in the county of Highland on the road from Hillsborough to Washington one hundred and seventy five dollars to be appropriated as the county commissioners may direct; on the road from Hillsborough to the mouth of Redoak one hundred and seventy five dollars; on the road from Hillsborough to Williamsburgh two hundred dollars; on the road from Hillsborough to the mouth of the rocky fork one hundred dollars; on the Manchester road from its intersection with the red oak road to the south seventy five dollars; on the Xenia road fifty dollars, on the road from Hillsborough to West Union fifty dollars; on the road from Hillsborough to Lebanon by Jos. March's fifty dollars; on the road from Limestone to Chillicothe fifty dollars; on the college township road seventy five dollars; on the road to Urbana seventy five dollars; on the old post road from Chillicothe by Newmarket fifty dollars; on the Pepce road fifty dollars; and on the Greenfield road by Miller's mill seventy five dollars.

Appropriations in Highland county.

Appropriations in Delaware County.

Sec. 17. *Be it further enacted.* That there shall be appropriated in the county of Delaware, the following sums to wit: from the town of Delaware on the road to the Indian boundary line two hundred dollars; from Delaware on the road to Alum creek two hundred dollars; on the road through Radner one hundred dollars; on a new road to be laid out from Daved Dix's to Richland county one hundred dollars; from Sunbry on the road to Granville two hundred dollars; on a new road to be laid out from Mount Vernon to Carpenter's mills one hundred dollars; on a new road to be laid out from James Stark's to intersect the Delaware and Mansfield road two hundred dollars, on the Portage road one hundred dollars, and on the road from the town of Delaware to the Scioto river fifty dollars.

Appropriations in Madison County.

Sec. 18. *Be it further enacted,* That there shall be appropriated in the county of Madison the sum of twelve hundred and fifty dollars in the following manner to wit; on the new state road leading from Columbus through the town of New London to Springfield three hundred dollars; on the old state road from Franklinton to Springfield two hundred and fifty dollars; on the new state road from Urbana by John Lafferty's and Mechanicsburgh to Columbus one hundred dollars; on the road from London to Xenia one hundred dollars; on the road leading from Chillicothe by Springer's spring to

Urbana the sum of two hundred dollars; on the road beginning on the south boundary of said county and running by the Willow spring through London by Gwynn's & Mitchell's to intersect the road leading from Urbana to Delaware two hundred dollars; on the road leading from Worthington to Urbana one hundred dollars; and the one hundred dollars appropriated for the purpose of opening a road from Franklinton through Madison county towards the seats of justice in Fayette, Highland and Clermont counties to be expended in Madison county under the act of the twenty first of February eighteen hundred and twelve and which remains unexpended, be expended on the road within the county of Franklin leading from Columbus to Springfield by London.

Sec. 19. *Be it further enacted,* That there shall be appropriated in the county of Clermont the following sums to wit; on the road from New Market, through Williamsburgh to Cincinnati two hundred dollars; on the road from the mouth of Bulskin creek to Williamsburgh two hundred dollars; on the road from West Union through Bethel to Cincinnati three hundred dollars; on the road from Water's ferry on the Ohio river to Williamsburgh two hundred dollars; on the road from Boude's ferry to Cincinnati passing Fee's town two hundred dollars; on the road from Williamsburgh to Deerfield one hundred dollars; on the road from Bethel to Neville passing Henry Cuppy's fifty dollars.

Sec. 20. *Be it further enacted,* That there shall be appropriated within the county of Adams the following sums, viz; on the road leading from Manchester to Hillsborough two hundred dollars; on the road from West Union

Appropriations in
Clermont
county.

Appropriations in
Adams
county.

to Portsmouth one hundred and twenty five dollars; on Donaldson's road from the crossing of Brush creek to the county line, on the road to Chillicothe one hundred and twenty four dollars; on the road from West Union to Scioto salt works forty one dollars; on the road from Manchester to the old state road near Leedom's thirty two dollars; on the road from Maysville to Chillicothe three hundred and ninety two dollars, one hundred and seventy eight dollars of said sum to be laid out between Maysville and West Union, and seventy two dollars, between West Union and the forks of the road at the crossing of Brush creek and one hundred and fifty two dollars from the forks of said road at the crossing of Brush creek to the county line on the old road to Chillicothe; and on the road from the mouth of Red oak to Hillsborough two hundred and six dollars; on the road from West Union to the mouth of Cluff one hundred and thirty dollars.

Appropriations in Clinton county.

Sec. 21. *Be it further enacted*, That there shall be appropriated in the county of Clinton on the state road leading from Washington in Fayette county to Wilmington the sum of two hundred and twenty five dollars and the further sum of two hundred & twenty five dollars on the state road leading from Wilmington to Lebanon; and on the road leading from Morgantown to Wilmington known by the name of the Xenia state road the sum of two hundred and twenty five dollars; and on the state road leading from Wilmington to Xenia the sum of one hundred and thirty seven and an half dollars; and on the state road leading from Wilmington to Waynesville the sum of one hundred and thirty seven and an half dollars; and on the college township road the sum of three hundred dollars;

Provided, That if the commissioners of the said county of Clinton think they are not able to pay the road commissioners, out of the county treasury, whenever the road commissioners come forward to enter into bond they may retain fifteen dollars out of the sum appropriated on each of the respective roads, towards paying said road commissioners.

Sec. 22. *Be it further enacted,* That twelve hundred and fifty dollars be appropriated for the purpose of improving the state and principle county roads and for erecting bridges over waters on the same within the county of Green, to be applied in such proportion as the commissioners of the said county shall direct, and to be laid out under the superintendence of such road commissioners as the aforesaid county commissioners shall appoint. 1250 dollars to be expended in Green county under direction of the commissioners of said county

Sec. 23. *Be it further enacted,* That there shall be appropriated within and for the county of Pike the following sums of money viz; on the new road from Chillicothe to West Union the sum of one hundred and forty dollars; on the road from Piketon to Chillicothe the sum of three hundred and twenty five dollars which shall be expended towards building a bridge over Crooked creek near Pe Pee; on the road from Piketon to Portsmouth the sum of four hundred and twenty five dollars, which shall be expended towards building a bridge over Beaver creek as near the said road as a safe & convenient place can be had, and towards opening a road from said bridge when built into the aforesaid road; on the road from Piketon to West Union the sum of two hundred dollars which shall be expended towards

Appropriations in Pike county.

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building a bridge over Sunfish creek on said road ; on the road from Piketon to Jackson the sum of one hundred dollars which shall be expended towards digging down the big hill near Piketon ; and on the road from Piketon to Little Scioto the sum of sixty dollars which shall be expended in digging, bridging and causwaying on said road.

Appropriations in Scioto county.

Sec. 24. Be it further enacted, That there shall be appropriated within and for the county of Scioto the following sums of money viz ; on the road from Portsmouth to the little Scioto bridge the sum of one hundred & fifty dollars which shall be expended in digging, bridging & causwaying on said road ; on the road from the Ohio Saltworks to Portsmouth the sum of two hundred and fifty dollars, which shall be expended in like manner ; and on the road from Portsmouth to Piketon the sum of eight hundred dollars ; one hundred dollars of which shall be expended on a bridge near James Clark's, two hundred dollars on a bridge near John Groningers a sufficient sum to make a good firm and substantial road along the side of the Pond near Robert Buckles, and the balance to be expended in digging, bridging and causwaying on said road at such places as the road commissioners may direct : and fifty dollars on the road leading from West Union in the county of Adams to West's mills in the county of Scioto, beginning at the Adams county line.

Appropriations in Lawrence county.

Sec. 25. Be it further enacted, That there shall be appropriated within and for the county of Lawrence the following sums of money viz. on the road from Burlington to Portsmouth the sum of five hundred and twenty five dollars,

which shall be expended in bridging, digging & causwaying on said road; on the road from Burlington to Gallipolis the sum of six hundred and twenty five dollars, which shall be expended in like manner; and on such part of a new road to be laid off from where Scioto county line crosses the road from Portsmouth to Gallipolis and to run by M'Carly's mill as runs through the county of Lawrence the sum of one hundred dollars.

Sec. 26. *Be it further enacted*, That there shall be appropriated within and for the county of Gallia the following sums of money viz; on such part of a new road to be laid off from where Scioto county line crosses the road from Portsmouth to Gallipolis thence to pass by John M'Carly's mill on Raccoon creek, thence by Captain James E. Phelps on Leading creek to intersect the road from Gallipolis to Marietta at or near Steadman's mill as runs through the county of Gallia, the sum of three hundred dollars; on such part of a new road to be laid off from Jackson by Wilksville to Cooley's mills, as runs through the county of Gallia the sum of two hundred dollars; on the state road from Gallipolis to Chillicothe the sum of two hundred dollars; on the road from Gallipolis to Wilksville the sum of one hundred dollars; on the road from Gallipolis to Marietta the sum of one hundred dollars; on the road from Gallipolis to Athens county line the sum of fifty dollars; on the road from Letarts falls on the bank of the Ohio river to Fuller Elliotts the sum of fifty dollars; on the road from Gallipolis to Portsmouth the sum or fifty dollars; on the road from Gallipolis to Lawrence county line on a direction to the seat of justice in said

Appropriations in Gallia county.

county the sum of fifty dollars; on the road laid out from Wilksville to Col. Blagg's the sum of fifty dollars; and towards defraying the expences of a bridge built over Raccoon creek on the Chillicothe road the sum of one hundred dollars.

Appropriations in Jackson county. Sec. 27. *Be it further enacted,* That there shall be appropriated within and for the county of Jackson the following sums of money viz; on the road from Jackson to Chillicothe the sum of six hundred dollars; five hundred dollars of which sum shall be expended in building two bridges over Salt creek on said road one at Corner's and the other at Runkle's saw-mill; also the further sum of two hundred dollars to be expended in building a bridge over Salt creek at or as near the town of Jackson as the commissioners of said county may direct; on the road from Jackson to Gallipolis the sum of one hundred and fifty dollars; on such part of a new road to be laid off from Jackson by Wilksville to Cooly's mills as runs through the county of Jackson the sum of two hundred dollars; on the road from Jackson to Athens county line the sum of fifty dollars; and on the road from Jackson to Portsmouth to sum of fifty dollars.

Appropriations in Athens county. Sec. 28. *Be it further enacted,* That there shall be appropriated in the county of Athens the following sums to wit; on the state road from Athens towards Marietta to the east line of Athens county two hundred dollars; on the state road from Athens towards Belprie to the line of Athens county one hundred and twenty five dollars; on the new state road from Athens towards Chillicothe to the west line of Athens

county one hundred dollars; on the road from Athens to Lancaster to the line of Athens county one hundred and fifty dollars; on the old road from Marietta towards Lancaster through Athens county, beginning at the twenty five mile tree, thence to where said road intersects the road leading from Athens towards Lancaster, one hundred dollars; on the road from Athens towards the Scioto Salt works in Jackson county to the south line of Athens county seventy five dollars; on the county road from Athens towards Gallipolis one hundred dollars; on the road from Peter Andersons ferry on the Ohio river through long bottom to Levi Stedman's mills in Athens county one hundred and twenty five dollars; on the new state road to be laid out and opened from Cooley's mills on the Hockhocking river in Athens county to Jackson in Jackson county, on that part of said road which runs through Athens county one hundred and twenty five dollars.

Sec. 29. *Be it further enacted,* That there shall be appropriated in the county of Fairfield the following sums (to wit;) two hundred dollars on the road leading from Lancaster to Zanesville; and the further sum of one hundred dollars on the road between John Baldwins and the county line on the way to Newark; and the further sum of three hundred dollars on the county road leading from Lancaster to Columbus, two hundred dollars thereof to be expended in making a bridge across the south fork of Hockhocking and canswaying or ditching the prairie between said south fork and the bridge on the east side of said prairie, and the balance to be laid out between the town of Greencastle and the county line;

Appropriations in
Fairfield
county

and the further sum of one hundred dollars on the road from Somerset to Lebanon; and the further sum of one hundred dollars on the state road leading from Lancaster by way of Tarlton to Chillicothe; and the further sum of seventy five dollars on the state road from Lancaster by way of Valentine Reber's to Circleville; and the further sum of fifty dollars to be expended on the road leading from the Granville road to Lebanon; and the further sum of eighty dollars on the road leading from Lancaster by Leather's tavern to Chillicothe; and the further sum of forty five dollars on the Pickaway road past said Leather's tavern to the Pickaway plains and Circleville; and the further sum of two hundred dollars on the road from Marietta to Lancaster, *Provided*, the commissioners appointed to expend the money on said road are hereby empowered and authorized to make such alterations of said road as they may deem expedient, and should any alteration be made in said road by the commissioners aforesaid, such alterations together with such parts of said road as shall remain unaltered shall thenceforth be considered a public highway and shall be recorded as such in the office of the commissioners of the counties of Fairfield, Athens and Washington; and where alterations are made as aforesaid, the old road between the points where such alterations shall intersect said old road shall be and is hereby vacated from the time of making such alteration, any provision in any law to the contrary notwithstanding.

Appropriations in Washington county.
 Sec. 30. *Be it further enacted*, That there shall be appropriated in the county of Washington the following sums viz; on the road from Marietta to Wheeling, from Marietta to Daniel

Green's farm, one hundred and fifty dollars; from Daniel Green's farm to the south boundary of Monroe county one hundred dollars; on the road from Marietta to Woodfield on the little Muskingum route, from Marietta to the south boundary of Monroe county two hundred and fifty dollars; on the road from Marietta to Zanesville on the east side of the Muskingum river to the south boundary of Muskingum county two hundred and fifty dollars; on the road from Marietta to Lancaster, from Marietta to the east boundary of Fairfield county, two hundred dollars; on the road from Marietta to Athens, to the east boundary of Athens county one hundred and fifty dollars; on the road from Marietta to Gallipolis, from Marietta to the east boundary of Athens county on the bank of the Ohio river, one hundred dollars; and on the road from Point Harmer crossing the Muskingum river by Tyler's station to Thomas Seely's farm on Olive Green creek fifty dollars.

Sec. 31. *Be it further enacted*, That there shall be appropriated in the county of Monroe the following sums to wit; on the road from Belmont county line past Woodfield to Washington county line, one hundred and fifty dollars; on a road from Woodfield to the Ohio river at the mouth of Sunfish, four hundred dollars; on a road from John Linn's past the beach spring at the head of Atkenson's run, thence on the ridge between said run and Cats run to the Belmont county line one hundred dollars; on the road from the Ohio river near the mouth of Fishing creek past Woodfield to Guernsey county line, one hundred dollars; on the road along the Ohio river from the mouth of Sunfish to Belmont county line one hundred

Appropriations in
Monroe
county.

and fifty dollars; which sum shall be laid out in building of bridges; on a road from Woodfield past Dyes settlement the best way to Richard Talbots on the Ohio river one hundred dollars; on a road from Woodfield to the county line on a direction towards the Duck creek Saltworks one hundred dollars.

Appropriations in Guernsey county.

Sec. 32. *Be it further enacted,* That there shall be appropriated in the county of Guernsey the following sums, in manner following to wit; on the main post road leading from Wheeling to Cambridge three hundred and eighty seven dollars; on the main post road leading from Zanesville to Cambridge, three hundred and eighty six dollars; on the main post road leading from Steubenville to Cambridge three hundred and eighty seven dollars; and the sum of ninety dollars to pay the road commissioners within said county to be apportioned among them by the county commissioners at the time they shall give certificates of the said appropriations having been expended, and in said certificate shall certify the amount each road commissioner shall receive for his services to be paid by the state treasurer in the same manner as other money appropriated by this act.

Appropriations in Muskingum county

Sec. 33. *Be it further enacted,* That there shall be appropriated within the county of Muskingum, the sum of twelve hundred and fifty dollars for the purpose of opening and improving the following roads to wit; on the road leading from Zanesville to Marietta one hundred and twenty dollars; on the road leading from Zanesville to Cambridge one hundred and fifty dollars; on the road leading from Zanesville to Coshocton, on the east side of the Muskingum river, sixty dollars; for laying out, opening

and improving a road from the north fork of the upper bridge in the town of West Zanesville to Irville one hundred dollars; to laying out and opening a road from Irville towards Mount Vernon in the county of Knox seventy five dollars; on the road leading from Putnam to Lancaster one hundred dollars; on the road leading from Putnam to Athens one hundred dollars; on the road leading from Putnam to Newark on the south side of Licking creek & crossing the same at rocky fork one hundred and fifty dollars; on the the road leading from Putnam to Cooper's mill one hundred dollars; on the road leading from West Zanesville to Wakatomika, forty dollars; on the river road leading from Zanesville to the Washington county line east side of the river sixty dollars; on a road leading from Finney's mill on big salt creek to Zanesville twenty dollars; on a road leading from John Robertsons via. of the prairie to the head of Whitey's creek fifty five dollars; on a road leading a southerly direction from Jonathan's creek bridge on the Lancaster road fifty five dollars; on a road leading from Wickham's mill to the Coshocton county line near John Hardistie's, the sum of fifteen dollars. and on the road leading from Putnam down the Muskingum river to Brush creek settlement the sum of fifty dollars.

Sec. 34. *Be it further enacted*, That there shall be appropriated in the county of Licking, the following sums to wit; on the road leading from Granville to Delaware, beginning three miles from Granville, and extending to Delaware county line two hundred dollars; on the road leading from Newark to Coshocton, beginning at the Bowling Green and extending to Coshocton county line, the sum of three hun-

Appropriated in Licking county.

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hundred dollars; on the road leading from Newark to Lancaster, beginning at David Shaver's mill and extending to Lancaster county line one hundred dollars; on the road leading from Mount Vernon to Newark by the way of William Robinsons mill beginning at Knox county line and extending towards Newark one hundred dollars; on the road leading from Mount Vernon to Newark by the way of Albin Worthins and Felix Danly, beginning at Knox county line and extending towards Newark, the sum of one hundred dollars; on the road leading from Granville to Columbus, beginning four miles from Granville and extending to John Herrons two hundred and fifty dollars; from said Herron's to Franklin county line two hundred dollars; and the commissioners to be appointed the present session to expend the money appropriated by this section shall have power to alter the roads where it may be necessary.

Appropriations in
Richland
county.

Sec. 35. *Be it further enacted*, That the sum of twelve hundred and fifty dollars shall be appropriated in the county of Richland in the following manner to wit; on the state road from Mansfield to Wooster two hundred dollars; on the road from Mansfield towards Huron two hundred dollars; on the state road from Mansfield to Mount Vernon two hundred dollars; on the road from Mansfield to New Philadelphia one hundred & fifty dollars; on the road from Frederick by the way of Lexington to Trucksville seventy five dollars; on the road from Mansfield to M'Clure's mill fifty dollars; on the road from Mansfield by way of Lexington to Delaware, one hundred & fifty dollars; on the road from Mansfield to Edwinburg twenty five dollars; on the road from Belville to Frederick

twenty five dollars; on the road from Mansfield to the mineral spring, fifty dollars; on the road from Mansfield to Cleveland by Union seventy five dollars; on the state road leading from the court house in Mansfield to the first bridge towards Beam's mill twenty five dollars, and on the road from fourth street in Mansfield to the first bridge towards Beam's mill twenty five dollars.

Sec. 36. *Be it further enacted*, That there shall be appropriated in the county of Knox the following sums to wit; the sum of one hundred and seventy five dollars from Mount Vernon to the north line of said county on the road leading to Mansfield, and two hundred and twenty five dollars from Mount Vernon to the south line of said county, on the road leading to Newark by Azariah Davis'—and fifty dollars on the road leading from Jonathan Hunts' to Robinson's mills, and one hundred and fifty dollars on the road leading from Mount Vernon to Coshocton by Abraham Darling's, and fifty dollars on the road leading from John Tibits on Moheken to Mount Vernon where the said road intersects the road leading from Coshocton to Mount Vernon, and two hundred dollars on the new state road leading from Mount Vernon towards Columbus to be laid out in opening said road, and the sum of two hundred dollars on the said new state road leading from Mount Vernon towards Wooster to be laid out in opening said road—and the sum of one hundred and fifty dollars on the state road leading from Mount Vernon to the county line in a direction towards Zanesville to be laid out in opening said road, and fifty dollars on the road from Mount Vernon to Granville.

Appropriations in
Knox
county.

Appropriations in Coshocton county. Sec. 37. *Be it further enacted,* That there shall be appropriated in the county of Coshocton the following sums to wit ; on the road from Coshocton to Freeport, the sum of four hundred dollars, commencing at Coshocton and running eastwardly to Harrison county line on the road to Newark as far as the county line three hundred and ten dollars ; on the state road from Coshocton to Mount Vernon, to the county line, one hundred and twenty dollars ; forty dollars of which shall be appropriated to build a bridge over Mow Hawk creek ; on the road from Coshocton Wooster to the Coshocton county line one hundred and fifty dollars ; on the river road from Coshocton to the mouth of Owl Creek, forty dollars ; on the road from Wapatamaka to the state road near Martin Cox's one hundred dollars ; on the road from Coshocton, on the west side of Muskingum river towards Zanesville, as far as the Coshocton county line forty dollars ; on the county road from Coshocton east side of Muskingum river, towards Abraham Thompsons to Wills creek fifty dollars ; on the road from Coshocton towards Cambridge, as far as the Coshocton county line forty dollars ; and the commissioners to be appointed the present session, to expend the money appropriated by this section shall have power to alter the roads where it may be necessary.

Appropriations in Tuscarawas county. Sec. 38. *Be it further enacted,* That there shall be appropriated in the county of Tuscarawas excepted as is herein after excepted, on the road from New Philadelphia to Cadiz by the way of Urick's mill the sum of two hundred dollars—on the road from New Philadelphia to the town of New Rumly the sum of three

hundred seventy five dollars ; seventy five dollars of which is to be applied to the building of a bridge across the Beaver dams on the road from Deardoff's mill, by the way of Paul Statesman, through the town of Berlin, thence near the Cranbury plain to the line between Coshocton and Wayne counties on the direction of Mansfield. The sum of two hundred and fifty dollars, on a new road to be laid out from New Philadelphia to the town of New Lisbon, two hundred and twenty five dollars, fifty dollars to be applied to build a bridge across Sugar creek on the road from the falls of Sugar creek to Coshocton; fifty dollars, on the road from New Philadelphia past Abraham Frye's the sum of fifty dollars to be expended on the road from New Philadelphia to Goshen and fifty dollars on the road from Jacob Gasses to the town of Hanover.

Sec. 39. *Be it further enacted,* That there shall be appropriated in the county of Harrison the following sums, to wit ; on the road leading from Cadiz towards Cambridge the sum of four hundred dollars, and on the road from Cadiz through Freeport towards Coshocton one hundred dollars ; and on the road from Cadiz towards Leesburgh one hundred dollars ; and on the road from Cadiz towards New Philadelphia by the way of Urick's mill one hundred dollars ; and on the road from Hanover toward New Philadelphia fifty dollars ; and on the road from Cadiz to Harrisville seventy five dollars ; and on the road from Cadiz towards Charleston one hundred and fifty dollars ; and on the road from Cadiz toward Steubenville one hundred dollars, and on a new road to be laid out from the Charleston road in a straight

Appropriations in Harrison county.

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direction past the town of York to Undergraft's paper mill twenty five dollars.

Appropriations in Belmont county. Sec. 40. *Be it further enacted,* That there shall be appropriated in Belmont county twelve hundred and fifty dollars in the manner following to wit; upon the road from the mouth of Pipe creek to the mouth of the Rocky fork of Capetena creek one hundred dollars; upon a road to be laid off from where the line between the third and fourth ranges cross's Capetena creek along the ridge between Catts run and Atkinsons run to the line of Monroe county on the direction towards John Linns one hundred dollars; upon the road from Barnesville to the mouth of Capetena creek two hundred dollars, fifty dollars of which shall be laid out in improving the road at the rocks near John Brysons; upon the new road from the mouth of Wheeling creek up the ridge to Denny's road at Mathew Scotts place five hundred dollars, and for erecting a bridge over the mouth of Wheeling creek three hundred and fifty dollars.

100 dollars of a former appropriation for Belmont county how disposed of Sec. 41. *Be it further enacted,* That one hundred dollars of the three per cent fund appropriated by the second section of the act making further appropriations of the three per cent fund granted by the United States for laying out, opening and making roads in this state passed February 16th 1815—upon the road from St. Clairsville to Mount Pleasant by James Hanna's to the county line at Henry Sidwells in Belmont county, and which in consequence of the refusal of the commissioners of Belmont county to establish said road remains unexpended, be and the same one hundred dol-

lars is hereby appropriated for making the bridge over Wheeling creek at the mouth thereof in addition to the sum appropriated by the fortieth section of this act.

Sec. 42. *Be it further enacted*, That there be appropriated in the county of Jefferson, on the road running with the Ohio river to Warrentown one hundred dollars, and for building a bridge over Cross creek on said road one hundred and fifty dollars; on the road from Warrentown to Mount Pleasant and from thence to the Harrison county line one hundred and twenty six dollars; on the road from opposite Charleston to Smithfield, & from thence to the eastern boundary line of Harrison county, one hundred and twenty six dollars; on the road from Steubenville toward New Lisbon, one hundred and twenty six dollars; on the road from Alberts shop through New Salem forty four dollars; to open a road from the mouth of short creek by Updergraff's paper mill through York towards Cadiz, ninety dollars; on the southern road from Steubenville to Cadiz one hundred and twenty six dollars; to open a new road from New Salem by Springfield and Coes mill to the Columbiana line ninety dollars, to erect a bridge over the Piney fork of Short creek on the road from Smithfield to Cadiz, one hundred dollars; on the road from Steubenville towards Canton one hundred and seventy two dollars.

Appropriations in Jefferson county.

Sec. 43. *Be it further enacted*, That there shall be appropriated in the county of Columbiana the sum of twelve hundred and fifty dollars in the following manner, to wit: on the road leading from New Lisbon to Georgetown

Appropriations in Columbiana county.

the sum of one hundred and seventy dollars; on the road leading from New Lisbon to Beavertown through Clarkson by way of Benjamin Cravens, the sum of one hundred and fifty dollars; on the road leading from New Lisbon to Greensburgh, the sum of eighty dollars; on the road leading from New Lisbon to Feland, the sum of eighty dollars; on the road leading from New Lisbon to Canfield the sum of one hundred dollars; on the road leading from New Lisbon to Deerfield, the sum of one hundred dollars; on the road leading from New Lisbon to Canton the sum of one hundred and seventy dollars; on the road leading from New Lisbon to Steubenville for the purpose of building a bridge over the west branch of little Beaver creek near Peter Cuffels the sum of one hundred and seventy five dollars; on the road from Wills's Ware house on the Ohio river to where it intersects the Georgetown road the sum of seventy five dollars; for the purpose of laying out and opening a new road from New Lisbon to New Philadelphia the sum of one hundred and fifty dollars.

Appropriations in Trumbull county. *Sec. 44. Be it further enacted,* That the sum of twelve hundred and fifty dollars shall be appropriated on roads in the county of Trumbull as follows to wit; on the state road in the first range of townships laid out by Calvin Cone Esq. one hundred dollars; on the road from Warren to Vienna through Rowland one hundred dollars, on the state road from Warren to the mouth of Grand river four hundred dollars; on the road from Warren to the dwelling house of Asahel Adams in Liberty by the way of Isaac Heaton and Abraham Drakes, one hundred dollars; for so much of a road to be laid

out and opened from Warren to Canton in the county of Stark, as shall pass through the county of Trumbull, two hundred and fifty dollars; on the state road from Warren in a direction to Cleveland by Garrits mills seventy five dollars; on the state road from Canfield through Elsworth to Palmyra in Portage county one hundred dollars; and the sum of one hundred and twenty five dollars for the purpose of erecting a bridge over the Mahoning river in Youngstown above the mouth of dry run.

Sec. 45. *Be it further enacted,* That there shall be appropriated in the county of Stark the following sums to wit: on the state road from New Lisbon in Columbiana county to Wooster in Wayne county, three hundred and fifty dollars, on the state road from New Philadelphia in Tuscarawas county through Canton to the Cuyahoga Portage in Portage county four hundred and forty dollars; on the road leading from Canton through Hamburg to Steubenville two hundred dollars, on so much of the road leading from New Philadelphia in Tuscarawas county to Wooster in Wayne county as passes through the county of Stark twenty five dollars; on the state road to be laid out and opened from Warren in Trumbull county to Canton seventy five dollars; and a state road to be laid out and opened from Bethlehem, in a direction to meet the state road leading from Coshocton,

Appropriations in Stark county.

through Shanesville in Tuscarawas county to the southern boundary line of Stark county sixty five dollars; and on the state road leading from Canton to Tallmage in Portage county one hundred dollars.

Appropriations in Geauga county. Sec. 46. *Be it further enacted, That* there shall be appropriated in the county of Geauga, the sum of twelve hundred and fifty dollars, as follows to wit: to repair the road leading from the mouth of Grand river, through Bonstown and Middlefield towards Warren in Trumbull county the sum of eight hundred and fifty dollars; one hundred dollars of which shall be expended in building a bridge across Martins creek, and seventy dollars to bridge and secure the safe passage of the north branch of the Cuyahoga; to repair the road leading from Chardon to the south line of the county commonly called Pundersons road the sum of two hundred dollars; and on the ridge road leading from the four corners in Madison to Champion village the sum of one hundred dollars.

Appropriations in Ashtabula county. Sec. 47. *Be it further enacted, That* there shall be appropriated in the county of Ashtabula the sum of twelve hundred and fifty dollars to be laid out and expended under the direction and superintendence of Solomon Griswold, Timothy R. Hawley and James A. Harper.

Sec. 48. Be it further enacted, That there shall be appropriated in the county of Portage, on the road leading through townships number one, two, three, four and five in the eleventh range, the sum of one hundred dollars; on the road leading from the south line of the county through Randolph, Ravenna and Mantua towards Chardon the sum of five hundred and fifty dollars, on the state road leading from Canfield through Palmyra Ravenna and Hudson on to Cleveland, the sum of three hundred dollars; on the new county road leading from the centre of Aurora west, to the place where it intersects the Hudson and Cleveland road the sum of one hundred and fifty dollars, on the Canton and Warren road to be laid out through Deerfield the sum of fifty dollars, and on the road leading from Ravenna through Charlestown to the east line of the county towards Warren the sum of one hundred dollars.

Appropriations in Portage county.

Sec. 49. Be it further enacted, That there shall be appropriated in the county of Medina, on the road leading through townships number one, two, three and four in the sixteenth range, the sum of two hundred and fifty dollars, on the new road to be laid out through the county from Wooster to Granger by Coits salt works the sum of three hundred and

Appropriations in Medina county.

fifty dollars, on the road leading through townships number one, two, three and four in the twelfth range, the sum of two hundred and fifty dollars, and on the east and west road leading through the centre of the county by the seat of justice the sum of four hundred dollars

Appropriations in Huron county.

Sec. 50. *Be it further enacted*, That there shall be appropriated in the county of Huron twelve hundred and fifty dollars as follows viz: on the Lake road from the mouth of Black river by the mouth of Huron river, to the west line of the fire lands five hundred dollars; on the ridge road from the east line of Jesupville by the county seat two hundred dollars; on the road from the old english fort on the shore of Sandusky Bay to where said road intersects the road leading from Newhaven to the mouth of Huron river two hundred and fifty dollars, on the road from the south line of the county through Newhaven & Greenfield to Abijah Comstocks by David Underhills, three hundred dollars.

150 dollars appropriated each to of the counties here in named

Sec. 51. *Be it further enacted*, That there shall be a further sum of one hundred and fifty dollars appropriated out of the three per cent fund to each of the following counties for the purpose of paying the road commissioners which may be appointed under the authority of this

act, to wit: in the county of Monroe one hundred and fifty dollars; in the county of Harrison one hundred and fifty dollars, and in the county of Athens one hundred and fifty dollars; which sums shall be drawn by the order of the commissioners of each county in favor of the treasurer of their county, and if such sum should not be sufficient for the purpose aforesaid, the county in which a deficiency may take place, shall pay the balance, and if any of the aforesaid sum should be left after paying the road commissioners such sum shall be laid out by the county commissioners on the roads within the county.

Sec. 52. *Be it further enacted*, That there shall be appropriated in the county of Cuyahoga Appropriations in Cuyahoga county, the sum of twelve hundred and fifty dollars to be applied to the laying out, opening and improving roads, or to the building of bridges within said county in such manner as the county commissioners shall direct, under the superintendence of road commissioners, to be appointed by said county commissioners at their next June meeting.

Sec. 53. *Be it further enacted*, That there shall be appropriated within the county of Fayette Appropriations in Fayette county, the following sums, to wit: on the state road from Washington to Circleville, two hundred dollars; on the road from Washington to Chillicothe, one hundred dollars; on the road from Washington to Wilmington two hundred dollars; on the road from Chillicothe to Springfield by the widow Comptons, one hundred dollars; on the state road from Washington to Franklinton, two hundred dollars; on the road from Washington to New London, seventy five

dollars; and the further sum of seventy five dollars towards paying the road commissioners in the said county of Fayette.

Commis-
sioners to
be appoin-
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tain mo-
nies herei-
mentioned

Sec. 54. *Be it further enacted,* That there shall be appointed by a joint resolution of both houses of the general assembly one commissioner to lay out and expend the money appropriated by this act for repairing any old roads or building any bridge or bridges, for which a specific appropriation is herein made, and in like manner, there shall be appointed one or more commissioners to lay out and expend the money herein appropriated for laying out and opening any new road for which a specific appropriation is made by this act, unless it shall be thought expedient to appoint one commissioner for each county for such roads as are designed to connect seats of justice or places in different counties, in which case one commissioner may be appointed in each county for such connecting roads; and each commissioner appointed under the authority of this act, shall give bond with sufficient security to the county commissioners of the county in which he resides, in such sum as they may require; conditioned for the faithful performance of the duties required of him as commissioner; and if such commissioner shall fail to comply with the condition of his bond, the county commissioners aforesaid shall institute a suit on said bond, & shall prosecute the same to judgment and execution, and shall apply the money so recovered to the laying out, opening or repairing the road or building the bridge for which such commissioner was appointed, in the same manner that such commissioner ought to have done, and in case any commissioner appointed under this

act, shall refuse to accept his appointment, or shall refuse or neglect to give bond as before mentioned within thirty days after receiving a certificate of his appointment, or shall die or remove out of the county before he has discharged the duties required by law of such commissioner or where any road commissioner heretofore appointed, has in like manner failed or refused to accept his appointment the county commissioners shall appoint another commissioner in his place; and whenever any commissioner appointed under this act shall have completely finished any road or roads, bridge or bridges for which he was appointed according to law, and the county commissioners shall be satisfied from actual inspection or otherwise that the appropriation has been faithfully applied they shall give such commissioner a certificate thereof which certificate shall be a sufficient voucher for the auditor to issue bills accordingly payable by the treasurer of state who upon receiving the same, shall pay to such commissioner or to his order the sum appropriated for the road or bridge for which he was appointed; and each commissioner appointed for any new road shall be entitled to two dollars for each mile of road they lay out and open, and each commissioner appointed for any old road or bridge, shall be entitled to such compensation as the commissioners of his county may allow; and the said county commissioners shall settle and adjust the accounts of all road commissioners in their respective counties and issue orders accordingly on the treasurers of their respective counties & the orders so drawn shall be paid out of the county treasury.

Sec. 55. And be it further enacted, That the several commissioners to be appointed to super-

Bridge
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sioners
may re-
ceive do-
nations.

Intend the building of bridges by this or any former act, may severally receive such donation by subscription or otherwise, the better to enable them to complete such bridges, in which case they shall exhibit to the commissioners of their proper county, a statement of such donations at the time they make a settlement with said county commissioners.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 28, 1817.

CHAPTER XLV.

An act to incorporate the Dayton bridge company.

Corpora-
tion creat-
ed.

Style there-
of.

Amount of
stock.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That Robert Patterson, Joseph Pierce, David Reid, Horatio G. Philips, David Lindsley, James Steel, George S. Houston, Wm. George and Wm. King and their associates be and they are hereby created a body politic and corporate by the name and title of the president and directors of the Dayton bridge company and by that name they and their successors shall have perpetual succession and all the privileges and immunities incident to a corporation, and shall be capable of holding capital stock to the amount of ten thousand dollars and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions in manner and form as they shall think proper, if such enlargement shall be necessary to fulfil the intent of this act, which is

hereby declared to be to enable said company to build a bridge across the great Miami river at or near the town of Dayton in the county of Montgomery, and for no other purpose, and for taking, purchasing and holding to them their successors and assigns in fee simple, and for any lesser estate real, personal and mixed as shall be necessary for them in the prosecution of their works & shall be capable of suing and being sued, pleading & being impleaded, and of doing all and every matter and thing a corporation or body politic may lawfully do & may have a common seal, and the same break, alter and renew at pleasure.

Sec. 2. *Be it further enacted*, That so soon as the persons named in the first section of this act or a majority of them shall have organized themselves into a company by written articles of association, recognizing this act, they may then proceed to have subscription books opened at the town of Dayton to receive subscriptions to the stock of said company in shares of ten dollars each, which books shall be opened at such time and under such regulations as shall be directed by said commissioners or a majority of them: *Provided*, That not more than one dollar on each share shall be demanded at the time of subscribing, and not more than two at any subsequent instalment, and before any penalty shall accrue on account of non payment of any instalment at least sixty days notice of the time and place of paying such instalment shall have been given in the newspaper printed in the town of Dayton, or by advertisement in three of the most public places in said town.

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Sec. 3. Be it further enacted, That

Meeting of the stockholders to be called by giving 20 days notice.

whenever five hundred shares shall be subscribed to the stock of said company, it shall be the duty of the commissioners or a majority of them to call a meeting of the stockholders by giving public notice not more than twenty nor less than ten days in manner described in the second section of this act, for the purpose of electing five directors at which election at least three of the commissioners aforesaid shall preside; stockholders may vote by proxy, under

Five directors to be elected.

such regulations as may be prescribed in the bye laws, no person who is not the owner of twenty shares shall fill the office of director of said company and the directors or a majority of them when thus elected and qualified shall on the day succeeding their election between the hours of ten and twelve A. M. proceed to elect a president from their number, and all elections

Annual election on the first Tuesday of January.

after the first shall be on the first Tuesday in January, in each and every year at such place, as the directors shall appoint, the directors shall each of them take an oath or affirmation diligently and impartially to discharge the duties of their office, *Provided*, That if the election for directors should not be held on the day pointed out in this section the company shall not on that account be dissolved, but it shall & may be lawful to hold an election at any other time on notice being given as aforesaid.

Directors to take an oath.

Sec. 4. Be it further enacted, That the president and directors shall hold their office for one year and until others are chosen and qualified, they shall in all cases manage the concerns of said company, appoint such officers & agents as are necessary, fill all vacancies that may happen in their own body until the annual

Powers and duty of directors in general.

election, make bye laws for the government of the corporation, & may require an oath or affirmation of any of the agents of said company, may call special meetings of the stockholders always giving ten days notice as directed in the second section of this act, keep a record of all transactions relative to the business of the company and do all other matters and things touching the concerns of the company contemplated in this act, *Provided*, the same be not inconsistent with the laws of the United States or this state.

Proviso

Sec. 5. *Be it further enacted*, That if any stockholder shall neglect or refuse to pay any instalment after having sixty days notice of the time and place of payment as provided in the second section of this act, he shall for every month the same remains unpaid, forfeit and pay the sum of five per cent on the amount of such instalment and provided the same remains unpaid for the space of six months it shall be at the option of the directors to declare the stock of such delinquent forfeited to the company together with whatever may have been paid thereon, or to collect the same together with the penalty that may have accrued thereon by suit, and no delinquent stockholder shall have a right to vote at any meeting of the company.

Penalty on stockholders for neglect in paying instalments.

No delinquent stockholder allowed to vote.

Sec. 6. *Be it further enacted*, That the said company or their agents shall have a right to locate the scite for said bridge, and if any difference shall arise between the owner or owners of any ground which shall be necessary for the abutment or abutments of said bridge, it shall be determined by three disinterested freeholders, one to be chosen by the agent of such bridge

Manner of assessing the damages sustained by the owners of any ground occupied by the bridge.

company, the other by the owner or owners or agent of such ground & the third by the two freeholders thus chosen and the freeholders thus appointed shall before entering on the duties assigned them take an oath or affirmation to discharge the duties of their appointment with impartiality, and in assessing the damage they shall take into view the damages sustained by the owner of said land in consequence of said bridge being erected thereon, and shall make out their assessment in writing a copy of which shall be given to the proprietor of the land and another to the agent of the company, and before the agent of said company shall in any wise enter such ground to erect said bridge, they shall pay or offer to pay to the owner of such land the amount of damages assessed as aforesaid: *Provided*, That all expenses incurred in carrying into effect the provisions of this section shall be defrayed by said bridge company.

Sec. 7. *Be it further enacted*, That if the said company shall within four years from the passing of this act, erect and complete a bridge as aforesaid, made of sufficient width, having a convenient foot way with hand railing and cart way or cart ways and in other respects of sufficient strength and dimensions so as to admit of the safe passage of passengers and carriages, then the said company as aforesaid may ask demand and receive the following toll, to wit:

Rates of toll.

for each foot passenger, three cents; for every horse, mule or ass of one year old and upwards four cents; for each horse and rider, twelve and a half cents; for every chaise, riding chair, gig, cart or other two wheeled carriage drawn by one horse, twenty five cents; and six and a fourth cents for every horse, mule, ox or ass in

addition; for each sled or sleigh drawn by one horse or ox, eighteen and three fourth cents; and for each horse or ox in addition six and a fourth cents; for every coach, charriot or other four wheeled pleasure carriage drawn by two horses, fifty cents; and six and a fourth cents for every horse in addition; for every waggon drawn by one horse or ox, twenty five cents, and six and a fourth cents for every horse or ox in addition; for every head of neat cattle six months old or upwards, two cents; for every head of sheep or hogs, one cent; *Provided*, *Provide as to persons* all public mails and expresses that now are or hereafter may be exempted by law from the payment of ferriages may at all times pass said bridge free of toll: and all troops of the United States and this state with their artillery, baggage and stores, persons going to and returning from public worship on the Sabbath day, funerals and all persons attending elections and meetings may pass over said bridge free of toll; and it shall be the duty of the company aforesaid to set up and constantly to keep up exposed to public view in some conspicuous place near the gate which may be constructed across said bridge a board or canvass, on which shall be painted or printed, in fair and legible characters the rates of toll herein above established. *from the payment of toll.* *Rates of toll to be posted up.*

Sec 8. *Be it further enacted*, That if the aforesaid company or their agent shall demand and receive a greater toll than is allowed by the seventh section of this act, they shall be subject to the like fines and penalties as are provided in case of ferries, and in the erection of said bridge the said company shall in no wise obstruct the navigation of the said river *Penalty for recovering improper toll.* *The navigation not to be obstructed.* nor the fording thereof neither shall they

obstruct the passage to the ford generally used near the place where such bridge is to be erected; and after the year eighteen hundred and forty three it shall be lawful for the general assembly to make such alterations in the rates of toll established by this act as they may judge proper.

Rates may be altered after the year 1843

Sec. 9. *And be it further enacted,* That if the said company shall at any time apply their funds or any part thereof in banking, or shall strike or issue bank paper, then and in that case all the privileges granted by this act shall cease and determine..

No bank-ing allowed.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 20, 1817.

CHAPTER XLVI.

An act to amend the act, entitled "an act to authorize Griffin Green and his associates to erect a toll bridge over Duck creek 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 Griffin Green and his associates shall be allowed the term of four months in addition to the time specified in the act to which this is an amendment to complete

a toll bridge over Duck creek any thing in said act to the contrary notwithstanding: *Provided*, That the said Griffin and his associates shall comply in all other respects with the provisions and restrictions of the said act.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 27, 1847,

CHAPTER XLVII.

An act supplementary to the act entitled an act authorising the Auditor, Secretary and Treasurer of state to contract with some printer or printers. & for the distribution of the laws and journals.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the Auditor, Secretary and Treasurer of state, or a majority of them be and they are hereby authorised and required after having given at least four weeks notice in one or more newspapers printed in this state on or before the fifteenth day of March next, to receive proposals and make a contract with some printer or printers for the translating and printing not exceeding one thousand copies of the constitution of this state; and such of the laws of this state of a general nature, in the German language as shall be selected and designated by John Myers, John Leist & George Groves, who are hereby appointed to make such selection *Provided*, the constitution and laws so selected together with an index of the same shall not make a volume to contain more than five hundred pages in the German;

Four weeks notice to be given,

The persons appointed to select the laws for translation

Proviso. *Provided also,* That such number of these laws as are apportioned to each county shall be distributed as the court of common pleas in their respective counties shall direct.

Secretary of state to deliver copies of laws to printer. *Sec. 2. Be it further enacted,* That immediately after the close of such contract the Secretary shall deliver to such printer or printers correct copies of the constitution and laws so selected as aforesaid, and if such printer or printers shall fail to comply with his or their contract entered into as aforesaid, the treasurer is hereby authorised and required in behalf of this state to sue for and recover the penalty due thereon before any court having competent jurisdiction to and for the use of the state.

Certain persons to examine the translation. *Sec. 3. Be it further enacted,* That so soon as said printer or printers shall have completed such translation he or they shall give notice in writing to Andrew Hinkle of Fairfield county, John Crunbaker of Columbiana county, and Valentine Kessler of Pickaway county, who are hereby appointed commissioners and authorised to examine the same and shall for that purpose meet at the time and place pointed out by such printer or printers, and after having taken an oath or affirmation for the faithful performance of the duties required of them by this act shall proceed to examine and correct if necessary such translation and certify the same under their hands to the Secretary of state, and when the whole contract is complied with by such printer or printers to be also certified to the Secretary of state, by one of said commissioners who is hereby authorised to grant such certificate (then and in that case) such printer or printers shall be paid out of the treasury of state on

Their duty

Compensation to printer.

the order of the Auditor, the sum for which such printer or printers contracted, to be paid out of any money in the Treasury not otherwise appropriated: *Provided*, the whole contract shall be complied with within eight months after the rising of the general assembly. Proviso 29 to time.

Sec. 4. *And be it further enacted*, That each of said commissioners appointed under the foregoing provisions of this act shall be entitled to receive for each and every day he or they shall be faithfully employed in performing the duties required of them by this act the sum of two dollars, & a like sum for every twenty five miles travel in going and returning, to be paid out of the treasury of state on the warrant of the Auditor; *Provided*, the whole expense of translating and printing said laws together with the salaries of the commissioners aforesaid shall not exceed thirteen hundred dollars. Commissioners compensation.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate

January 27, 1817

CHAPTER XLVIII

An act for the encouragement of manufacturing salt at the public salt spring in the United States military district.

Whereas the several acts heretofore passed authorising certain individuals to make experiments at the salt springs in the reservation of the first quarter of the fifth township in the eighteenth range of United States military lands in Preamble:

○

Delaware county, have in no respects been complied with, and the individuals in whose favour the same were passed have wholly abandoned the same; and whereas Joseph Eaton of Delaware county wishes to be permitted to make experiments in search of salt water at the same springs upon certain terms and conditions;

Therefore,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That Joseph Eaton of Delaware county shall be and he is hereby authorised to take possession of six hundred and forty acres of land in the first quarter of the fifth township of the eighteenth range of the United States military lands in Delaware county to be laid off in a square so as to include the salt springs and so as to bind upon two lines of the said quarter township, and to hold and use the same for the term of ten years upon the following conditions: First, the said Joseph shall within three years from the passage of this act cause a well to be sunk and the rock to be perforated to the depth of two hundred feet, in the usual manner of boring for salt, which hole perforated in the rock shall not be of a less diameter at the top than three inches, and shall in no place be of a less diameter than two inches: Second, if good salt water shall be found at a less depth than two hundred feet it shall not be required of the said Joseph Eaton to perforate the rock to a greater depth than shall afford a supply of good salt water for at least forty kettles regularly employed in boiling: Third, if good salt water be found by the said Joseph he shall insert a copper tube in the perforation made in the rock, and secure it in the usual manner, and shall erect furnaces, and put up at least forty kettles for boiling water and making

Six hundred and forty acres to be laid off around the springs in a square

Leased for ten years

A well to be sunk in three years &c.

Condition if water is found in less than 200 feet.

Tube to be inserted in the auger hole.

salt and shall be authorised to use the timber 40 kettles standing or lying upon the said six hundred to be set in and forty acres of land for fuel in making salt a furnace in the whole space of ten years from the passage of this act, and at the expiration of the term the said Joseph shall be at liberty to remove the kettles from the furnaces, but he shall not remove the tube from the well.

Sec. 2. *Be it further enacted*, That the said Joseph Eaton shall be at liberty to make three different settlements upon said quarter township exclusive of the land around the salt springs aforesaid, at each of which settlements the said Joseph shall be bound to clear and put under good fence at least forty acres, and shall be at liberty to clear and put under good fence one hundred acres in contiguous fields so as to be connected in a convenient farm, and shall hold the same for the term of ten years from the passage of this act

Three other settlements to be made on the quarter section.

Conditions

Sec. 3. *Be it further enacted*, That the said Joseph shall make no use of the timber growing upon said quarter township except so much as may be within the six hundred and forty acres around the salt springs and so much as may be within the grounds cleared and improved by the said Joseph or may be necessary for keeping the fences in repair; and it shall be moreover the duty of the said Joseph to take charge of the timber on said quarter township, and enforce the laws against all persons who may waste or destroy the same.

Timber not to be used &c

Sec. 4. *Be it further enacted*, That the said Joseph Eaton shall put up on the land he may clear or improve agreeably to the provisions of this act, a good cabin of logs and a good log barn, also to put on the land he may improve good fences and shall plant at least two hundred

Cabbins & barns to be erected

Two hundred apple trees in a proper manner within two years from the passage of this act, all which improvements shall be left in good order at the expiration of the term of time for which said Joseph Eaton is authorised to hold said lands.

Bonds for
perform-
ance to be
given to
treasurer.

Sec. 5. *Be it further enacted*, That the said Joseph Eaton shall enter into bonds together with one or more freehold securities conditioned for the faithful performance of the duties enjoined on him by this act in the sum of one thousand dollars, which bond shall be given to the treasurer in behalf of the state, and shall be by him kept in his office.

T make
report an-
nually.

Sec. 6. *Be it further enacted*, That the said Joseph Eaton shall make report to the next and each succeeding general assembly within ten days after the commencement of the session, of his discoveries and proceedings of the condition or situation of said well or hole, the strength of the water and such other information concerning the premises as may be in his power to make.

Repealing
clause.

Sec. 7. *And be it further enacted*, That the act entitled an act for the encouragement of manufacturing salt at the public salt springs in the United States military district passed February the 14th 1812, be and the same is hereby repealed.

THOS. KIRKER,

Speaker of the house of representatives

ABRAHAM SHEPHERD,

Speaker of the senate

January 27, 1817.

CHAPTER XLIX.

An act supplementary to the act defining the duties of persons taking up estray animals.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That from and after the passage of this act, it shall be the duty of the township treasurer in each township within this state to furnish each justice of the peace within the same, at the expense of the township, with a book of sufficient size for the purpose of recording all estrays, the appraisment of which shall be returned to his office, and should the office of such justice become vacant by his term of service expiring, resignation or otherwise, he or his legal representative shall deliver the said book to the clerk of his township and it shall be the duty of such clerk to deliver over such book to the person who shall succeed said justice in office; whose duty it shall be to furnish a copy of such appraisment in the same manner as if he had been in office at the time the return of such appraisment was made.

Township
treasurer
to furnish
justices
with a book
for estrays.

Duty of
justice
when go-
ing out of
office.

Sec. 2. *And be it further enacted,* That when any new township shall be set off within the bounds of which there shall be an estray or estrays which agreeably to the act to which this is a supplement ought to be sold, it shall be the duty of the justice to whom the return of the appraisment of such estray or estrays was made, or his successor in office to furnish a copy of such appraisment to the constable whose duty it would have been to sell such estray or estrays had not such new township been so set off, & the constable being furnished with such copy shall proceed to advertise and sell such estray or estrays agreeably to the provisions of

Provisions
in case of
new town-
ships be-
ing set off.

U*

the above recited act, and the proceeds of such sale after paying the incidental expences shall be paid into the treasury of the township, so set off for the use of such township, subject nevertheless to the provisions of the eleventh section of the act to which this is a supplement,

THOS. KIRKER,

Speaker of the house of representatives,

ABRAHAM SHEPHERD,

Speaker of the senate

January 28, 1817.

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CHAPTER L.

An act to incorporate the Zanesville & Cambridge turnpike company.

Corpora-
tion creat-
ed.

Name and
style there-
of.

Sec 1. *Be it enacted by the general assembly of the state of Ohio,* That Isaac Vanhorn, Moses Dillon, Daniel Converse, Ebenezer Buckingham, Willys Silliman, Saml. W. Culbertson, James Hampson, and David Findley of Muskingum county, and Jacob Gomer, Zacheus A. Beatty, George R. Tingle, David Sheely, Thomas Cooke, Simon Beymer and Thomas Hanna, of the county of Guernsey with their associates be and they are hereby incorporated, created and made a body corporate and politic, by the name & style of the Zanesville & Cambridge turnpike road company, for the intent & purpose of making a turnpike road from the town of Cambridge in the county of Guernsey to the town of Zanesville in the county of Muskingum, with all the rights, privileges and immunities, and subject to all the restric-

tions, limitations, provisions and disabilities prescribed in the act to provide for the regulation of turnpike companies.

Sec. 2. *Be it further enacted*, That the capital stock of said company shall consist of fifty thousand dollars to be divided into shares of twenty five dollars each, with the privilege of extending said capital stock to any amount not exceeding one hundred and fifty thousand dollars if such extension shall be found necessary to effect the object of this corporation.

Amount of
capital
stock.

Sec. 3. *Be it further enacted*, That the said persons named in the first section of this act or a majority of them shall be commissioners for the purpose of receiving subscriptions to the capital stock of said company and of performing all the duties required of them by this act or contemplated by the act to provide for the regulation of turnpike companies; books shall be opened for the purpose of receiving subscriptions to the capital stock of said company on the first day of May next at the town of Zanesville in the county of Muskingum, and at the town Cambridge in the county of Guernsey, and at such other places as the said commissioners may think proper, and whenever ten thousand dollars shall be subscribed, it shall be lawful for the aforesaid commissioners to call a meeting of the stockholders for the purpose of electing thirteen directors, who shall manage the concerns of said company.

Subscription
books
to be opened
1st May
1817.

Sec. 4. *Be it further enacted*, That whenever said company shall have completed said turnpike road or any part thereof according to the provisions of the act to provide for the regulation of turnpike companies, they shall have a right to demand and receive from all persons travelling the same, who are not exempted

Rates of
toll.

Rates of
toll contin-
ued.

from the payment of toll by the above recited act, the following rates of toll, for every ten miles of said road and in the same proportion for a greater or less distance, to wit: for every four wheeled carriage drawn by two horses or oxen, twenty five cents; for every horse or ox in addition, six and a fourth cents; for every two wheeled carriage drawn by two horses or oxen, eighteen and three fourth cents; and for every horse or ox in addition six and a fourth cents; for every sled or sleigh drawn by two horses or oxen, twelve and a half cents; and for every horse or ox in addition six and a fourth cents; for every horse and rider, six and a fourth cents; for every horse, mule or ass six months old or upwards led or driven, three cents; for every head of neat cattle six months old or upwards, two cents; for every score of sheep or hogs, twelve and a half cents; for every four wheel pleasure carriage drawn by two horses, thirty seven and a half cents; for every horse in addition, twelve and a half cents; for every two wheeled pleasure carriage drawn by one horse, twenty five cents; and for every horse in addition, twelve and a half cents; for every four wheeled carriage drawn by one horse, eighteen and three fourth cents; for every sled, sleigh or two wheel carriage drawn by one horse, twelve and a half cents;

Proviso.

Further
proviso.

Provided, no turnpike gate shall be erected nearer than two and a half miles to either of the towns aforesaid, and a passage for foot passengers shall be kept open at each gate; *Provided also*. That if the United States should continue the road from Wheeling through this state over the road turnpiked by said company, the company shall be bound on application of the agent or agents of the United States to sell

but the said road to them under the same regulations and restrictions provided in the "act to provide for the regulation of turnpike companies" in favor of this state.

Sec. 5. *And be it further enacted,* That if The work said turnpike company shall not commence to be commenced in making said road within two years from the passage of this act, and if the same shall not be completed within eight years thereafter all the rights, privileges and immunities granted to said company by this act, or the act to provide for the regulation of turnpike companies shall cease and determine. 2 & finished in 8 years.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 27, 1817.

CHAPTER LL.

An act to amend the act, entitled "an act levying a tax on land and for other purposes."

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That there shall be charged and paid yearly and every year on each hundred acres of first rate land, three dollars; on each hundred acres of second rate land, two dollars and twenty five cents; and on each hundred acres of third rate land, one dollar and fifty cents, unless the United States should require a direct tax from this state, for the year one thousand eight hundred and seventeen, in which case the rates of taxation to be charged and paid for the year aforesaid shall be that of

Rates of
tax.

Provisions
if a direct
tax is re-
quired.

the highest rates mentioned in the third section of the act to which this is an amendment.

Sales of
land postponed
until 1818.

Sec. 2. *Be it further enacted*, That the sales of all lands which by the laws now in force would be exposed to sale for the taxes, penalties and interest due thereon upon the first Monday in December one thousand eight hundred and seventeen, shall be and the same are hereby postponed until the first Monday in December in the year of our lord one thousand eight hundred and eighteen.

One fifth
of all land
tax for
county
purposes.

Sec. 3. *Be it further enacted*, That one fifth part of the nett collection of taxes arising from lands for the year one thousand eight hundred and seventeen, and no more shall be appropriated and paid into the proper county treasury for the use of the county; any thing in the twenty third section of the act to which this is an amendment to the contrary notwithstanding, which proportion shall be ascertained and paid over in all other respects as directed by the aforesaid act.

Auditor to
procure
marginal
notes.

Sec. 4. *Be it further enacted*, That the Auditor of public accounts, be and he is hereby authorised and required to procure from the office of the principal surveyor of the land in the Virginia military district all marginal notes on the records in the office of the said surveyor which will in any wise assist the Auditor in correcting the charges for taxation in his office and on receiving the same the Auditor shall compare the notes so obtained with the records in his office and correct all entries therein accordingly.

Sec. 1. *And be it further enacted,* That so much of the act, entitled "an act levying a tax on land, as is contrary to the provisions of this act be and the same is hereby repealed.

THOS. KIRKER,
Speaker of the house of representatives.
ABRAHAM SHEPHERD.

Speaker of the senate.

January 28, 1817.

CHAPTER LII.

An act to provide for the assumption and payment of such quota of direct tax as may be assessed upon the state of Ohio by the United States for the year eighteen hundred and seventeen.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That in case congress should continue in force the act, entitled "an act to provide additional revenues for defraying the expences of government and maintaining the public credit by laying a direct tax upon the United States, and to provide for assessing and collecting the same passed on the ninth day of January one thousand eight hundred & fifteen. or shall in any other manner asses a direct tax upon this state; the Governor is hereby authorised and required to cause notice to be given to the secretary of the treasury of the United States of the determination of this state to pay into the treasury of the United States, such quota of direct tax as may be apportioned to the state of Ohio for the year one thousand eight hundred and seventeen.

Duty of the Governor in case a direct tax is assessed on the state of Ohio.

Duty of
the Govern-
or to bor-
row 200,
000 dollars

Duty of
auditor.

Sec. 2. *Be it further enacted.* That the Governor be and he is hereby further authorised to borrow on the credit of this state any sum equal to such proportion of the United States direct tax as may be assessed upon this state for the year aforesaid; *Provided*, the same shall not exceed two hundred thousand dollars which loan shall not exceed the term of one year, and at a rate of interest not exceeding six per cent per annum, and upon obtaining a loan or loans for the purposes aforesaid; the Auditor shall and he is hereby required to issue suitable and proper certificates, which shall be evidence of the debt or debts incurred on the part of the state which certificates shall be given to the loaner or loaners at the time such loan or loans are obtained, for the payment of which sum so borrowed & the interest arising thereon an amount equal thereto out of the revenue of the year one thousand eight hundred and seventeen is hereby pledged.

Loans to be
paid into
the treasury
&c.

Sec. 3. *Be it further enacted,* That after obtaining a loan or loans under the circumstances and for the purposes aforesaid, the Governor shall cause the same to be paid into the state treasury, and take the treasurers receipt therefor which he shall file with the Auditor, and upon the receipt thereof the Auditor shall charge the treasurer with the amount of the same, in the same manner as for other monies paid into the treasury.

Further
duty of
auditor.

Sec. 4. *Be it further enacted,* That the Auditor is hereby required to issue a bill or bills in favour of the treasurer of the United States payable by the treasurer of this state into the treasury of the United States; on or before the time which may be required by law for such sum as may be apportioned by the United States as a

quota of direct tax to be assessed upon this state for the year one thousand eight hundred and seventeen.

Sec. 5. *And be it further enacted*, That a sum not exceeding two hundred thousand dollars be and the same or so much thereof as may be found necessary for the purposes aforesaid is hereby appropriated out of any money in the treasury or that may be received therein on account of loans authorised as aforesaid or of taxes collected and paid therein, and not otherwise appropriated. Appropriation made.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 27, 1817,

CHAPTER LIII.

An act to annex a part of Licking county to the county of Franklin.

Sec. 4. *Be it enacted by the general assembly of the state of Ohio*, That the territory contained within the western half of the fifth section and the whole of the sixth section, and in the seventh, eighth, ninth, twenty eighth, twenty ninth and thirtieth half sections of the sixteenth township, twentieth range (being a part of what is commonly called the Canada and Nova Scotia refugee lands) in the county of Licking be and the same is hereby attached to the county of Franklin, and shall form a part of Plain township in said county.

Description of the territory set off.

P

This act
not to ef-
fect suits,
&c.

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

Where to
elect.

Sec. 3. *Be it further enacted,* That the electors within the said territory so annexed to the county of Franklin shall elect in Plain township in said county.

Justices
&c. to
serve their
regular
term of
office.

Sec. 4. *And be it further enacted,* That all justices of the peace within the part of the county of Licking which by this act shall be annexed to the county of Franklin shall continue to exercise the duties of their offices untill their term of service expires in the same manner as if they had been commissioned for the said county of Franklin.

THOS. KIRKER,
Speaker of the house of representatives.

ABRAHAM SHEPHERD,
Speaker of the senate.

January 27, 1817.

CHAPTER LIV.

An act to provide for adjusting the account between the Proprietors of the town of Columbus, and the state, for erecting the public buildings.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the Governor of this state is hereby requested and empowered to appoint one or more skillful mechanics (as shall be agreed on between him and the proprietors of the town of Columbus) to meet such person or persons as may be appointed by the proprietors of the said town of Columbus for the purpose of measuring, valuing and assessing the joiners work done on the state house and public offices. Duty of the Governor to appoint appraisers.

Sec. 2. *Be it further enacted*, That the persons appointed under the provisions of the first section of this act shall before entering on the duties of their appointment take an oath or affirmation faithfully and impartially to measure, value and assess the joiner work above mentioned, and when they shall have completed the measurment and valuation as aforesaid they shall make out separate bills of the work done on the state house and public offices; in which bills shall be distinctly stated the different members of the different prices of joiner work with the particular price of each, and the bills when thus made out shall be accompanied with a certificate signed by the persons measuring, valuing and assessing said joiners work; which certificate shall state that the valuation was made under oath or affirmation, that the bills contain a fair statement of the cash value of the work and that the persons making the measurment, valuation and assessment of the Duty of appraisers.

work aforesaid were in no wise interested therein.

Bill of appraisment to be deposited in the Auditor's office.
Duty of Auditor.

Sec. 3. *Be it further enacted,* That the bills of joiner work when made out and certified as provided in the preceeding section shall be deposited in the office of the Auditor of state who is authorised and required on the receipt thereof to adjust the balance due from the state to the proprietors aforesaid agreeably to the report of the joint committee to whom was referred the memorial of the proprietors of the town of Columbus, and when the balance is thus ascertained, the Auditor shall draw an order on the treasurer of state in favour of James Johnston, John Kerr, Lyne Starling & Alexander M. Laughlin, they being the proprietors above referred to, and shall take their receipt therefor, which receipt shall state the same to be in full for all monies by them expended in the erection of the public buildings, offices and penitentiary over and above the sum they were bound by contract to expend, and the treasurer of state is hereby authorised and required to pay the same out of any money in the treasury not otherwise appropriated.

The Governor may adjust the accounts without an appraisment.

Sec. 4. *And be it further enacted,* That the Governor be and he is hereby authorised to adjust and liquidate the accounts for joiners work specified in the first section of this act, and to make a final settlement with the above named proprietors therefor, without a valuation being made as provided in the first and second sections of this act if the Governor and said proprietors can agree on the value of said joiner work, and if in his opinion such agreement will be advantageous for the state, & in case an agreement shall be made & the amount of said joiner work adjusted as provided in this section,

the balance which shall be found due the proprietors agreeably to said report of the joint committee shall be paid and finally settled in the manner provided in the third section of this act, and in case of an agreement as provided by this section, it shall be unnecessary for the Governor to appoint mechanics as provided by the first section.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 28, 1817.

CHAPTER LV.

act regulating the mode of taking the enumeration of the white male inhabitants above the age of twenty one years.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the lister of taxable property in each of the several townships within this state shall in the year one thousand eight hundred and nineteen, and every fourth year thereafter take the enumeration of all white male inhabitants above twenty one years of age whose usual place of residence shall be in any family within his township or who may be found therein without any settled place of residence in any other township, but are inhabitants of the state at the time of taking such enumeration.

Duty of
township
listers in
1819.

P*

Duty of
clerks in
general. *Sec. 2. Be it further enacted,* That the lister shall take the enumeration of the white male inhabitants every fourth year, agreeably to the provisions of the first section at the same time he is or may be required by law to take the list of taxable property: and shall make out a list of the names of said white male inhabitants in alphabetical order, and return the same to the clerk of the court of common pleas at the same time he is or may be required by law to make return to the county commissioners of the list of taxable property.

Duty of the
clerks of
courts. *Sec. 3. Be it further enacted,* That each of the clerks of the courts of common pleas in the several counties shall file in his office, & carefully preserve the several lists returned as aforesaid, and shall make out a statement of the aggregate amount of the white male inhabitants above the age of twenty one years within his county agreeably to the returns made to him as aforesaid under his hand & the seal of the court, and transmit the same to the speaker of the senate within ten days after the commencement of the next session of the general assembly.

Duty of
Governor. *Sec. 4. Be it further enacted,* That it shall be the duty of the Governor on or before the first Monday in January in each year when the enumeration of the white male inhabitants is required to be taken by the first section of this act, to issue his writ or proclamation to the clerks of the courts of common pleas of the several counties within this state directing them on or before the first Monday of February next succeeding at the time they shall make out the apportionment of jurors to be sent to the trustees of the different townships within their respective counties to give notice to said trustees that an

enumeration of the white male inhabitants above the age of twenty one years, is that year to be taken, & the trustees of the several townships shall give notice of the same at the time notice is given of township elections and the trustees shall give special instructions to the listers of their several townships to take said enumeration agreeably to the provisions of this act.

Sec. 5. Be it further enacted, That the trustees of the several townships in any county where the county commissioners do not levy a tax on personal property for the year in which an enumeration is by this act required to be taken on being notified as aforesaid, shall at the time of advertising township elections give notice to the electors of their township to choose a lister who shall perform the duties required of listers by this act, and if from any other cause no lister should be elected in a township, or if the lister should die or remove out of the township or be unable to perform the duties required of him by this act, the township trustees shall appoint a lister who shall perform all the duties required of a lister by this act.

Sec. 6. Be it further enacted, That if any clerk of any court of common pleas shall neglect or refuse to perform all or any of the duties required of him by this act he shall forfeit and pay for every such offence a sum not exceeding three hundred dollars; and if any lister shall fail to take an enumeration as herein directed or shall fail to make out and return a list at the time required by this act, or shall through neglect or design make out or return a false list of the enumeration for his township he shall forfeit and pay the sum of thirty dollars;

Duty of the township trustees.

Duty of township trustees in townships where no hotel tax is required &c.

Penalty on officers for neglect of their duty.

How collected. all of which fines or penalties imposed by this section shall be recovered by indictment for the use of the county.

Compensation to listers. Sec. 7. *Be it farther enacted,* That the county commissioners shall allow the listers such compensation for the duties performed by them under the provisions of this act as they shall deem reasonable, to be paid out of the county treasury on the order of the commissioner.

Repealing clause. Sec. 8. *And be it further enacted,* That the act entitled an act regulating the mode of taking the enumeration of the white male inhabitants above twenty one years of age passed April the sixteenth, eighteen hundred and three be and the same is hereby repealed.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD.

Speaker of the senate.

January 28, 1817.

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CHAPTER LVI.

An act to incorporate the Trumbull and Ashtabula turnpike company.

Corporation created. Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That Simon Perkins, Calvin Austin, William Woodrow, Lyman Potter, Thomas D. Webb, Adamson Bently and Ephraim Brown of Trumbull county, Eliphalet Austin, Joseph Badger, Orestes K. Hawley, Joab Austin, Benjamin Sweet, Noah Cows, Gideon Leat, Nathan Strong, Sterling Mills, Elijah Crosby, and Jesse D. Hawley of Ashta-

bula county with their associates be & they are hereby incorporated, erected and made a body corporate and politic by the name and stile of the Trumbull and Ashtabula turnpike company for the intent and purpose of making a turnpike road from Warren in the county of Trumbull through the fourth range of townships to Austinsburgh in the county of Ashtabula, thence to such point on Lake Erie, as will be for the best interest of the state, with all the rights, privileges & immunities & subject to all the restrictions, limitations, provisions and disabilities prescribed in the act to provide for the regulation of turnpike companies.

Style thereof.

Points in the road.

Sec. 2. *Be it further enacted*, That the capital stock of said company shall consist of thirty thousand dollars, to be divided into shares of twenty-five dollars each; with the privilege of extending said capital stock to any amount not exceeding eighty thousand dollars: if such sum shall be found necessary to effect the object of the incorporation.

Amount of capital stock.

Sec. 3. *Be it further enacted*, That the said persons named in the first section of this act shall be commissioners for the purpose of receiving subscriptions to the capital stock of said company, and of performing all the duties required of them or contemplated by the act to provide for the regulation of turnpike companies. Books shall be opened for the purpose of receiving subscriptions to the capital stock of said company on the first Monday of May next at Warren in the county of Trumbull and at Austinsburgh in the county of Ashtabula; and whenever fifteen thousand dollars shall be subscribed, it shall be lawful for the aforesaid commissioners to call a meeting of the stockholders for the purpose of electing thirteen

Books to be opened for subscriptions on the 1st. May next.

13 directors to be chosen.

directors who shall manage the concerns of said company.

Rates of toll. Sec. 4. *Be it further enacted,* That whenever said company shall have completed said turnpike road, according to the provisions of the act to provide for the regulation of turnpike companies, they shall have a right to demand and receive from all persons travelling the same, who are not exempted from the payment of toll by the above recited act, the following rates of toll for every ten miles of said road, and in the same proportion for a greater or less distance, to wit: for every four wheel carriage drawn by two horses or oxen, twenty five cents; for every horse or ox in addition, six and a quarter cents; for every two wheel carriage drawn by two horses or oxen, eighteen and three fourth cents; for every horse or ox in addition, six and a quarter cents; for every sled or sleigh drawn by two horses or oxen, twelve and one half cents; for every horse or ox in addition six and a quarter cents; for every horse and rider, six and a fourth cents; for every horse, mule or ass, led or driven six months old or upwards, three cents; for every head of neat cattle six months old or upwards, two cents; for every score of sheep or hogs, twelve and a half cents; for every four wheel pleasure carriage drawn by two horses, thirty seven and one half cents; for every horse in addition twelve and one half cents; for every two wheel pleasure carriage drawn by one horse, eighteen and three fourth cents; for every horse in addition, twelve and one half cents; for every four wheel carriage drawn by one horse, twenty five cents; for every two wheel carriage drawn by one horse or ox, twelve and a half cents; for every sled

Rates of toll continued.

or sleigh drawn by one horse or ox, six and a fourth cents; *Provided*, no turnpike gate shall be erected within one mile of the court house in Warren, and in the erection of each gate, a passage shall be left free for foot passengers; *Provided also*, That the legislature may regulate the rates of tolls, herein fixed after the year eighteen hundred and forty three.

Brevise.

Further proviso.

Sec. 5. *And be it further enacted*, That if said turnpike company shall not commence making said road within one year from the passage of this act, and if the same shall not be completed within six years thereafter, all the rights, privileges and immunities granted to said company by this act or by the act to provide for the regulation of turnpike companies shall cease and determine.

The road to be commenced in 1 year and finished in two years.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 27, 1817.

CHAPTER LVII.

An act supplementary to the act, entitled "an act pointing out the mode of trying criminals."

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That when any person shall be confined in any jail within this state charged with the commission of any bailable offence whether he or she be committed by warrant under the hand and seal of any judge or justice of the peace, or whether he or she be committed by the sheriff or coroner by virtue of

Any judge may let persons confined to bail in certain cases.

How to
proceed
thereon.

a capias upon an indictment found, it shall be lawful for any judge of the supreme court, president of the court of common pleas within his proper circuit, or associate judge within his proper county to admit such person to bail upon sufficient security in such sum as the judge may consider sufficient to ensure the appearance of the accused at the proper court to answer the offence wherewith he or she may be charged, and for the purpose of taking such surety any judge by special warrant under his hand and seal may require the sheriff or jailor to bring such accused person before him at the court house of the proper county at such time as in said warrant the judge may direct

The judge
to return,
the recog-
nizance by
him taken
&c.

Sec. 2. *Be it further enacted,* That when any judge shall admit any accused person to bail under the first section of this act he shall return the recognizance by him taken to the clerk of the court of common pleas of the county wherein such accused person may be committed for trial and recognized to appear, and shall issue his warrant to the sheriff or jailor commanding him to discharge such accused person out of custody which warrant it shall be the duty of the sheriff or jailor to obey.

Duty of the
clerk of the
supreme
court to
issue veni-
rie facias
in certain
cases.

Sec. 3. *Be it further enacted,* That in all cases where a person is or shall be committed to the prison of any county within this state charged with an offence the punishment of which is death, and the supreme court should commence its session in such county prior to the court of common pleas after such commitment it shall be the duty of the clerk of the supreme court for such county to issue a writ of venire facias to the sheriff, commanding him to summon sixteen persons having the qualifications of grand jurors to attend the supreme court as a grand

jury; and the supreme court shall cause such jurors to be empaneled and sworn as a grand jury; and the same proceedings shall be had against such prisoner as are usually had before courts for the indictment and trial of persons accused of crimes and in all cases when the venue shall be changed for the trial of a criminal prosecution, the original indictment and transcript of the proceedings shall be sent to the clerk of the court in which the trial is to be had and if the same be sent to the clerk of a court of common pleas, such clerk shall proceed thereon as if the indictment had been originally found in that court.

Duty of
supreme
court to
empanel
grand jury.

Proceed-
ings when
the venue
is changed.

Sec. 4. *Be it further enacted*, That in all cases where any person or persons indicted either in the supreme court or court of common pleas for an offence, the punishment of which is death shall be tried in the supreme court and found guilty of a lesser offence, the punishment of which is not death, the supreme court shall nevertheless proceed to pronounce against such convict the sentence affixed by law to the offence whereof he or she may be found guilty, any thing contained in the fourth section of the act, entitled "an act to organize the judicial courts and regulate their practice" to the contrary notwithstanding.

Duty of the
supreme
court in
pronounc-
ing sen-
tence in
certain
cases.

Sec. 5. *Be it further enacted*, That witnesses summoned by order of the prosecuting attorney or defendant, and attending on courts in criminal cases shall be allowed the following fees viz: those residing out of the county where the trial is to be had, the sum of one dollar per day for each day he or she shall actually attend the court under such summons, and one dollar for each twenty-five miles travelling to and from said court, and those residing within such coun-

Witnesses
fees in
criminal
cases.

Witnesses
 fees how
 paid.

by the sum of fifty cents per day for each days actual attendance under a summon as aforesaid to be paid out of the county treasury where the trial is had upon the order of the commissioners of such county. and where a defendant is convicted of an offence not punishable with death or confinement in the penitentiary, such costs shall be charged against the defendant in the bill of costs and collected and paid into the county treasury, and in all cases when any person is convicted of an offence punishable with death or confinement in the penitentiary, the costs of all the witnesses shall be charged in the bill of costs and paid in the same manner and from the same fund as other costs are paid in like cases.

Sec. 6. *Be it further enacted.* That in all cases where an issue upon an indictment is tried by a jury the sheriff shall pay the jury whether the defendant be convicted or acquitted; and the commissioners of the county shall refund the amount so paid to the sheriff upon the certificate of the clerk.

Sec. 7. *Be it further enacted,* That grand jurors shall be allowed one dollar and fifty cents per day for every day of their attendance upon the duty of grand jurors to be allowed by the commissioners upon the order of the court.

Sec. 8. *And be it further enacted,* That all acts and parts of acts coming within the provisions of this act be and the same are hereby repealed.

THOS. KIRKER,

Speaker of the house of representatives

ABRAHAM SHEPHERD,

Speaker of the senate

January 28, 1817.

CHAPTER LVIII.

An act to amend the act providing for the incorporation of towns.

Sec 1. *Be it enacted by the general assembly of the state of Ohio,* That the secretary of state be and he is hereby authorised and required to procure a seal for his office which shall be used by him in issuing letters patent for the incorporation of towns instead of the great seal of the state of Ohio, as required by the act to which this is an amendment any thing in said act to the contrary notwithstanding.

THOS. KIRKER,
Speaker of the house of representatives.

ABRAHAM SHEPHERD.
Speaker of the senate.

January 28, 1817.

CHAPTER LIX.

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

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That so soon as the United States shall discontinue the collection of a direct tax within this state, twenty per cent of the net collection of taxes arising from lands in addition to the proportion or amount set apart for county purposes by the provisions of the twenty third section of the act, entitled an act levying a tax on land, each and every year shall be ap- Twenty per cent of all land tax to be laid out in making roads & bridges

appropriated and paid into the several county treasuries agreeably to the provisions of the said twenty third section of the said act.

Manner of appropriating the same. **Provide.** **Further proviso.** **Commence ment.**

Sec. 2. *And be it further enacted,* That the whole amount of taxes arising from lands and paid as aforesaid into the proper county treasury agreeably to the provisions of the first section of this act shall be appropriated by the commissioners of the several counties on public roads and bridges within their respective counties, in such manner as may from time to time be prescribed by law; *Provided,* That if no law shall direct the particular application of the aforesaid monies on roads and bridges, the county commissioners shall appropriate the same on such public roads and bridges as they may deem most conducive to the public interest under the superintendence of such commissioner or commissioners as they shall appoint for that purpose; *Provided,* That the money appropriated by this act shall not be expended upon that part of any road upon which a company shall have located a turnpike.

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

THOS. KIRKER,

Speaker of the house of representatives
ABRAHAM SHEPHERD,

Speaker of the senate

January 27, 1817.

CHAPTER LX.

An act to incorporate the Grand river turnpike company.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That Robert B. Parkman,

Peter Hitchcock, John Ford, Eleazer Hitchcox, John W. Seeley, Norman Canfield, Edward Paine, Robert Eaton, Marvin Huntington, Ebenezer Williams, Samuel W. Phelps, Daniel Olds, Jr. Isaac Palmer, Simon Perkins, Charles C. Payne, Joseph Rice and Ephraim Quinby, with their associates be, and they are hereby incorporated and made a body corporate and politic by the name and style of the Grand river turnpike company, for the intent and purpose of making a turnpike road from the mouth of Grand river in the county of Geauga, through Chardon, Burton and Packman to Warren in the county of Trumbull, or to its intersection with the Mesopotamia and Harpersfield turnpike road; with all the rights, privileges and immunities, and subject to all the restrictions, limitations, provisions and disabilities prescribed in the act to provide for the regulation of turnpike companies.

The corporation created

style thereof

Points of the road

Sec. 2. *Be it further enacted*, That the capital stock of said company shall consist of forty thousand dollars to be divided into shares of twenty five dollars each with the privilege of extending said capital stock to any amount not exceeding eighty thousand dollars, if such sum shall be found necessary to effect the object of the incorporation.

Amount of capital stock

Sec. 3. *Be it further enacted*, That the said persons named in the first section of this act, shall be commissioners for the purpose of receiving subscriptions to the capital stock of said company, and of performing all the duties required of them, or contemplated by the act to provide for the regulation of turnpike companies; books shall be opened for the purpose of receiving subscriptions to the capital stock of said company on the first Monday of May next at

Books to be opened first May next at Burton, Champion & Warren

Q*

Thirteen
directors
to be chosen.

Burton, the village of Champion in said county of Geauga, and Warren in the county of Crambull; and whenever fifteen thousand dollars shall be subscribed, it shall be lawful for the aforesaid commissioners to call a meeting of the stockholders for the purpose of electing thirteen directors who shall manage the concerns of said company.

Rates of
toll.

Sec. 4. *Be it further enacted*, That whenever said company shall have completed said turnpike road according to the provisions of the act to provide for the regulation of turnpike companies they shall have a right to demand and receive from all persons travelling the same who are not exempted from the payment of toll by the above recited act, the following rates of toll for every ten miles of said road and in the same proportion for a greater or less distance, to wit: for every four wheel carriage drawn by two horses or oxen, twenty five cents; for every horse or ox in addition six and one fourth cents; for every two wheel carriage drawn by two horses or oxen, eighteen and three fourth cents; for every horse or ox in addition, six and one fourth cents; for every sled or sleigh drawn by two horses or oxen, twelve and one half cents; for every horse or ox in addition, six and a quarter cents; for every horse and rider six and a fourth cents; for every horse, mule or ass led or driven six months old or upwards three cents; for every head of neat cattle six months old or upwards, two cents; for every score of sheep or hogs, twelve and a half cents; for every four wheel pleasure carriage drawn by two horses, thirty seven and one half cents; for every horse in addition, twelve and one half cents; for every two wheel pleasure carriage drawn by one horse, twenty five cents;

Rates of
toll contin-
ued.

for every horse in addition, twelve and one half cents; for every four wheel carriage drawn by one horse, eighteen and three fourth cents; for every sled, sleigh or two wheel carriage drawn by one horse or ox, twelve and one half cents; *Provided*, no turnpike gate shall be erected either within two miles of the village of Champion, within one mile of Chardon or within one mile of the courthouse in Warren; and in the erection of each gate a passage shall be left free for foot passengers: *Provided also*, That the legislature may regulate the rates of toll herein fixed after the year eighteen hundred and forty three.

Proviso

Further proviso

Sec. 5. *And be it further enacted*, That if said turnpike company shall not commence making said road within one year from the passage of this act, and if the same shall not be completed within six years thereafter all the rights, privileges and immunities granted to said company by this act or the act to provide for the regulation of turnpike companies shall cease and determine.

The road to be commenced in 1 & finished in years

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 27, 1817

CHAPTER LXL

An act to incorporate the Cincinnati and Hamilton turnpike company.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That Jacob Burnet, David

Corpora-
tion creat-
ed.

Wade, John Ludlow, John Riddle, Jacob Williams, Clarke Bates, John Sutherland, Joseph Hough, Hugh Wilson and Wm. Murry and their associates be and they are hereby incorporated, created and made a body corporate and politic, by the name and style of the Cincinnati and Hamilton turnpike road company, for the intent and purpose of making a turnpike road from the north end of main street in the town of Cincinnati in the county of Hamilton, to the ford commonly called M'Henry's ford on Mill creek, thence to Hamilton in the county of Butler, in the nearest and best direction the nature of the ground will permit, with all the rights, privileges and immunities and subject to all the restrictions, limitations and provisions prescribed in the act, entitled an act to provide for the regulation of turnpike companies.

Style
thereof.

Amount of
capital
stock.

Sec. 2. *Be it further enacted*, That the capital stock of said company shall consist of fifty thousand dollars to be divided into shares of twenty five dollars each, with the privilege of extending said capital stock to any amount not exceeding one hundred thousand dollars.

Books to
be opened
at Cincin-
nati and
Hamilton
on the first
day next.

Sec. 3. *Be it further enacted*, That the persons named in the first section of this act, or such other persons as they or a majority of them may appoint, shall be commissioners for the purpose of receiving subscriptions to the capital stock of said company and of performing all the duties required of them by this act, or contemplated by the act, entitled an act to provide for the regulating turnpike companies; books shall be opened for the purpose of receiving subscriptions for the capital stock of said company, on the first day of May or as soon thereafter as the company may think proper at the town of Cincinnati in the county of Hamilton and at the

town of Hamilton in the county of Butler : and in such other places as the said commissioners may think proper ; and whenever five hundred shares shall be subscribed, it shall be lawful for the aforesaid commissioners to call a meeting of the stockholders for the purpose of electing five directors at least two of which shall be in the county of Butler, who or a majority of them shall manage the concerns of said company.

Five directors to be elected.

Sec. 4. *Be it further enacted*, That whenever said company shall have completed said turnpike road or any part thereof according to the provisions of the act, entitled "an act to provide for the regulation of turnpike companies, they shall have a right to demand and receive from all persons travelling the same who are not exempt from the payment of toll by the above recited act, the following rates of toll ; for every ten miles of said road, and in the same proportion for a greater or less distance, to wit : for every four wheel carriage drawn by two horses or oxen, twenty five cents ; for every horse or ox in addition, six and a fourth cents ; for every two wheel carriage drawn by two horses or oxen, eighteen and three fourth cents ; and for every horse or ox in addition, six and a fourth cents ; for every sled or sleigh drawn by two horses or oxen, twelve and a half cents ; and for every horse or ox in addition, six and a fourth cents ; for every horse and rider, six and a fourth cents ; for every horse, mule or ass six months old or upwards led or driven, three cents ; for every head of neat cattle six months old or upwards, two cents ; for every score of sheep or hogs, twelve and a half cents ; for every four wheel pleasure carriage drawn by two horses, thirty seven and a half cents ; for every horse in addition, twelve and a half cents ;

Rates of toll.

Rates of toll to be continued.

for every two wheel pleasure carriage drawn by one horse, twenty five cents ; and for every horse in addition, twelve and a half cents ; for every four wheel carriage drawn by one horse, eighteen and three fourth cents ; for every sled or sleigh drawn by one horse, twelve and a half cents ; *Provided*, no turnpike gate shall be erected nearer than two miles from the courthouse in either of the towns aforesaid, and a passage for foot passengers shall be kept open at each gate in said road.

Sec. 5. *Be it further enacted*, That Clayton Webb and Nathaniel Crookshank of Hamilton county, and William Robinson of Butler county are hereby appointed commissioners to view, locate and survey said turnpike road agreeably to the provisions of this act, and make out an accurate plat thereof, and deliver one copy to the clerk of the commissioners of the county of Butler, and one copy to the commissioners of Hamilton county, and deposit the original with the directors of the said turnpike company, and the said commissioners shall before they enter on the duties of their office take an oath or affirmation faithfully to discharge the duties of their appointment ; and shall receive for their services under this act the sum of two dollars each per day, for every day they are employed therein which expenses together with all others incurred under this act shall be paid by the said turnpike company.

The road to be commenced on one and finished in five years.

Sec. 6. *And be it further enacted*, That if said turnpike company shall not commence making said road within one year from the passage of this act and if the same shall not be completed within five years thereafter, all the

rights, privileges and immunities granted to said company by this act or the act to provide for the regulation of turnpike companies shall cease and determine.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 27, 1817.

CHAPTER LXII.

An act to increase the compensation of the keeper of the penitentiary.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the keeper of the penitentiary shall be allowed and entitled to receive two per cent on the sales of all articles manufactured by criminals confined within the same, which shall be audited and allowed by the inspectors thereof at their quarterly meeting, and shall be in addition to his annual salary.

THOS. KIRKER.

Speaker of the house of representatives.

ABRAHAM SHEPHERD.

Speaker of the senate.

January 28, 1817.

CHAPTER LXIII.

An act to incorporate the Cincinnati and Dayton turnpike company.

Corpora-
tion creat-
ed.

Style
thereof.

Width to
points of
the road.

Amount of
capital
stock.

Sec. 1. Be it enacted by the general assembly of the state of Ohio, That Martin Baum, Jesse Hunt, James Kemper junior, Oliver M. Spencer and John H. Piatt of Cincinnati, William C. Schenck and Samuel Coldwell of Franklin and Horatio G. Phillips and Joseph Pierce of Dayton, and their associates, be and they are hereby incorporated, created and made a body corporate and politic by the name and style of the Cincinnati and Dayton turnpike road company, for the intent and purpose of making a turnpike road sixty six feet wide, from Cincinnati through Franklin to Dayton, commencing at or near the bridge east of Hunts tanyard (which bridge is on the state road leading from Cincinnati to Dayton) and running thence on or as near the state road as the situation of the ground will permit, not varying in any instance from the road aforesaid more than two miles on either side with all the rights, privileges and immunities, and subject to all the restrictions, limitations, provisions and disabilities prescribed in the act entitled an act to provide for the regulation of turnpike companies.

Sec. 2. Be it further enacted, That the capital stock of said company may consist of one hundred thousand dollars to be divided into shares of twenty five dollars each, with the privilege of extending said capital stock to any amount not exceeding three hundred thousand dollars, if such sum shall be found necessary to effect the object of the corporation.

Sec. 3. *Be it further enacted,* That the said persons named in the first section of this act shall be commissioners for the purpose of receiving subscriptions to the capital stock of said company, and books shall be opened for the purpose of receiving subscriptions on the first Monday of April next in the towns of Cincinnati, Franklin and Dayton, and whenever one thousand shares shall be subscribed, it shall be lawful for the aforesaid commissioners to call a meeting of the stockholders for the purpose of electing nine directors who shall manage the concerns of said company.

Books to be opened at Cincinnati, Franklin & Dayton first April next.

Nine directors to be elected.

Sec. 4. *Be it further enacted,* That as soon as the said company shall have completed ten miles of said road beginning at Cincinnati, then it shall be lawful for the directors to proceed and erect gates agreeably to, and under the regulations and limitations of the "act to provide for the regulation of turnpike companies."

Gates to be erected.

Sec. 5. *Be it further enacted,* That whenever said company shall have completed said turnpike road or such part thereof as is required by the foregoing section according to the provisions of the act to provide for the regulation of turnpike companies, they shall have a right to demand and receive from all persons traveling the same who are not exempted from the payment of toll by the above recited act, the following rates of toll; for every ten miles of said road, and in the same proportion for a greater or less distance (to wit:) for every four wheel carriage drawn by two horses or oxen twenty five cents; for every horse or ox in addition, six and a fourth cents; for every two wheel carriage drawn by two horses or oxen, eighteen and three fourth cents; for every horse or ox in addition, six and a fourth cents; for

Rates of toll.

Rates of
toll contin-
ued.

every sled or sleigh drawn by two horses or oxen; twelve and one half cents; for every sled or sleigh drawn by one horse, six and a fourth cents; for every horse or ox in addition six and a quarter cents; for every horse and rider, six and a fourth cents; for every horse, mule or ass led or driven six months old or upwards, three cents; for every head of neat cattle six months old or upwards, two cents; for every score of sheep or hogs, twelve and one half cents: for every four wheel pleasure carriage drawn by two horses, thirty seven and a half cents; for every horse in addition, twelve and a half cents; for every two wheel pleasure carriage drawn by one horse, twenty five cents; for every horse in addition, twelve and a half cents; for every four wheel carriage drawn by one horse; eighteen and three fourth cents; *Provided*, no turnpike gate shall be erected nearer than two miles to either of the towns of Cincinnati, Franklin or Dayton, and at every gate there shall be a convenient way open for foot passengers.

Sec. 6. *And be it further enacted*, That if said turnpike company shall not commence making said road within one year from the passage of this act, and if the same shall not be completed within eight years thereafter, all the rights, privileges and immunities granted to said company by this act or by the act to provide for the regulation of turnpike companies, shall cease and determine; *Provided*, this act shall in no case authorise said company to charge toll to any person or persons passing on his or their farm on their common business: *Provided also*, at each election after the passage of this act for the purpose

The road to be commenced in 1 year and finished in 8 years.

Proviso.

Further proviso.

of choosing directors, two directors shall be chosen whose residence shall be at Franklin, or its vicinity, and two other directors whose residence shall be at Dayton or its vicinity,

THOS. KIRKER,
Speaker of the house of representatives.

ABRAHAM SHEPHERD,
Speaker of the senate.

January 28, 1817,

CHAPTER LXIV.

An act regulating the practice of Physic and Surgery.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That this state, be and the same is hereby divided into eight medical districts as follows, to wit: the first district shall consist of the counties of Hamilton, Clinton, Clermont, Warren and Butler, and any future subdivisions thereof: the second district of the counties of Adams, Highland, Fayette, Scioto, Ross, Pickaway, Franklin, Madison, Pike and Jackson & any future subdivisions thereof: the third district of the counties of Fairfield, Gallia, Athens, Washington, and Lawrence and any future subdivisions thereof: the fourth district of the counties of Muskingum, Licking, Knox, Guernsey and Delaware, and any future subdivisions thereof: the fifth district of the counties of Belmont, Jefferson, Harrison, Columbiana and Monroe, and any future subdivisions thereof: the sixth district of the counties of

The state divided into 8 medical districts.

Frumbull, Ashtabula, Geauga, Cuyahoga, Portage, Medina and Huron, and any future subdivisions thereof: the seventh district of the counties of Montgomery, Preble, Miami, Dark, Green and Champaign, and any future subdivisions thereof: and the eighth district shall consist of the counties of Stark, Wayne, Richland, Tuscarawas and Coshocton, and any future subdivisions thereof.

Names of persons composing the board of medical censors in the first district. **Sec 2. Be it further enacted,** That the persons hereinafter named, be and they are hereby constituted medical boards of censors in their respective districts, to wit: in the first district John Sellman, Daniel Drake of Hamilton county, Daniel Millikin, Wm. Greenlee of Butler county, Joseph Canby, Jephtha F. Moore of Warren county and Alexander Campbell of Clermont county: in the second district Samuel Persons of Franklin county, Joseph D. Keith and James Wilson of Adams county, Jacob Offner of Scioto county, John Boyd, Jasper Hand of Highland county, Daniel Turney of Pickaway county, Joseph Scott and John Edmiston of Ross county: in the third district Eliphaz Perkins and Chauncey F. Perkins of Athens county, John B. Reignier and Samuel P. Hildreth of Washington county, Jonas Safford of Galia county, James Wilson and Daniel Smith of Fairfield county: in the fourth district John Haman, Robert Moore and Robert Mitchel of Muskingum county, Ebenezer Atwater of Guernsey county, Reuben Lamb of Delaware county, Noah Harris and John J. Brice of Licking county, and Timothy Bevan of Knox county: in the fifth district George Wilson. David Staunton and William Hamilton of Jefferson county, Martin Wilson of Harrison,

The second district.

Third district.

Fourth district.

Fifth district.

county, Joseph Springer and Horace Potter of Columbiana county, and James Hughes and William Quigley of Belmont county: in the sixth district Jeremiah Wilcox, John W. Seely and Peter Allen of Trumbull county, Joseph D. Woolf of Portage county, Lyman Fay of Huron county, David Long of Cuyahoga county, and Orestis K. Halley of Ashtabula county: in the seventh district Joseph Johnston of Green county, Joseph S. Carter and Richard Hunt of Champaign county, William L. Henderson of Preble county, and Asa Coleman of Miami county, and John Steele, Charles Este and James Welch of Montgomery county: in the eighth district John Bonfield, Thomas Hartford and William Gardner of Stark county, Jacob Benepe and Samuel Stough of Tuscarawas county, Moore B. Bradley of Richland county, Thomas Townsend, Alexander Baldwin of Wayne county.

Sixth district.

Seventh district.

Eighth district.

Sec. 3. *Be it further enacted,* That it shall be the duty of every censor or examiner before he enters on the duty enjoined on him by this act, to take an oath or affirmation (before some person legally authorised to administer oaths) faithfully and impartially to discharge his duty as censor or examiner agreeably to the true intent and meaning of this act, a record of which shall be made by the secretaries of the respective boards of censors.

Censors each to take an oath.

Sec. 4. *Be it further enacted.* That the medical censors named in the second section of this act, shall hold their first meeting in their respective districts on the first Thursday in November next at the following places, to wit: for

Time and place of holding the first meeting in the several districts.

R.*

**Appoint-
ment of
officers.** the first district at Cincinnati, second district at Chillicothe, third district at Athens, fourth district at Zanesville, fifth district at Steubenville, sixth district at Warren, seventh district at Dayton and eighth district at Wooster; and the said censors when thus met or any three of them, in their respective districts, shall have power to appoint a president, secretary and treasurer, to admit such persons to be members of their society as they may think proper, and each society when thus constituted shall have power to enact bye-laws for their government, to impose reasonable fines and to do all acts necessary for the good of said society not inconsistent with the laws of this state or of the United States, and shall forever after hold their stated meetings on the first Thursdays of May and November in each and every year, at the places named in this act: *Provided*, That the board of censors after their first meeting may meet at such place or places within the district as a majority of the board of censors may agree upon.

**Further
duty of me-
dical
boards.**

**Half yearly
meeting to
be holden.**

**Seven cen-
sors to be
elected in
November
annually.** *Sec. 5. Be it further enacted*, That each of the said societies shall annually at their meeting in November elect by ballot seven censors who shall hold their offices for one year and until others are elected, any three of whom shall constitute a quorum for the transaction of business, and shall at their stated meetings examine all candidates that may offer themselves for the practice of Physic and Surgery, and decide on their qualifications: and in case any vacancy should happen in said board of censors either by death, resignation, non-attendance or otherwise, during the interval between the stated meetings of such society, such vacancy may be filled by the society at their next meeting.

**Vacancies
how filled**

Sec. 6. *Be it further enacted,* That when any person wishes to commence the practice of physic and surgery within the limits of this state he shall produce to the medical board satisfactory evidence of his being a person of good moral character and also he shall deliver a thesis on some medical subject and likewise give satisfactory answers to such questions as may be put to him by the censors, in Anatomy, Surgery, Materia Medica, Chemistry, and the theory and practice of Physic.

Manner of
application
& admis-
sion to
practice.

Sec. 7. *Be it further enacted,* That when any candidate shall have complied with the provisions of this act, he shall receive a licence in words and form as follows, viz :

Form of
license.

(L. s.) State of Ohio, Medical district No.

To whom it may concern these presents testify that _____ of the county of _____ appeared for examination, and is found to be duly qualified to practise physic and surgery, in testimony whereof I president of said board have hereunto set my hand and affixed the seal of the said board at _____ this _____ day of _____
A. D. 18 _____ A. B. President,
C. D. Secretary.

Know all men by these presents that I

President of the _____ circuit of the courts of common pleas in the state of Ohio by the authority in me vested, do licence _____ of the county of _____ to practice physic and surgery within this state. In testimony whereof I have hereunto set my hand and affixed the seal of the county of _____ this _____ day of _____
A. Domini 18 _____ E. F. President
of the court for the _____ district

Sec. 8. *Be it further enacted,* That it is hereby made the duty of the several presidents of the courts of common pleas within this state to sign all licences of the form described in the foregoing section of this act, and to cause the seal of the county in which such candidate resides to be thereto affixed.

ed.

Sec. 9. *Be it further enacted,* That any person practising physic or surgery without having obtained a license in manner and form as described in this act shall be liable to indictment and an conviction thereof before any court having competent jurisdiction shall be fined in any sum not exceeding two hundred dollars which shall be collected as other fines are, and paid into the county treasury for the use of the county in which such offence may be committed; & any person practising contrary to the provisions of this act shall not have power to collect any debts due to him for such practice.

Sec. 10. *Be it further enacted,* That any one of the censors shall have power to grant a permit to any emigrant physician to practice until the next regular meeting of the medical society and no longer.

Sec. 11. *Be it further enacted,* That each board of censors shall keep a seal for the use of said board; the secretary shall record all their official proceedings in a book to be kept for that purpose, shall give certified copies thereof under his hand, and the seal of the board on application being made therefor; and for every such copy shall be entitled to receive one dollar and said copy shall be good evidence in any court within this state; and the said secretary shall publish in some newspaper printed within the district the name of every person who may receive a licence to practise, and the board of

censors shall be entitled to receive from every candidate licensed under the provisions of this act, ten dollars for the use of the society.

Sec. 12. *And be it further enacted*, That the act regulating the practice of physic and surgery passed January the nineteenth eighteen hundred and thirteen, be and the same is hereby repealed: *Provided nevertheless*, That no person who has engaged in the practice of physic contrary to the provisions of the act hereby repealed shall be in any way authorised to continue such practice until duly licensed under this act: *And provided also*, That all penalties incurred under the act hereby repealed may be sued for and recovered in the same manner as if the act hereby repealed still remained unrepealed and in full force.

Repealing
clause.

Proviso

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD.

Speaker of the senate.

January 28, 1817.

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CHAPTER LXV.

An act to authorize the Governor to borrow money for a certain purpose.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the Governor or he who is hereby authorised to borrow on behalf of this state any sum not exceeding thirty five thousand dollars, for the purpose of paying the proprietors of the town of Columbus the sum which may be found due to them on settlement agreeably to contract, and on obtaining a loan of

loans under the authority aforesaid, the Governor shall cause the same to be paid into the state treasury, and take the treasuries receipt therefor; which receipt shall be lodged with the Auditor, who shall charge the treasurer with the amount thereof in the same manner as other monies paid into the treasury.

Sec 2. And be it further enacted, That so much of the revenue of the year one thousand eight hundred and seventeen, as will be equal to the loan or loans obtained under the authority of this act is hereby pledged for the payment thereof.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 28, 1817.

CHAPTER LXVI.

An act to provide for leasing certain school lands therein named.

Persons holding former leases may apply to the county commissioners & have their leases extended on certain conditions. *Sec. 1. Be it enacted by the general assembly of the state of Ohio, That any of the present lessees of any of the reserved sections number sixteen (or any other section that may have been set off in the thereof) in any original surveyed township in this state, or any other person or persons who hereafter shall apply, may on application for that purpose, to the commissioners of the county in which such section lies have their lease or leases extended or a lease or leases granted them in manner hereinafter directed, those applying to have their leases extended shall first*

produce to the commissioners of such county, a certificate under the hands & seals of the trustees of such original surveyed township, stating that said applicant had complied with his; her or their former lease, and all applicants for new leases shall obtain and deliver to said county commissioners in writing, the consent of the trustees or a majority of the citizens of such original surveyed township, if it should not be organized then and in such cases it shall be the duty of said commissioners to appoint three disinterested freeholders of such county not inhabitants of such original surveyed township, who shall take to their assistance a surveyor who together with the said freeholders shall meet on such school section on the day & time pointed out by said commissioners, at which time and place the trustees of such original surveyed township shall attend if the same should be organized but if not organized, it shall then be the duty of a majority of the citizens of such township, to attend in the place of such trustees, and it shall be the duty of the said freeholders to proceed to lay off such school section into convenient lots to contain not less than forty nor more than one hundred and seventy acres, at the discretion of the trustees of such original surveyed township, but if there should be no trustees in such township, then at the discretion of a majority of the citizens thereof, *Provided*, That if such reserved section should have been previously surveyed to the satisfaction of the trustees of such township a re-survey thereof may be dispensed with, & no such survey shall in any wise interfere with, or infringe on the rights of any present lease or lessees without his, her or their consent, a plat of which survey shall be returned

County
commrs. to
appoint 3
freehold-
ers to lay
off school
sections in-
to lots.

Duty of
freehold-
ers.

provisd.

by the surveyor to the clerk of such township if organized, for the inspection of those concerned but if such township should not be organized the plat aforesaid shall be returned to the clerk of the board of commissioners in such county.

**Freehold-
ers sup-
plying the
plat after
paid off & shall
return.**

Sec. 2. *Be it further enacted.* That it shall be the duty of the said freeholders after completing the survey agreeable to the preceding section of this act to proceed and appraise under oath or affirmation, each and every lot or lots by them laid off as aforesaid, in which valuation the said appraisers are to take into view & include in their appraisal, all buildings together with all manner of improvements thereon, and the appraisal so made shall be committed to writing signed by the appraisers and by them delivered to the trustees of such original surveyed township to be recorded by their clerk in a book to be by him kept for that purpose, but if such township should not be organized the appraisal as aforesaid shall be returned to the county commissioners of such county, and entered on record by the clerk of said commissioners, and each appraiser shall be entitled to receive one dollar per day for each and every day he may be employed in dividing the premises and making the appraisal aforesaid: and the surveyor shall be entitled to receive for his services rendered under the foregoing provisions of this act the sum of two dollars per day, for each day he may be necessarily employed in said survey, to be paid on the order of the trustees out of the funds of the institution, where such township may be organized otherwise to be paid by the applicant or applicants for such lease or leases, and to be deducted out of the first proceeds thereof.

**Appraisers
fees.**

**Surveyors
fees.**

Sec. 3. Be it further enacted, That the trustees of any such original surveyed township to whom the return of the appraisal shall be made, and the county commissioners where such township is not organized, as is pointed out in the second section of this act, or their successors in office are hereby empowered, authorised and required to grant a permanent lease or leases for such lot or lots of their respective reserved school section or sections as may be from time to time applied for to any present lessee or lessees, his or their assignee or assignees or to any other person or persons who may apply as aforesaid for the term of ninety nine years renewable forever, conditioned that the lessee or lessees shall pay an annual rent at the rate of six per centum on the appraised value, and 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 such county not inhabitants of such original surveyed township, to be appointed by the commissioners of such county upon the application of said trustees or the lessee or lessees assignee or assignees then in possession of the premises aforesaid agreeably to the rates of unimproved lands of the same quality and possessing similar advantages in the same neighbourhood, which lease or leases shall in all cases be recorded by the clerk of the township, and also by the recorder of the county at the proper costs and charges of the lessee or lessees; *Provided*, That on each revaluation made as is pointed out in the foregoing provisions of this act, the lessee or lessees, his, her or their heirs or assigns, shall be bound to pay annually for the thirty three years next succeeding

Township
trustees or
county
commissioners to
grant permanent
leases.

Conditions
of the
leases.

Re valuation
every
33 years.

Provided.

ing, into the treasury of such original surveyed township, if the same is organized, and if not into the county treasury of such county at the rate of six per centum on every such valuation of his, her or their lot or lots as aforesaid, to and for the use and benefit of the citizens of such township to be appropriated by the trustees of such original surveyed township, as other rents arising from such lands, now are or hereafter may be appropriated by law, but where any such township shall not be organized the commissioners of the county shall appropriate the money paid into the county treasury in the same manner for the use of the citizens of such township as if the same was organized.

Manner of
recovering
rents on
failure of
payment.

Sec. 4. *Be it further enacted,* That if any lessee or leasees, his, her or their heirs or assigns shall neglect or refuse to comply with the conditions of his, her or their lease or leases or shall fail to pay the annual rent of six per centum on the valuation made as aforesaid at the end of each and every year into the treasury as pointed out in the foregoing provisions of this act, the treasurer shall if so directed by the trustees of such original surveyed township, bring suit in the name of such trustees, or if such township should not be organized, the county treasurer shall if directed by the county commissioners bring suit in their name, for the use of the inhabitants of such original surveyed township, against each and every such delinquent or delinquents as the case may be, before any court having competent jurisdiction and on final process if no goods and chattels can be found whereby distress and sale can be made or if misce process cannot be served upon the return of the same, the said trustees, or commissioners as the case may be, are hereby author-

ised and required to re-enter upon the land of Trustees such delinquent or delinquents and sell at public vendue to the highest bidder for ready money, his, her or their right and title in such lease or leases to satisfy such rents, damages, interests and costs in which case the said trustees or commissioners as the case may be, shall give at least twenty days previous notice of the time and place of sale in some newspaper printed and in general circulation in such county or by advertisement set up in at least three public places in such township and one on the door of the court house in such county, subjecting the purchaser or purchasers, his, her or their heirs or assigns to the conditions contained in such lease or leases of any such delinquent or delinquents, and in case the said lease or leases of such delinquent or delinquents shall sell for more than the rents, damages, interests and costs the overplus shall be paid over to such delinquent or delinquents on demand.

Trustees or commissioners may re-enter upon & sell the lease when no goods or chattels can be found.

Surplus to be paid over on demand.

Sec. 5. *Be it further enacted*, That the treasurers of original surveyed townships within this state shall severally give bond with sufficient security to the trustees of such township in the sum of one thousand dollars, conditioned for the faithful paying over according to law all monies by them collected or received under the provisions of this act.

Township treasurers to give bond.

Sec. 6. *Be it further enacted*, That where any lot or lots of any of the school sections as aforesaid, cannot within twelve months after such valuation be leased at the valuation made by freeholders as aforesaid, in such case it shall be lawful for the trustees of such original surveyed township, or the commissioners as the case may be, where any such lot or lots may so remain as aforesaid with the consent of a majority

Lots which cannot be leased in 12 months to be sold.

majority of the citizens of such township to proceed to sell at public sale to the highest bidder all such lot or lots of their respective reserved section in the same manner, and by giving the same notice the trustees are authorised and required to do under the foregoing provisions of this act in case of delinquent lessee or lessees, and grant to the purchaser or purchasers a permanent lease agreeably to the third section of this act.

Sec. 7. *Be it further enacted,* That when the sections sixteen in any fractional township shall have been sold and other lands granted in lieu thereof in any other township or fractional township which may fall into a different county; it may be lawful for the qualified electors residing in said fractional township having claim to any such school land lying in another county, to proceed to elect trustees as is provided in this act in cases of sections sixteen; and it shall be lawful for the said trustees to proceed to advertise and lease the same in the same manner as is provided for leasing sections sixteen: and if any two fractional townships shall hold their school land in the same section, and they cannot agree on the division and leasing of the same, it shall be lawful for the trustees of either of the fractional townships whether they reside within the county where the said land lies or not to make application to the court of common pleas of the county where the land lies; and the said court shall appoint three disinterested freeholders whose duty it shall be after taking an oath before some justice of the peace of the county to take with them a skilful surveyor, and proceed to divide the land according to the value and intent of the original grant and make report to the said court designating what part

Proceedings where school land do not lie in the proper county.

Manner of making partition of school lands.

Duty of the court of common pleas to appoint appraisers

shall belong to each township claiming the same: the said township shall then have possession of the part laid off to them and may proceed to lease the same as is provided by this act.

Appraisers duty.

Sec. 8. *Be it further enacted*, 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 hereinafter provided to grant permanent leases, lands in U. S. military district on certain conditions. for all the school land within said district granted by congress for the use of schools upon condition and reserving the rents hereinafter provided: *Provided*, That nothing in this section or in this act shall be so construed as to authorise the leasing of any lands lying in said United States military district granted by congress for the use of schools in the Connecticut Western reserve.

Court of common pleas to lease school lands in U. S. military district on certain conditions.

Sec. 9. *Be it further enacted*, That when any person shall desire to take a permanent lease of any of the school lands mentioned in the seventh 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 be surveyed as is hereinafter provided, proceed upon 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 quality of the soil, and make return of the value thereof to the said court at such time as the said court shall direct, which return shall be filed in the office of the clerk of said court, and the said court shall thereupon order their clerk to proceed in the recess of said court, and before the next term thereof to

Valuation to be made on application before lease is granted.

Duty of appraisers.

Duty of the court and county clerk.

S*

grant permanent leases for the same land so applied for and appraised to the applicant or applicants their heirs and assigns, who may appear to be entitled thereto for the term of ninety nine years renewable forever, subject to a re-valuation at the end of thirty three years from the date of such permanent lease or leases agreeable 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 county commissioners at the expiration of thirty three years from the taking out of any permanent lease or leases under this act to notify the court of common pleas thereof whose duty it shall be to appoint three freeholders of said county to view and appraise the said land mentioned in such lease or leases and appraise the same agreeable to the provisions of this act, and return the value thereof to the said court, and it shall be the duty of the clerk of said court to file the same in his office, and endorse a certificate of the amount on the back of said lease and return the same to the county commissioners and the rent to be paid on said land from thence forward shall be six per centum per annum on the amount of said valuation and no more.

Conditions
of lease.

Proviso as
to a re-val-
uation eve-
ry 33 years.

Sec. 10. *Be it further enacted*, That no person shall be entitled to receive a permanent lease for any tract of said school land on which the improvements required by the original leases have not been made and completed at the time of such application to be ascertained by the persons appointed to appraise the same; *Provided*, the said appraisers shall be of opinion that the improvements made on said tract or tracts of land are equivalent or equal in value to a lease.

Former de-
li quents
no an tilled
to a lease.

to the improvements required to have been made by the former leases, then the said court shall consider the former leases complied with, and the applicant or applicants entitled to a permanent lease in the same manner as if he, she or they had fully completed the particular kind of improvements required by the said original leases.

Sec. 11. *Be it further enacted*, That the lease holders for the time being of the original improvement leases who have fulfilled the conditions of said leases, or done that which the appraisers aforesaid shall believe to be equivalent thereto, 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 application before or at the same term of the court aforesaid, at which any other person may apply, and it is further provided that any person other than the lease holder or holders making application for a permanent lease as aforesaid shall give at least twenty days notice to the person holding the lease for the time being of his, her or their intention to make application for a permanent lease for the same, and in case the lease owner for the time being does not reside upon the premises then the applicant or applicants as aforesaid shall advertise the same in three of the most public places in the township where such land lies & on the court house door of the said county which said advertisement shall be put up at least thirty days previous to the term of the said court to which the application shall be made, all which shall be made appear to the satisfaction of the court aforesaid.

Original
improvement
leases who
have complied,
to have the
reference

Provided

Sec. 12. Be it further enacted, That the clerk of the court aforesaid shall make return of a copy of all such leases as shall be granted under this act to the county commissioners within twelve months after the execution of the same, and the lessee or lessees, his, her or their legal representative shall pay the annual rent which may become due, on his, her or their lease taken as aforesaid into the treasury of the said county, and shall lodge the treasurers receipt for the same, with the clerk of the commissioners, 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; if any lessee or lessees, his, her or their legal representatives 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 years rent and no personal property belonging to the lessee or lessees for the time being can be found sufficient to satisfy the same, then and in that case the county treasurer is hereby required upon the application or direction of the county commissioners to re-enter upon, and again lease or sell the said permanent lease for such lot of land to the highest bidder, by giving at least thirty days notice in some newspaper in general circulation in said county, *Provided* That if on the sale of any lease there shall be any overplus after satisfying all rents and interests together with all costs that may have accrued by reason of such sale; such remainder shall be paid over to the lessee or lessees who may be so ejected, upon application.

O clerk of
the court
of common
pleas to re-
turn a copy
of leases to
county com-
missioners

Disposi-
tion of rent

Proceed-
ings when
a lessee is
delinquent
for two
years.

Proviso as
to overplus
on sale of
lease.

Sec. 13. *Be it further enacted,* That whenever application shall be made to the court as aforesaid for permanent leases of the school lands aforesaid, it shall be the duty of the court to appoint a surveyor to survey the whole of the quarter township in which the application shall be made into tracts of one hundred and sixty acres each as near as may be convenient, and plot and number the same and make report thereof to the said court at such time as the said court shall direct, and each and every person taking a lease as aforesaid shall pay into the hands of the clerk of the court three dollars for each quarter section for the use of the surveyor; *Provided,* That in case a quarter township has been previously surveyed, it shall be unnecessary to order a re survey of the same.

Duty of court to appoint a surveyor no application for leases.

Surveyors fees how paid.

Proviso.

Sec. 14. *Be it further enacted,* That the clerk of the said court shall receive for his services under this act the sum of fifty cents for each lease or copy thereof, and such fees for the entries, records and such other services as may be necessary as are allowed for like services in the courts of common pleas; and the appraisers and county treasurer shall receive such compensation for their services under this act as the court of common pleas for said county may think reasonable and just, to be paid by the applicant or applicants at the time of taking out the lease & all fees necessarily paid on the taking out of any lease as aforesaid shall be refunded by the county commissioners to the person or persons paying the same out of the first money paid into the county treasury for the rent of the tract of land for which the fees may have been paid; and it may be lawful for the treasurer of said county when directed by the commissioners to bring suit against all delinquent lessees for

Clerks fees

Appraisers and county treasurers fees.

Treasurer to sue for rents.

all arrearages of rent which may be due from them or either of them before any court having competent jurisdiction by action of debt.

Repealing **Sec. 15.** *And be it further enacted,* That the act passed February twenty seventh, eighteen hundred and sixteen, entitled "an act to provide for granting permanent leases of certain tracts of school land in the United States military tract within the county of Guernsey," be
clause.
Proviso. and the same is hereby repealed; *Provided,* That no lease granted under the provisions of the above recited act shall be effected thereby.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 27, 1817

CHAPTER LXVI

An act to amend the act making appropriations for the year 1817.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the sum of twenty five dollars shall be paid to Adam Betz doorkeeper of the house of representatives, for extra services performed by him during the session of the present general assembly; and to Price and

Redmond the sum of seven dollars and six and a fourth cents, for thirteen brass knobs and one sweeping brush furnished for the state house.

THOS. KIRKER.

Speaker of the house of representatives.

ABRAHAM SHEPHERD.

Speaker of the senate.

January 28, 1817.

CHAPTER LXVII.

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

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 state treasury on the order of the Auditor of public accounts to defray the expences of government for the year one thousand eight hundred and seventeen, to wit: for the payment of the salaries of the Governor, Secretary of state, Auditor of public accounts, state treasurer, judges of the supreme court and presidents of the courts of common pleas: a sum not exceeding fourteen thousand seven hundred dollars: a sum not exceeding twelve thousand dollars in addition to the sum already appropriated for that purpose for the payment of the mem-

bers of the present general assembly. & including their clerks and doorkeepers : to P. H. Olmsted & Co. for printing the bills and other extra printing, also for the printing of the laws, resolutions &c. enacted or passed during the present session of the general assembly, the amount of their account agreeably to contract to be settled by the Auditor, Treasurer and Secretary of state ; to George Nabee the amount of his account for printing the journals of the senate and journals of the house of representatives made during the present session of the general assembly agreeably to contract, and to be settled by the Auditor, Treasurer and Secretary of state : to Goodale and Buttes for stationary and other articles furnished for the use of the present session of the general assembly the amount of their account to be settled by the Auditor, Treasurer, and Secretary of state agreeably to contract : to Townsend Nichols for firewood furnished for the use of the general assembly during their present session the amount of his account to be settled by the officers aforesaid.

Sec. 2. Be it further enacted, That a sum not exceeding fifteen hundred dollars be and the same is hereby appropriated as a contingent fund subject to the order of the Auditor of public accounts for books, stationary, postage on letters and packets for the use of his office, clerk hire and other expences incidental to his office, and a report shewing the items of expenditure in applying the same shall be made to the next session of the general assembly by the Auditor.

Sec. 3. Be it further enacted, That a sum not exceeding three thousand dollars be and

The same is hereby appropriated as a contingent fund for the purpose of refunding money where taxes on land have been twice or improperly paid, and for procuring marginal notes from the office of the principal surveyor of lands in the Virginia Military district.

Sec. 4. Be it further enacted, That the sum of forty one dollars shall be paid to John Hillings for two maps of the United States for the use of the general assembly, and including the transportation thereof from Chillicothe to Columbus.

Sec. 5. Be it further enacted, That a sum not exceeding three thousand five hundred 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 hundred and seventeen, who shall make a report of the disbursements thereof to the next session of the general assembly.

Sec. 6. Be it further enacted, That a sum not exceeding seven hundred dollars, be and the same is hereby appropriated for the distribution of the laws and journals of the present general assembly.

Sec. 7. Be it further enacted, That a sum not exceeding eighteen hundred dollars, be and the same is hereby appropriated for the purpose of paying the adjutant general, & brigade inspectors the several sums allowed them by law; and the sum of twenty seven dollars and twenty cents be paid to the sheriff of Warren county for proclaiming a special election in the first congressional district for a member of con-

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gress and for receiving and transmitting the abstracts of such election, and there shall be paid to Daniel Hasbrook state sheriff of Hamilton county for advertising a special election for a representative to congress for the first district in the year eighteen hundred and sixteen, and for making return thereof the sum of twenty three dollars and ninety two cents: that there shall be paid to James McBride sheriff of Butler county for advertising a special election for representative in congress in the first congressional district, in eighteen hundred and sixteen for receiving the poll books and transmitting the same to the seat of government the sum of twenty two dollars and eighty cents.

Sec. 8. *Be it further enacted,* That the sum of twenty five dollars be and is hereby appropriated for the purpose of procuring seals for the counties of Dark and Lawrence subject to the order of the secretary of state; there shall also be paid to George McCormick for work done and materials furnished for the general assembly, forty dollars and fifty cents: to William Caldwell for four sets of shovels and tongs together with other work done for the general assembly during the present session, twenty dollars and twenty five cents: to Alexander Orme for work done for the use of the general assembly five dollars.

Sec. 9. *Be it further enacted,* That a sum not exceeding twenty four thousand dollars, be and the same is hereby appropriated for the proprietors of the town of Columbus, on account for their contract with the state in erecting the public buildings in said town.

Sec. 10. *Be it further enacted,* That there shall be paid to Fanny Thompson widow of the late Benjamin Thompson for losses sustained under a contract made by the said Benjamin in his lifetime with the proprietors of the town of Columbus on behalf of the state in erecting the state house and public offices, the sum of two thousand dollars.

Sec. 11. *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 treasurers office to be drawn on the order of the Auditor, a report of the disbursements thereof shall be made by the treasurer to the next session of the general assembly.

Sec. 12. *Be it further enacted,* That there shall be paid to Edward Sherlock for candles and other articles furnished the general assembly during the present session, the sum of thirty nine dollars and twenty five cents.

Sec. 13. *Be it further enacted,* That a sum not exceeding seven thousand dollars is hereby appropriated as a fund for defraying the expenses incidental to the Ohio penitentiary including unpaid accounts of eighteen hundred and sixteen, and for the purpose of enabling the inspectors to procure materials for the purpose of employing the convicts at the necessary labour, which fund shall be subject to the order of the board of inspectors of said penitentiary, a statement of the disbursement thereof shall be reported to the next session of the general assembly by the board.

Sec. 14. *Be it further enacted,* That there shall be paid to John Cutler & Co. for candles and sundry other articles furnished for the use

of the general assembly during the present session, forty eight dollars and seventy cents,

Sec. 15. *Be it further enacted,* That a sum not exceeding two hundred dollars, be and the same is hereby appropriated for the purpose of paying messengers sent by the Governor to notify the electors of President and vice president of the United States of their election which accounts shall be adjusted and allowed by the Governor.

Sec. 16. *Be it further enacted,* That there shall be paid to William M. Farland late treasurer, his account for paper and printing blanks eight dollars and fifty cents, to Alexander Morrison his account for necessaries furnished this general assembly, twenty five dollars sixty two and a half cents: to Jeremiah McLene secretary of state, Carlos A. Norton clerk of the senate and William Doherty clerk of the house of representatives each fifteen dollars for services performed under a resolution of February twenty sixth eighteen hundred and sixteen: to Abraham Shepherd for postage on public communications directed to the speaker of the senate three dollars.

Sec. 17. *And be it further enacted,* That a sum not exceeding thirteen hundred dollars, be and the same is hereby appropriated to defray the expenses of translating and printing the constitution of this state and part of the laws of a general nature, in the German language, and to pay the commissioners appointed to examine said translation.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD,

Speaker of the senate.

January 28, 1817,

RESOLUTIONS.

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 recommending the observance of a day of thanksgiving to Almighty God, in the present year; at such time as he may deem proper.
January 28, 1817.

Resolved by the general assembly of the state of Ohio,
That Stephen Strong, be and he is hereby appointed commissioner to lay out a new road from the Scioto salt-works in Jackson county to Cooley's mills on the Hocking river in Athens county, agreeably to the act making further appropriation of the three per cent.
January 28, 1817.

Resolved by the senate and house of representatives,
That Patrick M'Lene, be and he is hereby appointed to lay out a road from Columbus by London to Springfield; and that Theodrick Spain, be and is hereby appointed to lay out a road from Urbana by Mechanicsburgh to intersect the old state road leading from Franklinton to Springfield at or near where said road crosses little Darby, agreeably to the provisions of an act making further appropriations of the three per cent fund: and on the new road from where the road crosses the line between Lawrence and Scioto counties from Portsmouth to Gallipolis, thence to Levi Stedmans, Joel Highley Jr. and

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on the road from S. W. Blaggs to Wilksville, Stephen Holcomb.

January 28, 1817.

Resolved by the general assembly of the state of Ohio,
That the printer or printers who may contract for the printing the constitution of this state and part of the laws of a general nature in the German language authorized to be printed by an act of the present session shall on the order of the clerk of the courts of common pleas of the following counties respectively deliver to the bearer of such order such number of copies as is hereinafter allotted to each county and take his receipt therefor (to wit.) to the county of Hamilton thirty six copies, to the county of Butler twenty copies, to the county of Preble twelve copies to the counties of Miami and Dark twelve copies, to the county of Champaign twenty copies, to the county of Madison twelve copies, to the county of Delaware twelve copies, to the county of Clermont twenty copies, to the county of Warren twenty copies, to the county of Adams nine copies, to the county of Green fifteen copies, to the county of Clinton ten copies, to the county of Fayette nine copies, to the county of Highland twenty copies, to the county of Pickaway thirty five copies, to the county of Ross twenty copies, to the county of Scioto twelve copies, to the county of Galia twenty five copies, to the counties of Pike and Jackson fifteen copies, to the county of Athens ten copies, to the county of Garretts fifteen copies, to the counties of Belmont and Monroe twenty copies, to the county of Muskingum twenty copies, to the county of Fairfield sixty nine copies, to the county of Licking twenty copies, to the county of Jefferson eighteen copies, to the county of Harrison ten copies, to the county of Columbiana fifty copies, to the counties of Tuscarawas and Coshocton eighteen copies, to the county of Trumbull sixty nine copies, to the county of Stark forty copies, to the county of Portage twelve copies, to

the county of Richland thirty six copies, to the county of Knox thirty copies, to the county of Franklin twenty five copies to the county of Montgomery forty copies and to the county of Wayne eighteen copies.

January 25, 1817.

Resolved by the general assembly of the state of Ohio,
That the following persons be and they are hereby appointed commissioners agreeably to the provisions of the act entitled an act making further appropriations of the three per cent fund granted by the United States for laying out, opening and making roads in this state, to wit: in the county of Jefferson on the road from Steubenville to Warrentown, and for building a bridge over Cross creek, James Boyd from Warrentown through Mount Pleasant to the county line Robert Patterson; on the road from the Ohio river opposite Charlestown, through Smithfield to the western boundary of the county, and to build a bridge over the Piney fork of Short creek, Josiah Glover; to lay out and open a new road from the mouth of Short creek by Updegraffs paper mill through York to the Harrison county line, Joseph Steer: on the road from Steubenville toward New Lisbon George Alban: on the road from Steubenville toward Canton James Mores Junr. on the road from Alberts Shop to New Salem Jacob Tope; on the southern road from Steubenville to Cadiz Joseph McConnell: to open and lay out a new road from New Salem by Springfield and Ooe's mill to the Columbiana county line, Thomas George.

In the county of Coshocton on the road from Coshocton by Free Port to Harrison county line Charles Williams: on the road from Coshocton to New Ark Joshua Leomand: on the state road Mount Vernon Stephen Meredith: from Coshocton on the road to Wooster, Charles Miller: on the road to the

mouth of Owl creek, Thomas Butler: on the road from Wakatomica to the state road David John: on the road to Cambridge Thomas Johnson: on the road to Zanesville west side of Muskingum river, Benjamin R. Wamsley: on the road east side of Muskingum river by Abraham Thompsons to Wills creek William Davison.

In the county of Highland; for the state road from the mouth of red oak to Franklinton, south of Hillsborough James Morrow Require: on the road from Hillsborough to Washington William Morrow Senr., for the road from Hillsborough to the mouth of the Rocky fork of Paint, Jesse Lucas: for the road from Hillsborough to Greenfield by Millers mills William Miller: for the road from Hillsborough to Westunion Rezin Mobberly: for the road from Hillsborough to Peepee David Jolly: for the road from Chillicothe by New Market to Williamsburgh, Bigger Head: for the Xenia road, Lewis Duckwooll: for the Urbanna road Shadrach Stafford: for the college township road Richard F. Barnard: for the road from Hillsborough to Williamsburg John Aikins: for the Manchester road St. Clair Ross: for the road from Hillsborough towards Lebanon, James Marsh: for the old Limestone road Allen Gulliford.

In Richland county: on the road from Mansfield towards Huron Isaac Osborne and Joseph Williams: on the road from Mansfield by Fredericktown towards Mount Vernon Thomas Lofland: on the road from Mansfield to Lexington and Delaware, Samuel Watson: on the state road leading from Mansfield to Wooster, Samuel Lewis: on the road leading from Mansfield to New Philadelphia, Andrew Richey and Thomas Coulter: on the road from Mansfield to Edwinburgh, John Garrison: on the road from Mansfield to McClure's mill scite and the mineral spring, James McClure: on the road from Fredericktown to Truxville by way of Lexington William Gass sen: on the road from Mans-

held by Union Town towards Cleaveland William Montgomery : on the road from the east end of fourth street in the town of Mansfield, to the first bridge over Town Fork of Mahican towards Beans mill Andrew Coffin-burgh : on the state road from the court-house in Mansfield towards Beans mill, James Moore.

In the county of Fairfield : on the road leading from Lancaster to Zanesville, Edward Murphy : on the road from John Baldwins to Newark Hugh Andrews : on the part of the road from Lancaster to Columbus between Samuel Hookers and Samuel Talmaus including the bridge across the south fork of Hockhocking, and the prairie between said bridge and the bridge on the east side of said prairie, Jesse D. Courtright and Samuel Talman : on that part of said road between the town of Greencastle and the county line Major Bright : on the road from Somerset to Lebanon, Samuel Kratzer : on the road from Lancaster to Marietta William Triamble : on the state road from Lancaster to Chillicothe, Philip Shurtle ; on the state road from Lancaster to Circleville Valentine Reber : on the road between the Granville road and Lebanon, David Lyle : on the old Chillicothe road by Leather's tavern, Nathaniel Wilson : on the road from Leather's to the Pickaway Plains John Leist.

In the county of Warren : on the college township road so much thereof as lies on the east side of the Little Miami river Ezra Robinson : on the west side of the river aforesaid John Rigger : on the state road leading from Lebanon in Warren to Wilmington in Clinton east of the little Miami James Wilkinson : west thereof James Bone : on the Hamilton road east of Budle's station, John Welton : on the state road leading from William Belches to Lebanon, and from thence on a direction to Xenia south of Lebanon Jacob D. Howe : north thereof John Saffethwaite : on the road leading from Cincinnati through Hamilton to Dayton William

C. Schench, on the road leading from Wilmington to Waynesville David Brown, on the state road leading from Cincinnati to Peter Barr's farm on the waters of Todds fork or so much thereof as lies east of the mouth of Todds fork aforesaid Timothy Titus; west thereof John Hopkins: and on the road leading from Deersfield to Williamsburgh Joseph Kibby.

In Harrison county: on the road leading from Cadiz towards Cambridge Hugh Shotwell on the road from Cadiz through Freeport towards Coshocton, Joseph Fry: on the road from Cadiz towards Leesburgh Samuel Buchanan: on the road from Cadiz toward New Philadelphia Hugh McGee: on the road from Hanover towards New Philadelphia Thomas Fisher: on the road from Cadiz to Harrisville Jacob Parker: on the roads from Cadiz towards Charlestown, and from the Charlestown road to York, John Caldwell: on the road from Cadiz towards Steubenville, James Cobeau:

In Champaign county; on the road from Urbana to the Indian boundary line by Zanes Conrad Moots: on the state road by the mouth of Kings creek and Covingtons mill to the great Miami river William Lee: on the old state road from Urbana to Springfield, Cyrus Ward: on the state road from Urbana to Troy by Magrews and the old state road by the bridge, on Mad river to Troy Richard Bacon: to lay out and open a new state road by John Laferty's and Mechanicsburg to Columbus, George Fithian and Treodoric Spain: on the state road commencing at the four mile tree North of Urbana by Blacks and Nulls crossing of Mad river to the Indian boundary line Thomas Newel: on the road from

Urbana to Delaware, Jeremiah Baldwin: on the state road from Springfield to Columbus, William Foster: on the state road from Springfield to Chillicothe, John Read: on the road from Springfield to Troy by New Boston, George Croft: on the road from Springfield to Limestone, Robert Rennick: on the road from Springfield to Xenia and on the road from Springfield to Dayton William Ross Junior, to superintend the building of a bridge across the east fork of Mad river, Nicholas Prickett.

In the county of Butler, for the road from Hamilton to Moses Vail's mill, Moses Vail; for the road from John Caldwell's tan yard to the north bank of Dick's creek, James Clark; for the college township road from John Finkle's tavern to the great Miami river, John Holmes; for the road from Hamilton to Princeton, David Urnston; for that part of the road from Lebanon to Cincinnati, which lies within Butler county, Joseph Stevens; for the road from Hamilton to Thomas Fleming's; on the way to Cincinnati, Thomas Fleming; for the county road from French's mill to Shaw's fording on the great Miami, for the road from Knox's by Robeson's mill to Sayre's saw mill, and also for the road which leads from the state road, and intersects the county road to Shaw's fording near William Gwillym's, Edward Bebb; for the state road from Rossville to the mouth of the great Miami river, so far as lies within Butler county, and also for

the road from Shaw's tording to Millville, Samuel Dick; for the state road from Rossville by Millville, to the western boundary line of the state, Elias Baldwin; for the road from Clark's by Brown's Demoret's and King's, to the state road, George Dick; for expending the three hundred dollars in building a bridge over two mile creek; and in repairing the road from thence to John Hamilton's old place, John Withrow; for the road from Rossville to Jeremy Beatty's, John Hall; for the road from Oxford to Jeremy Beatty's: for the road from Oxford to Robert Lytle's; and for the road from Oxford to the north west corner of the college township, James M. Dorsey.

In the county of Washington: on the road from Marietta to Wheeling, from Marietta to Daniel Green's farm, George Templeton; from Daniel Green's farm to the south line of Monroe county, Benjamin Ridgeway; on the road from Marietta to Zanesville, on the east side of the Muskingum river to the south line of Muskingum county, Jonathan Sprague; on the road from Point Harper to Thomas Seeley's farm on Olive Green creek, past Tyler's station, John Patterson; on the road from Marietta to Lancaster to the county line of Fairfield county, Joseph Palmer; on the road from Marietta by the Ohio river, to Athens county line, Truman Guthrie; on the road from Marietta by Cornelius Houghland's, to Athens county line, Cornelius Houghland; on the road from Marietta to Woodfield, on the little Muskingum route, John Sharp.

In the county of Columbiana, on the Georgetown road, Thomas Creighton; on the Beavertown road, Thomas Hanna; on the Greensburgh road, Israel Cope; on the Columbiana road, Caleb Hollar; on the road to Canfield, Joseph Zimmerman; on the Deerfield road, John Burns; on the Canton road, George Rudesill; to erect a bridge over the west branch of little Beaver creek, on the Steubenville road M. Gardner; on Wills road, William Wills; on the New Philadelphia road, Jacob Brown.

In the county of Stark; for the state road from New Lisbon in Columbiana county, to Wooster in Wayne county, Philip Blosser; for the state road from New Philadelphia in Tuscarawas county through Canton to the Cuyahoga portage in Portage county, Thomas Hurford; for the road from Canton through Hamburg to Steubenville, Frederick Young; for the road from Canton to Talmage in Portage county George Snider; for so much of the road from New Philadelphia in Tuscarawas county, to Wooster in Wayne county as passes through the county of Stark, Peter Wimer; for laying out and opening a state road from Bethlamen to meet the state road leading from Coshocton through Shalersville in Tuscarawas county, to the southern boundary line of Stark county, Bazile Thompson; for so much of a state road to be laid out and opened from Warren in Cumberbund county to Canton, as shall pass through the county of Stark, John Myres:

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for laying out a state road from Warren in Trumbull county, to Canton in Stark county, John W. Seely and John Myers.

In the county of Madison; on the road from Columbus by London to Springfield, John McDonald; on the old state road from Franklinton to Dayton, Thomas Gwynne; on the road from London to Xenia, Jonathan Menchel; on the road from Worthington to Urbana, James Curry Junior; on the road from the south line of Madison county by London, Gwynne's and Mitchell's; and also the road from Urbana by Lafferty's and Mechanicsburgh to Columbus, Nicholas Moore; on the road from Chillicothe by Springers spring to Urbana, John Simpkins.

In the county of Clermont; on the road from New-Market through Williamsburgh to Cincinnati, Benjamin Ellis; on the road from Williamsburgh to Deerfield, John Earhart; on the road from Williamsburgh to the mouth of Bulskin, Thomas Jones; on the road from West Union to the mouth of Clough's creek through Bethel, Jeremiah Beck; on the road from Water's ferry on the Ohio river to Williamsburgh, William White; on the road from Newell's to Bethel, passing Henry Cuppy's, Henry Cuppy.

In the county of Pickaway, on the road up Darby creek, Farnack George; on the road up Deer creek, Samuel Reeves; on the road from Westfall by Shanton's, Stephen Horsey; on the state road through the walnut Plains, John Robinson; on the road from Circleville to Chillicothe and the road from Jefferson to Lancaster, Henry Nevell; on the road from Carlton to Chillicothe, Joel Bacon; on the road from Circleville to Lancaster, Peter Row; on the state road from Franklinton through Pickaway county to Washington, Humphrey Becket; on the bridge at Circleville, William Wilker: the Auditor of state is hereby authorised to pay Robert Taylor two hundred dollars that is appropriated on the Walnut creek bridge, in said county of Pickaway.

In the county of Delaware; on the road from the town of Delaware to the Indian boundary line,——Wilcox; on the road from Delaware to Allum creek, Josepa Eaton; on the road from Delaware through Radnor, David Marks; on the new road to be laid out from David Din to Richland county line, Joseph Cole and David Elliot; from Sunbury on the road to Granville, John Grim and Mordecai Thomas; on a new road to be laid out from James Stark's to intersect the Delaware and Mansfield road, Baricks Weeks and Allen Dwinell; on the road from the town of Delaware to the Scioto river, Montgomery Evans; on the Portage road, Ichabod Plewit.

In Belmont county; on the road from Barnsville to the mouth of Capitena creek, Isaac Moor, on the road from Pipe creek to the rocky fork of Capitena Josiah Dillon; on the road from Capitena creek to the Monroe county line, Edward Bryson; on the road from Wheeling creek toward St. Clairsville and for erection of a bridge over the mouth of Wheeling creek, Notley Hays.

In Monroe county; on the road from Woodsfield to the mouth of sunfish, Elias Lougar senr. on the road from Woodsfield past Dyers settlement to Richard Talbois, Daniel Dye; on the road from Belmont county line past Woodfield to Washington county line, John Palmer Junr. on the road from the mouth of Fishing creek to Guernsey county line, Isaac Atkinson; on the road from Woodfield to the Duck creek salt works, Ames E. Jones; on the road from John Linns past the Beech spring to Belmont county line, John Linn, and on the river road from the mouth of Sunfish to the Belmont county line, Elisha Johnson.

In the county of Clinton; for the road leading from Washington in Fayette county to Wilmington, James Gallahar, for the road from Wilmington to Lebanon John Fallis; for the road from Wilmington to Xen

Henry Babb : for the road from *Wilmington* to *Waynesville*. **William Adams** : for the road from *Morgantown* to *Wilmington*, **George McManis** and for the college township road **Aaron Sewell**.

In *Athens county* ; on the state road from *Athens* towards *Marietta*, **Samuel M-Cune** ; on the new state road from *Athens* towards *Chillicothe*, **Michael Barber** ; on the state road from *Athens* towards *Belpre*, **Stephen Piltcher** ; on the road from *Athens* towards *Lancaster* on the east side of *Hockhocking*, **Resolvier Fuller** ; on the old road from *Athens* towards the *Scioto salt works* **James McGonnigal** on the county road from *Athens* towards *Gallipolis*, **Caleb Merritt**, on the road from *Andersons ferry* to *Levi Steadmans*, **John Williams** : on the new state road to be laid out from *Cooleys mills* on the *Hockhocking river* to the *Scioto salt works* in *Jackson county*, **Asahel Cooley** : on the old road from *Marietta* towards *Lancaster* through *Athens county*, **Josiah True**.

In *Franklin county* ; for the road beginning six miles west of *Columbus* to the county line of *Madison county*, **Robert Armsstrong** : on the road to *London* in *Madison county*, **Charles Hunter** ; on the road from *Franklinton* to *Delaware*, **Samuel Henderson** ; on the road from *Columbus* to *Newark*, **Michael Patton** ; on the road from *Columbus* to *Lancaster*, **George W. Williams** ; on the road from *Columbus* to *Circleville* beginning five miles south of *Columbus*, **David Spangler** : and for laying out and opening the road leading from broad street in the town of *Columbus* to *Franklinton street* in the town of *Franklinton*, **Thomas Backus** and **Joseph Miller**.

In *Muskingum county* ; on the road from *Putnam* to *Newark*, south side of *Licking creek* by way of the *Rocky fork*, **Levi Whipple Esquire** ; on the road from *Putnam* towards *Coopers mill*, **William Mitchell Esq.** on the road from *Putnam* to *Athens*, **James Jeffries Esq.**

on the road from Putnam towards Brush creek settlement, George Swingle; on the road from Putnam to Lancaster, Thomas H. Dalson; on the road from Jonathan's creek bridge, in a southerly direction, Jacob Crooks; on the road from Zanesville to Marietta, Phillip Moore; on the road from Zanesville to Cambridge, Richard Gabriel; on the road from Zanesville to Coshocton, Silas Zane; on the road from Zanesville to Coshocton east side of the Muskingum river, Alexander Struthers; on the road from Zanesville to Irville, John Dillon to act jointly with James McGibinary of Knox county; on the road from Irville to Mount Vernon, Jonathan Woods; on the road from Zanesville to the Washington county line, Jacob Ayres; on the road from John Robertson's through the Praira to the head of White-eyes creek, Jesse Williams; on the road from Thomas Wickhams mill to the Coshocton county line, Thomas Wickham; on the road from Finneys mill to Zanesville, Stephen Reeve.

In Licking county; on the road from Franklin to Granville as far as Herrons, Augustine Munson; from Herrons to Franklin county line, John Herron; on the road from Granville to Delaware, George Hoover; on the road from Mount Vernon to Newark by William Robinson's mill, William Robinson; on the road from Mount Vernon to Newark by Allen Warthers, Peter Pence; on the road from Newark to Coshocton, Isaac Stadden; on the road from Newark to Lancaster, Anthony Pitzer.

In Pike county; on the road from Chillicothe to West Union, Isaac Pennison; on the road from Piketon to West Union, William Musland senr. on the road from Piketon to Portsmouth, Samuel Reed; on the road from Piketon to Chillicothe, John Perril senr. on the road from Piketon to Jackson, Eli Sargeant; and on the road from Piketon to Little Scioto, Reuben Bumgarner.

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In Scioto county : on the road from Portsmouth to little Scioto bridge, Caleb Hitchcock ; on the road from the Ohio salt works to Portsmouth, David Storer ; on the road from Portsmouth to Piketon, Jacob Noel and on the road from Adams county line to Wist's mills, Anthony Worley.

In Lawrence county : on the road from Burlington to Portsmouth, John Kelly ; on the road from Burlington to Gallipolis, Joel Bowen ; and on such part of a new road to be laid off from where Scioto county line crosses the road from Portsmouth to Gallipolis to pass by McCarty's mill, as runs through the county of Lawrence David Salady.

In Jackson county : on the road from Jackson to Chillicothe, and to superintend the building of a bridge over salt creek at or near the town of Jackson, Abraham Welch ; on the road from Jackson to Gallipolis, Hugh Poor ; on the road from Jackson to Athens county line, Samuel Aldridge ; on the road from Jackson to Portsmouth, George Bowen ; and on such part of a new road to be laid off from Jackson by Wilkesville to Cooley's mills, as runs through the county of Jackson, James Stephenson.

In Gallia county : on the road from Gallipolis to Marietta, to the county line, John Bing junr. on the road from Gallipolis to Athens county line, Daniel Buttmud ; on the road from Gallipolis to Wilkesville, Thomas Sawyer ; on the road from Samuel W. Blagg's to Wilkesville, Stephen Holcomb ; on the road from Jackson county to Cooley's mills, on that part of the road that runs through Gallia county Stephen Strong ; on the new road on the line between the counties of Scioto and Lawrence, where the same crosses the road from Portsmouth to Gallipolis to Levi Sedmans on shade river, Joel Higby junior ; on the state road from Gallipolis to Chillicothe David

Ridgeway; on the road from Gallipolis to Portsmouth, Robert Armstrong; on the road from Gallipolis to Lawrence county line, Robert Stafford; on the road from Letants falls down the Ohio river to Fuller Elliott's, Picket marvin.

In Adams county; on the road from manchester to the old state road near William Leedhams, the road from manchester to Hillsborough and the road from West-Union to maysville William Russell; on the road from West Union by Jacksonville towards Chillicothe, Isaac Earles; on Donalsons road from Brush creek to the line of Pike county and the Scioto salt works road, John Keys; on the road from West-union to Portsinouth, Joab Dening; on the road from West Union to the mouth of Clough, Abraham Evans, and on the road from the mouth of red oak to Hillsborough, William Danlap.

In Fayette county: on the Hillsborough road, Samuel Waddle; on the Wilmington road James Brooks; on the New London road, Joseph Parret; on the road from Washington to Chillicothe, James Crason; on the road from Chillicothe to Springfield, John Devault; on the Circleville road, Samuel Luffborough; on the Franklinton road James B. Webster.

For Knox county; on the road from mansfield to mount Vernon, John Trimble; on the road to Newark, John miller; also on the road leading to Robertsons mill; on the road to Coshocton by Darlings to Knox county line, John Adams to act jointly with Jonathan Wood of muskingum county; on the road from mount Vernon to Zanesville, James McGibbany; on the road leading from Hibbets to intersect the Coshocton road, John Greer; on the road leading from mount Vernon to Granville, Revinous Newell.

In Ross county: on the road from Chillicothe to Bainbridge, Pressly morris; on the road from Chillicothe to Portsmouth, Benjamin Hough.

In Wayne county; to lay out and open a new road from Wooster to Wayne county by Mount Vernon in Knox county to Carpenters mill in Delaware county, thence to the town of Columbus in Franklin county, Joseph Jestart of Wayne, Benjamin Martin of Knox and James Carpenter of Delaware county; to lay out and open a new road from Wooster by Coits salt works in Medina county, to the town of Granger in Cuyahoga county, William Robison Esquire, of Wayne and Datus Kelly of Cuyahoga county; on the Coshocton road, westley Regly of Wayne county..

In the county of Trumbull; on the state road laid out by Calvin Cole Esquire in the first range of townships, John Kinsman; on the road from Warren to Vienna through Howland, Dexter Clinton; on the state road from Warren to the mouth of Grand river, William Woodrow; on the road from Warren to Ashael Adams in Liberty Francis Freeman; on the road from Warren through Newton to the west line of Trumbull county, in a direction to Canton, Ezekiel Hoover; on the state road from Warren in a direction towards Cleveland by Garrets mills Henry Stough; on the state road from Canfield through Elsworth to Palmyra, William Ripley; for the building of a bridge over Mahoning river north of the mouth of Dry run in Youngstown, William Rayan.

In the counties of Portage and Medina: for the road leading through townships number one, two, three, four and five, in the eleventh range, Wiley Hamilton; for the road from Randolph to Mantua, and from Palmyra to Hudson by Ravenna, Asa K. Burroughs; for the Aurora road Ebenezer Sheldon; for the Deerfield road, Lewis Day; for the Charleston road, Lucretius Bissell; for the roads in the twelfth and sixteenth ranges, Joseph Harris; and for the east and west road in Medina and the road from Wooster to Granger, Henry L. Coit.

In the county of Tuscarawas; on the road from New Philadelphia to Cadiz, Moses Hogland; on the road from

New Philadelphia to New Romney, John Knisely; on the road from Deerdolfs' mill to Barren, John King; on the new road to be laid out from New Philadelphia to New Lisbon, Daniel Black; on the road from New Philadelphia to Abraham Fry's John Karpman; on the road from New Philadelphia to Goshea, Alexander McConn; to superintend the building of a bridge over sugar creek, on the road to Coshocton, Benjamin Wallack.

In the county of Hamilton: on the road leading from Montgomery to Cincinnati, John Stewart; on the road through Anderson township, Nathan Hatfield; on the road from Cincinnati to Walkers mill, John Riddle; on the state road from Kentons to Hutchison's mills, Stephen Wood Esquire; on the road from Kentons' to white water through the town of Miami, Arthur Harrie; on the road from white's tan yard north to the township line, John Lydlow; on the Colerain road, James Hardin.

In the county of Geauga: on the road leading from the mouth of Grand river through Bondstown and Middlefield to Warren, Jonathan Allen; on the road leading from the village of Champion to Chardon, Joseph Bond; on the road leading from Chardon to the south line of the county, commonly called Punderson's road, Lemuel Punderson, and on the road leading from the four corners at Madison line to the village of Champion, Uri Seely.

In the county of Ashtabula; on the state road laid out by Calvin Cone Esq. from the north line of Kinsman in the county of Trumbull in a direction to the mouth of Ashtabula river, Gideon Leet.

In the county of Miami; for the road from Troy to Urbana, George Green; for the road from Troy to Granville, William Baber; for the road from Troy by Charles Wolverton's to Daniel

Youngs mill on mill creek, David Jenkins junior for the road from Troy to Dayton across the broad ford of the miami, Asa Coleman : for the road from Piqua to Loramie, Robert Hars.

In Dark county ; for the road from Greenville to Troy and for the road from Greenville to Hamilton, Moses Scott ; for the road from Greenville to Eaton, and for the road from Jefferson to New Lexington by Holes mill, David Briggs.

In the county of Preble ; for the road leading from Hamilton through Eaton to Dark county line Joseph Wasson ; for the road leading from Dayton through Eaton to west boundary line, Robert Quinn ; for the road from Franklin to Eaton John Neff ; for the road from Eaton to the north west corner of the ninth township in the first range east, Daniel Shearer.

In the county of Montgomery ; for the road from Springfield through Dayton to Eaton William King ; for the road from Franklin through Dayton across mad river to Staunton Daniel C. Cooper.

In the county of Guernsey ; for the road leading from Zanesville to Cambridge Isaac Grummon, for the road leading from Steubenville to Cambridge John Adair ; for the road leading from Wheeling to Cambridge, William Orr.

In the county of Huron; on the lake road from the mouth of Black river to the west line of the firelands James Cuddeback; on the ridge road from the east line of Josephsville by the county seat to the west line of the Firelands Uriah Hawley of Jessupsville; on the road from the south line of Huron county through New Haven and Greenfield by David Underhills to Abijah Comstock's, David Underhill, on the road from the old English fort, on the south shore of Sandusky bay to where said road intersects the road from Abijah Comstock's to the south line of Huron county through Greenfield and New Haven Frederick Fally.

January 28, 1817.

Resolved by the general assembly of the state of Ohio,
That Samuel Reed of Pike county Lewis Newson of Gallia county, and Henry Bartlett of Athens county, be and they are hereby appointed commissioners to fix the seat of justice in the county of Jackson.

January 24, 1817.

Resolved by the general assembly of the state of Ohio,
That our senators in congress, be and they are hereby instructed, and our representatives requested to use their influence to procure the passage of a law of congress, giving to the inhabitants on the United States reservation at lower Sandusky, the pre-emption right to such part or proportion of said reservation as will secure to said inhabitants, their most valuable improvements upon such terms and conditions, as may appear reasonable and just.

Resolved, That his excellency the Governor be requested to transmit one copy of the above resolution to our senators, and one copy to our representatives in congress.

January 24, 1817.

Resolved by the general assembly of the state of Ohio,
That his excellency the Governor of this state be and he is hereby requested to employ a skillful person to obtain the neces-

sary information, and to draw a plan or plans on the most approved method of constructing the requisite buildings and work shops of every kind in the erection of a Penitentiary, sufficient for the accommodation of one hundred prisoners; and when such plan or plans are obtained, they shall be deposited with the Auditor of publick accounts for the inspection of all persons who may wish to examine the same.

Resolved That the Auditor of publick accounts is hereby authorised and required to receive proposals for enlarging the prison yard of the present penitentiary, the yard shall include an area of not less than two and a half acres: and the wall to be sunk at least three feet in the ground, and to rise at least seventeen feet above the ground, and to be three feet thick, built of good stone; well laid in mortar made of lime and sand, and also to receive proposals for erecting the necessary buildings of good stone or brick, agreeably to the plans which may be procured and deposited in the Auditors office as aforesaid; and in all cases the time when these walls and buildings will be completed shall be set forth, all which plans and proposals shall be laid before the general assembly within the first week of their next session.

January 24, 1817.

The joint committee to whom was referred the communication of his excellency the governor of the eleven hitherto together with the accompanying letter from the Honorable Dewitt Clinton on the subject of the Contemplated canal from Lake Erie to the Hudson river, have had the same under consideration and now submit the following report:

From a view of the subject submitted to their consideration your committee are fully impressed with the belief that the making of a canal from the Hudson river to Lake Erie is an object of the first importance to this state and the United States in general, both in a commercial and in a political point of view; the facility which it will afford to the exportation of the surplus produce of our luxuriant soil and the consequent encouragement of agricultural and commercial enterprise are efforts so obvious to pass unnoticed and of too much importance to be

neglected, as affording a safe, easy and expeditious means of a mutual interchange of commodities between different sections of our common country highly advantageous to all as increasing the commercial connections, friendly intercourse, and ties of interest, and by these means strengthening the bonds of union between remote parts of the nation; the contemplated canal presents advantages vastly superior to those resulting from any work of the kind accomplished by the industry of man in any age or country; from a Geographical view of the state of Ohio, extending for a great distance on its northern frontier along the extensive navigable waters of the St. Lawrence presenting all the advantages of a northern market, and washed on the eastern and southern boundaries by one of the great branches of the Mississippi affording an easy access to a southern market and a facility in obtaining the various productions of the south, connecting the northern with the southern and the western with the Atlantic states; considering its happy climate and the luxuriant fertility of its soil, intersected by navigable rivers and unbroken by mountains, we are struck with its natural advantages which if improved by an enlightened and liberal policy will render the situation of Ohio inferior to that of no state in the union or country in the world; among these improvements the contemplated canal is unquestionably of the first importance; sensible that a work of such magnitude cannot be effected without the united and vigorous exertions of those interested and fully impressed with the belief that the greatest advantages will result to the United States generally, and particularly to the state of Ohio, as well as the state of New York; from the completion of the contemplated canal; your committee are clearly of opinion that true policy as well as justice, require the state of Ohio to lend its aid to the accomplishment of a work of such incalculable utility; we are at the same time sensibly that the funds of this state will not permit us to aid in the undertaking in that

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proportion which might be expected from the relative population of the state.

Your committee have had no accurate means of ascertaining the probable expense of the proposed canal; but from the best information they have been able to obtain they are induced to believe that the work is not only practicable but can be accomplished at an expense within the reach of those interested, and from the enterprising spirit and enlightened policy of the state of New York, they feel little hesitation in believing that it will be undertaken.

Your committee are at present unable to point out or recommend any particular method of aiding in the proposed work not being in possession of any information relative to the system or plan which may be adopted by the state of New York for effecting the object.

Your committee respectfully submit for consideration the following resolutions

Resolved by the general assembly of the state of Ohio, That this state will aid as far as its resources will justify in making the contemplated canal from Lake Erie to the Hudson river, in such manner as may be deemed most advisable, when the plan or system which may be adopted by the state of New York for the accomplishment of that work may be known: and that his excellency the Governor be requested to open a correspondence with the Honorable Dewitt Clinton or such other persons as he may think necessary, and take such other means as he may deem advisable in order to ascertain the practicability and probable expense of making said canal, the probable time when the same will be commenced, the plan which may be adopted to carry it into effect, and such other information as he may deem important or useful, and communicate the same to the general assembly at their next session.

Resolved, That his excellency the Governor be requested to transmit a copy of the foregoing report and resolu-

tion to the executive of the state of New York, and to the Honorable Dewitt Clinton President of the board of commissioners for the canal from Lake Erie to Hudson's river.

January 27, 1817.

The joint committee to whom was referred the subject of improving the navigation of the Ohio river, have considered the same, and are fully persuaded that the time has arrived when the states bordering on this noble river are imperiously called upon by their interest promptly to unite their exertions to remove the great obstacles to western commerce—and in the opinion of your committee the population and fiscal abilities of the state warrant the measure; by reason of the impediments at the falls, many severe losses have been sustained especially to ship-builders so that this valuable and important business has nearly been laid aside as respects the larger class of vessels. The necessity of unloading the steam boats and larger barges at times in the descending course, and almost every vessel in the ascending navigation calls loudly for immediate exertion, at a time when the surplus productions of our soil are so abundant and constantly increasing, and the enterprize of the citizens has already carried our produce direct to Europe hereby establishing that most important and valuable course of exchange.

Under these circumstances to slumber any longer would betray a disregard to the best interests of the community or a want of discernment to discover the advantages brought within our reach by a bountiful providence.

Your committee therefore recommend the adoption of the following resolutions.

Resolved by the general assembly of the state of Ohio,
That the following propositions be made to the legisla-

tures of the states of Pennsylvania, Virginia, Kentucky, and Indiana, viz: that each of the above states choose one commissioner who shall meet the commissioners of the several states at a time and place to be maturely agreed on in order to proceed to the town of Pittsburgh to examine the obstructions in the Ohio river, especially the rapids and falls thereof, and noting the several impediments and the probable expense that will attend their removal, and in an especial manner to survey the falls of the Ohio at Louisville, and examine on which side of said falls a canal and locks can be most conveniently made, or whether some other expedient may be resorted to—and to make an estimate of the expenses which will attend the making such improvements, and as soon as they have completed the survey and estimates as aforesaid, they shall transmit a copy thereof to the executives of the several states who are parties to this compact, to be laid before their respective legislatures, and the Governor of this state is hereby requested to continue the correspondence until the result of their deliberations shall be known and communicate the same from time to time to the legislature of this state.

Resolved, That if the states aforesaid shall agree to unite in the improvement of the navigation as aforesaid then and in that case the faith of this state is hereby pledged to provide funds to cover its proportion of the expenses of the undertaking.

Resolved, That the senators and representatives from this state in the congress of the United States be requested to use their best endeavours in the event of the creation of a fund for internal improvements, to procure a portion thereof for the above purpose.

Resolved, That his excellency the Governor be requested to forward a copy of these resolutions to the executive of each of the states aforesaid with a request that the same be laid before their respective legislatures, and one copy thereof to each of our senators and representatives in the congress of the United States.

January 27, 1817.

Resolved by the senate and house of representatives of the state of Ohio, That Daniel H. Buel Esquire of Washington county, be and he is hereby appointed trustee for the Ohio University, in place of Joseph Darlington Esquire resigned.

January 28, 1817.

Whereas in the opinion of this general assembly great advantages would be derived by the citizens of this state if the United States' reservations at Fort Lorimies, St. Marys, the Old Attawa town and Fort Defiance was brought into market.

Therefore.

Resolved by the general assembly of the state of Ohio, That our representatives and senators in congress be instructed and requested to use their influence to obtain the passage of a law for the sale of the lands contained in the reservations as aforesaid.

Resolved, That his excellency the Governor be requested to forward one copy to our representatives and one copy to our senators in congress of the foregoing preamble and resolutions.

January 28, 1817.

Resolved by the general assembly of the state of Ohio, That William Skinner, be and he is hereby appointed one of the trustees for managing lands granted by congress for religious purposes, in the county of Washington, within the Ohio companys' purchase, in the room of the late Thomas Stanley, deceased.

January 27, 1817.

Resolved, by the general assembly of the state of Ohio; That the Governor be, and he is hereby requested to
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procure a bell of such size and dimensions as he may think proper, and cause the same to be hung in a proper manner in the cupola of the state house, for the use of the legislature; and also to procure a sufficient quantity of carpeting for the floors of the senate chamber and representatives hall; and in procuring the same he shall give preference to the manufactures of this state where the expense thereof is not materially different.

January 28, 1817.

Resolved by the general assembly of the state of Ohio, That Joseph Armstrong of Jackson county, be and he is hereby appointed director of the town of Jackson in said county.

January 27, 1817.

Resolved by the general assembly of the state of Ohio, That his excellency the Governor, be and he is hereby authorised and requested to employ some person to take the necessary care of the state house and its furniture, during the recess of the legislature: and also to take the necessary care of that part of the public offices not occupied by the officers of state.

Resolved further, That his excellency the Governor, be and he is hereby authorised to make such distribution of the rooms in the public offices, for the occupancy of the officers of state, as he shall deem expedient.

January 27, 1817.

The committee to whom was referred so much of the communication of his excellency the Governor, as relates to a communication from the Governor of Louisiana cover-

ing a resolution of the Legislature of that state, relative to petitioning the general government for a steam frigate, have had the same under consideration, and submit for the consideration of the senate, the following resolution :

Resolved by the general assembly of the state of Ohio, That this general assembly feel the most lively interest in every thing that relates to the security of the territory, and of our fellow citizens in the state of Louisiana ; and have duly considered a resolution passed by the legislature of said state at their session in one thousand eight hundred and sixteen, in the words following, to wit : “ Resolved by the senate and house of representatives of the state of Louisiana, in general assembly convened, That the governor of this state be requested by the legislature to solicit the concurrence of the states of Kentucky, Tennessee, Virginia, Pennsylvania, and Ohio ; and of the territories of Mississippi, Indiana, Illinois and Missouri for the purpose of petitioning together, the general government to obtain that a steam frigate be stationed in the Mississippi for the defence of said river,” and are of opinion that this general assembly are not in possession of sufficient knowledge of the mouth of the Mississippi river, or of the efficiency of steam frigates, to judge of the propriety of adopting such mode of defence, but this general assembly feel the most entire confidence in the wisdom and vigilance of the general government, to ascertain that mode of defence best suited to the peculiar situation of that part of our coast, and of their willingness to apply the most effectual means to afford the desired security : for the reasons above stated, this general assembly declines a compliance with the request contained in the above resolution.

Resolved further, That his excellency the governor of this state be requested to transmit a copy of the foregoing resolution to our senators and representatives in congress of the United States, & a copy to each of the executives of the states and territories mentioned in said resolution.

January 27, 1817.

The committee to whom was referred that part of the communication of his excellency the Governor relative to certain resolutions passed February thirteenth, eighteen hundred and sixteen by the legislature of Massachusetts and by them proposed as an amendment to the constitution of the United States, have had the same under their consideration, and are of opinion that the proposed amendments are inexpedient, and therefore submit the following resolution:

Resolved by the general assembly of the state of Ohio, That it is inexpedient in the opinion of this general assembly to adopt the amendments proposed by the legislature of Massachusetts, to the constitution of the United States in the following words, to wit:

“Commonwealth of Massachusetts, in senate,
9th February, 1816.

Resolved, That our senators in the congress of the United States be instructed, and our representatives be requested to endeavour to obtain the following amendment to the constitution of the United States.”

“That for the purpose of choosing representatives in the congress of the United States, each state shall by its legislature be divided into a number of districts, equal to the number of representatives to which such state may be entitled.”

“Those districts shall be formed of contiguous territory, and contain as nearly as may be an equal number of inhabitants entitled by the constitution to be represented, in each district the qualified voters shall elect one representative, and no more.”

“That for the purpose of appointing electors of president and vice-president of the United States, each state shall by its legislature be divided into a number of districts, equal to the number of electors to which such state may be entitled.

Those districts shall be composed of contiguous territory, and contain as nearly as may be, an equal number

of inhabitants entitled by the constitution to representation. In each district the persons qualified to vote for representatives shall appoint one elector, and no more. The electors when convened shall have power, in case any of those appointed as above prescribed shall fail to attend for the purposes of their said appointment, on the day prescribed for giving their votes for president and vice president of the United States, to appoint another, or others, to act in the place of him or them so failing to attend."

"Neither the districts for choosing representatives, nor those for appointing electors, shall be altered in any state, until a census, and apportionment of representatives under it, subsequent to the division of the state into districts, shall be made: the division of states into districts, hereby provided for shall take place immediately after this amendment shall be adopted and ratified as a part of the constitution of the United States; and successively immediately afterwards, whenever a census or apportionment of representatives under it shall be made: the division of such state into districts, for the purposes both of choosing representatives and of appointing electors, shall be altered agreeably to the provisions of this amendment, and on no other occasion."

Resolved, That his excellency the Governor of this commonwealth be requested to forward a copy of the preceding resolutions to each of our senators and representatives in the congress of the United States, and also to the executives of the several states, accompanied with a request that the same may be laid before their respective legislatures for their consideration and adoption."

Resolved further, That his excellency the Governor of this state be requested to transmit a copy of the foregoing resolution to each of our senators and representatives in the congress of the United States, and also to the executive of the several states, with a request that the same be laid before their respective legislature.

January 27, 1817.

Resolved by the general assembly of the state of Ohio,
That as soon as the laws and journals of the present session of the legislature, may be printed it shall be the duty of the secretary of state, forthwith to transmit to the clerk of the court of common-pleas of each county to be distributed according to law the number of copies of the laws and journals following, to wit :

	<i>Laws. Jour.</i>			<i>Laws. Jour.</i>	
Athens county	106	10	Jefferson county	166	14
Adams	155	15	Jackson	80	7
Ashtabula	106	9	Knox	106	9
Butler	166	17	Licking	126	10
Belmont	169	17	Lawrence	80	6
Clermont	165	15	Montgomery	156	13
Columbiana	175	16	Miami	100	8
Cuyahoga	100	9	Madison	106	9
Clinton	106	9	Muskingum	166	14
Champaign	156	16	Monroe	80	8
Coshocton	116	9	Medina	20	3
Delaware	106	9	Pickaway	149	12
Dark	80	6	Preble	100	8
Fayette	106	9	Portage	142	10
Fairfield	186	16	Pike	80	8
Franklin	186	12	Ross	200	16
Geauga	90	9	Richland	106	9
Green	140	13	Scioto	100	8
Gallia	126	12	Stark	156	11
Guernsey	106	9	Tuscarawas	106	9
Hamilton	220	19	Trumbull	153	12
Highland	136	12	Washington	135	12
Huron	96	8	Wayne	106	9
Harrison	185	12	Warren	160	13

Resolved, That the secretary of state transmit to the judges of the supreme court and district courts of the United States for the district of Ohio, the judges of the supreme court and presidents of the courts of common-

pleas of this state, one copy each of the laws of the present session.

Resolved, That the Governor be requested to transmit to the executive of the several states one copy each of the laws of the present session.

Resolved, That the remainder of the laws and journals after distributing the number as aforesaid shall be deposited with the secretary of state subject to the order of the legislature.

Resolved, That the laws and journals for the county of Medina shall be deposited in the clerks office of the county of Portage.

THOS. KIRKER,

Speaker of the house of representatives.

ABRAHAM SHEPHERD.

Speaker of the senate,

January 27, 1817.

SECRETARY OF STATE'S OFFICE.

Columbus, Ohio, March 4, 1817,

I certify the foregoing acts and resolutions to be correct copies of the originals remaining on file in my office.

JER. M'LENE, *Secretary of state.*

INDEX.

	PAGE
An act to change the name of town of Clinton to the county of Fairfield.	3
An act to amend the act defining the duties of the Auditor and Trasurer of state.	3
An act to repeal so much of an act, entitled "an act declaring certain streams navigable," as relates to One Leg creek	4
An act for the organization of Dark county.	5
An act to continue in force the act, entitled "an act for the incorporation of manufacturing companies.	6
An act for organizing the county of Lawrence and for other purposes.	6
An to amend the act, entitled an act to provide for the election of electors of the President and Vice-President of the United States.	7
An act for leasing a part of section number 16, township 3 and range 2, in John Cleves Symmes' purchase.	10
An act to incorporate the inhabitants of the third fractional township in the first fractional range of townships within the Miami purchase in the county of Hamilton.	13
An act to change the name of the town of St. Clairs ville in the county of Adams.	14
An act giving the assent of the state to the erection of a toll bridge across the Ohio river at Wheeling.	14
An act declaring the Cuyahoga river navigable.	15
An act to incorporate the Zanesville and Lancanter turnpiee company.	17

- An act authorising Dan Heaton of Trumbull county, together with his wife and children to assume and use the surname of Eaton.** 27
- An act to incorporate the Steubenville and Cadiz turnpike company.** 28
- An act supplementary to the act, entitled "an act to incorporate the town of Steubenville in the county of Jefferson.** 31
- An act to incorporate the Knox, Richland and Huron turnpike company.** 32
- An act supplementary to the act entitled "and act, to incorporate the stockholders of the Zanesville Canal and Manufacturing company.** 35
- An act authorising Isaac Stubbs, Robert Whitacre and their associates to build a toll bridge over the Little Miami river above the mouth of Todd's fork in the county of Warren.** 36
- An act to provide for the regulation of turnpike companies.** 39
- An act dispensing with proof in certain cases.** 52
- An act to amend the act, entitled "an act to attach a part of the county of Butler to the county of Warren and for other purposes.** 53
- An act making a temporary appropriation of money for certain purposes.** 54
- An act supplementary to the act, to provide for the safe keeping of lunatics and for other purposes.** 55
- An act authorising the selection and sale of a certain section of land in the county of Jackson** 57
- An act to amend the act, entitled an act defining the duties of justices of the peace and constables, in civil and criminal cases.** 61
- An act for the relief of Ethan Stone.** 62
- An act to amend the act for granting a permanent lease for the southeast quarter of section numbered sixteen in township numbered three, range number eight in the county of Green.** 63

An act to amend the act creating the office of county surveyor and defining his duties.	64
An act to amend the act, entitled "an act regulating the times of holding judicial courts and increasing the number of circuits of the courts of common pleas.	66
An act for the incorporation of religious societies.	72
An act to amend the act entitled an act establishing boards of commissioners.	72
An act to provide for the incorporation of towns.	74
An act to amend the act, entitled "an act to authorise Charles Williams and his associates to erect a toll bridge over the Muskingum river."	84
An act to incorporate the Franklin turnpike company	86
An act for the relief of Thomas Rardon.	89
An act to alter the line between the second and third divisions of Militia, and for other purposes.	90
An act to incorporate the Columbiana, Portage and Cuyahoga turnpike company.	92
An act to incorporate the Grand River harbour company	95
An act to incorporate the Mesopotamia and Harpersfield turnpike company	100
An act to incorporate the Lancaster and Chillicothe turnpike company.	103
An act appropriating money for the payment of loans obtained for the use of the state, for the year eighteen hundred and sixteen.	106
An act to provide for the incorporation of schools and library companies.	107
An act making further appropriation of the three per cent fund granted by the United States for laying out, opening & making roads in this state.	110
An act to incorporate the Dayton bridge company.	113
An act to amend the act, entitled "an act to authorise Griffin Green and his associates to build a toll bridge over Duck creek in the township of Marietta in the county of Washington.	154

- An act supplementary to the act entitled an act authorising the Auditor, Secretary and Treasurer of State to contract with some printer or printers, and for the distribution of the laws and journals. 155
- An act for the encouragement of manufacturing salt at the public salt spring in the United States military district. 157
- An act supplementary to the act defining the duties of persons taking up estray animals. 161
- An act to incorporate the Zanesville and Cambridge turnpike company. 162
- An act to amend the act, entitled "an act levying a tax on land and for other purposes. 165
- An act to provide for the assumption and payment of such quota of direct tax as may be assessed upon the state of Ohio by the United States for the year eighteen hundred and seventeen. 167
- An act to ennex a part of Licking county to the county of Franklin. 169
- An act to provide for adjusting the account between the proprietors of the town of Columbus, and the state, for erecting the public buildings. 171
- An act regulating the mode of taking the enumeration of the white male inhabitants above the age of twenty one years. 173
- An act to incorporate the Trumbull and Ashtabula turnpike company. 176
- An act supplementary to the act, entitled "an act pointing out the mode of trying criminals. 179
- An act to amend the act providing for the incorporation of towns. 183
- An act to amend the act, entitled an act for opening and regulating roads and highways. 183
- An act to incorporate the Grand river turnpike company. 184
- An act to incorporate the Cincinnati and Hamilton turnpike company. 187

An act to increase the compensation of the keeper of the penitentiary.	191
An act to incorporate the Cincinnati and Dayton turnpike company.	192
An act regulating the practice of Physic and Surgery.	193
An act to authorise the Governor to borrow money for a certain purpose.	201
An act to provide for leasing certain school lands therein named.	203
An act to amend the act making appropriations for the year 1817.	214
An act making appropriations for the year one thousand eight hundred and seventeen.	215

REPORTS

OF THE

AUDITOR AND TREASURER OF STATE.



Auditor's Office, Columbus, December 4, 1816.

Agreeably to the duties assigned, the Auditor submits to the Honorable, the General Assembly, the receipts and expenditures for the year 1816 ending the second instant.

The amount of money paid into the treasury by the several collectors within the last year ending as aforesaid on account of taxes by them collected is 191,078 92 3

The amount borrowed from the Miami Exporting Company and paid into the treasury is 47,000 00 0

The amount borrowed from the bank of Chillicothe & paid into the treasury is 27,000 00 0

The amount borrowed from the bank of Muskingum and paid into the treasury is 20,000 00 0

The amount of taxes paid into the treasury on lands in arrears for taxes on record in this office is 10,264 76 0

X*

The amount set apart by the several banks under the act to raise a revenue from banks &c. for one year ending July 1st, 1816, after deducting a proportionable part of the tax, arising on the 1st half yearly dividend by said banks prior to the law taking effect is 5,676 76 4

The sum paid into the treasury by the agent of the Scioto salt works is 147 38 0

The sum paid into the treasury by the agent of the Muskingum salt works is 1 18 08 5

The amount of tax arising on process and proceedings in courts of law and equity and paid into the treasury is 100 45 0

The amount paid into the treasury by Jeremiah M'Lene secy. of state for furniture sold at Chillicothe 68 50 0

The amount paid into the treasury by Wil-

liam Wells and A. J. Williams late non-resident collectors for money deposited in their hands for the redemption of lands, under the act of the 22nd February 1808

50 75 2

To which add the balance of money in the treasury on the 4th of December 1815 is

4,954 22 5

The total sum paid into the treasury within the last year and including the balance in the treasury on the 4th December 1815 is

£316,459 83 9

From which deduct the amount of audited bills redeemed between the 4th of Dec. 1815 and the 2nd of Dec. 1816 is

312,474 28

Leaves in the hands of the treasurer at this time the sum of

3,985 55 9

The amount of bills drawn on the treasury between the 4th day of December 1815 and the 2nd day of December 1816 is \$312,589 07 which constitutes the expenditures for the year 1816, and

also includes the payments made on account of direct tax of the United States.

The number of acres land the property of non-residents are charged with taxes in the different districts for 1816 is

5,025 03 7

The number of acres of land the property of residents as returned to this office by the commissioners of the several counties is

5,614 05 7

The aggregate number of acres of land charged with taxes for the year 1816 is

10,689 09 4

The amount of taxes charged on lands of non-resident proprietors within the several collection districts, including the arrears due thereon for prior years and sent out for collections for the year 1816 is

\$107,023 01 5

The amount of taxes charged on lands of resident proprietors as returned by the commissioners of the several

ral counties for the
year 1816 is

122,874 97 0

The aggregate amount of
taxes levied on land for
the year 1816 is

\$229,897 98 3

From the above sum of \$229,-
897 98. 5 several deductions
must necessarily be made to
shew the amount applicable
to the service of the state for
the year 1817

1st. The salaries of the district
collectors

\$2,407 00 0

2nd. The resident collectors
fees on \$122,878 97

7,372 49 8

3rd. The probable amount of
traveling fees payable to res-
ident collectors, say

3,000 00 0

4th The probable amount
which will be paid in wolf
scalps

5,000 00 0

5th. The probable amount of
defalcations, say,

22,000 00 0

6th. The proportion payable to
counties being one fifth on
the net sum.

38 023 69 8

Leaves a ballance of

77 803 19 3

152,094 78 9

To which add the probable a-
mount arising from process
and proceedings in courts of
law and equity, levied in
1815, say

100 00 0

The amount arising from the
Miami Exporting Company
under the act to raise a rev-
enue from bank &c. that
bank not having complied
with the conditions of the act

to incorporate certain banks
therein named and to extend
the charters of existing incor-
porated banks, say

1,700 00 0

The probable amount arising
from lands in arrears for taxes
remaining on record in this
office, say

5,000 00 0

The amount of money remaining
in the treasury on the second
instant

3,985 55 9

The apparent sum applicable to the
service of the state for the year
1816 is

162,880 34 8

From which sum of \$162,880 34 8
deduct the sum due the banks in-
cluding interest thereon for ten
months

109,200 00 0

The probable amount to the civil
list for 1817

50,000 00 0 159,260 00 0

From which calculation it appears
that there will remain in the trea-
sury at the expiration of the year
1817 the sum of

3,680 34 8

The amount of money paid into
the treasury on account of school
lands for the Virginia military
district is

837 00 0

From which deduct the amount
paid Joseph Shelby and John Em-
met for valuing said school lands

476 00 0

Leaves in the hands of the treasurer
of said fund

661 00 0

The following is a statement of the
three per cent. fund.

To the amount of an order drawn on
the secretary of the treasurer of
The United States in favor of the
treasurer of this state January 29th
1816.

\$12,700 00 0

To which add the amount remaining
in the treasury on the 4th of De-
cember 1815.

\$8,816 98 3-4

Total amount is

\$51,516 98 3-4

From which sum of \$51,516 98 3-4
there has been paid on the proper
vouchers for services performed
and labour done on sundry roads
from the 4th Dec. 1815 to the
2nd Dec. 1816.

\$35,904 50

To William M'Farland his fees on
\$12,700 at one per cent.

\$127,00

\$36,031 50

Leaves in the hands of the treasurer
on the 2nd instant of the three per
cent fund.

15,485 48 2

Very respectfully

Your obedient serv't.

RALPH OSBORN, Auditor.

A SCHEDULE, shewing the quantity of Land of the different rates, and the amount of taxes charged as resident land in the several counties, agreeably to the returns made to this office, by the county commissioners for the year 1816.

Names of counties.	Acres and Rates.			Tax for 1816, including interest and penalties.		
	First.	Second.	Third.	Dollars.	Cents.	Mills.
Adams	3900	101175	87201	3698	24	7
Athens	46	4881 1-2	43440 1-2	794	5	2
Ashtabula	57	19430*	117858	2289	21	2
Builer	12543	429070	32734	3906	47	6
Bermont	674 1-2	87008	74484	3105	38	8
Clermont	3744	207907	53287	4390	96	7
Champaign	4299	114903	48234	3108	36	2
Clinton	723	62695	46954	1704	74	1
Coaston	4210	21824	22675	956	44	3
Columbiana	248	205996	92170	6251	63	2
Cuyahoga	256	29627	88655	1755	74	3
Delaware	507	69421	19947	4865	59	3
Franklin	9597	439973	85973	4259	88	3
Fayette		46971	6828	1248	26	9
Fairfield	45204	460834	100282	5788	61	5
Green	1870	435319	57854	4052	92	7
Gallia	1850	31728	47292	1486	94	6

Guernsey	153793	2823269	1-2	2035994	1-2	122874	97
Geauga	4881	6975	4-2	83752		1486	21
Hamilton	318	479452		122600		1580	51
Highland		100151		54171		6292	85
Harrison		41327	1-2	54786		2880	83
Huron		20519		44455		1751	84
Jefferson	3566	84258		111766		1135	07
Knox	2189	39016		23716		3691	40
Licking	4271	69390		49953		1483	86
Montgomery	8466	461331		1728		2438	20
Miami	3203	69265		7356		4170	79
Muskingum	986	92917	1-2	134550	1-2	1722	42
Madison		80060		24248		4378	37
Monroe	1534	4780		6676		1165	70
Preble	1552	50417	1-2	22097		188	24
Pickaway	5729	91811	1-2	54723		1466	74
Portage	832	66789		135468	1-2	3251	34
Pike	8856	15111		13899		3535	88
Ross	18317	219888		140369		725	66
Richland	4132	2361		460		8338	97
Scioto	2204	25658		24390		105	23
Stark	483	400778		7328		4012	10
Tuscarawas		59900		25342		2459	38
Trumbull		40168		836424		1828	24
Warren	18191	145935		27536		5575	42
Washington	4047	21903		238000		4240	05
Wayne	1760	12336		415		4348	51
TOTAL						320	60

A Statement, shewing the quantity of land and the amount of tax charged to non-residents in the different districts for the year 1816.

<i>Description of Districts.</i>	ACRES & RATES.			Total amount of tax charged on non-resident land.	
	First	Second	Third	Dollrs	Cts. M.
First District	1256	62315	1787 1-2	3126	68 3
Second District	7819	1077382	448796	42140	55 8
Third District	3646	35242	612092	12170	61 9
Fourth District	5823	246997	132910 1-2	10576	14 9
Fifth District	1090	112460 1-2	11079	4308	14 7
Sixth District		6186	225545 1-2	34400	85 9
Total Non-Residents	18948	1543576 1-2	3462512 1-2	107023	01 5
Total Residents	154793	2823269 1-2	2635997 1-2	122674	97 0
Total sent out for collection	173741	4366846	6098517	229699	98 5
Total amount of taxes for the year 1816 is				222897	98 5

TREASURER'S OFFICE,

Columbus, 4th December, 1816.

To the Honorable the General Assembly of the state of
Ohio.

The balance of the three per cent. fund
remaining in the treasury at the date
of my last report, was

\$38,816 98 3-4

Subsequent to that period has been re-
ceived of the United States of that
fund

12,700 00

making

\$51,516 98 3-4

The amount of payments made out of the
three per cent. fund subsequent to my
report are

36,031 50

Balance of three per cent. in the }
Treasury and Dec 1816. }

\$15,485 48 3-4

Which is respectfully submitted

Wm. M^cFARLAND,
Treasurer of the State of Ohio

THE TREASURER OF THE STATE OF OHIO, TO SAID STATE, Dr.

For balance of cash remaining in the treasury on the 4th December, 1815
as reported to the general assembly at their last session
For amount of taxes &c. received of sundries from 4th December, 1815,
to 3rd December 1816
For amount of a loan obtained of the Miami Exporting Company
For amount of ditto obtained of the bank of Muskingum
For amount of ditto obtained of the bank of Chillicothe
For amount of orders drawn by the Auditor on sundry banks agreeably to
the provisions of the act to raise a revenue from banks &c.

	Dollars.	U. S.	M.
	5,032	53	3
	201,775	82	5
	47,000	00	0
	20,000	00	0
	37,000	00	0
	5,676	76	4
	5316,483	43	2

For cash per contra

\$4,010 84 2

CONTRA

CR.

By cash paid sundries per order of the Auditor from 4th December, 1816, to the 3rd December, 1816
 By cash paid T. T. Tucker treasurer of the United States, this state's quota of the direct tax for year 1816
 By cash remaining in the treasury 2nd December, 1816.

Dollars.	Cts.	M.
223,946	66	0
88,527	62	0
4,040	84	2
<hr/>		
\$316,485	12	2

269

The Honorable the General Assembly of the state of Ohio :

The foregoing is a statement of the receipts and payments of the public money for one year, ending on the second instant, which is respectfully submitted.

TREASURER'S OFFICE, }
 Columbus, 4th December, 1816.

WILLIAM M'FARLAND,
Treasurer of the state of Ohio.

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